



Memorandum D19-8-5

Ottawa, March 23, 2016

Import Prohibitions and Requirements for Commercial Importers of Aquatic Species and for Travellers Under the *Aquatic Invasive Species Regulations*

In Brief

1. This memorandum advises importers, travellers, customs brokers and service providers of the import prohibitions and requirements under the [Aquatic Invasive Species Regulations](#), (SOR/2015-121), which have been in effect since May 29, 2015.
2. The import prohibitions in the Regulations are intended to prevent the introduction into Canada of listed aquatic invasive species.

This memorandum provides guidelines concerning importation of aquatic species, relating directly to the supportive role of the Canada Border Services Agency (CBSA) at the border with respect to the [Aquatic Invasive Species Regulations](#), made under the [Fisheries Act](#). To the extent that these requirements overlap with those of the [Health of Animals Regulations](#), made under the [Health of Animals Act](#), the procedures below explain the requirements under both Regulations.

Legislation

[Canada Border Services Agency Act](#) – Paragraphs 5(1) and 5(2)

[Customs Act](#) – Sections/subsections/paragraphs 7.1, 12, 31, 32.2, 36(2), 99(1), 101, and 107

[Fisheries Act](#) – Paragraphs 4.1, 43(1)(n) and (o)(ii) and 43(3), sections 78-79.6

[Customs Tariff](#) – tariff classifications for prohibited species are found in Chapter 3

[Health of Animals Regulations](#) – Sections 190-195

[Aquatic Invasive Species Regulations](#) (AISR) – Sections 1, 6, 11-17, 13(2), Schedule, Part 2, Column 4

[Fishery \(General\) Regulations](#) – Section 52 and 56

[Freshwater Fish Regulation](#) – Section 3 under British Columbia's *Wildlife Act*

[General Fisheries \(Alberta\) Regulation](#) – Section 36

[Saskatchewan Fishery Regulation, 1995](#) – Section 9(3)

[The Fisheries Regulations \(Saskatchewan\)](#) – Section 88(3) under Fisheries Act (Saskatchewan)

[Manitoba Fishery Regulations, 1987](#) – Section 6.1

[Fishing Licensing Regulation](#) – Section 3 (1) under the Manitoba Fisheries Act

[Ontario Fishery Regulations, 2007](#) (OFR's) – Section 6 (2)

[Fish Licensing of Ontario](#) – Sections 34.1 and 34.2

[Fisheries \(Alberta\) Act](#) – Section 12 (1)

[The Wild Life Regulations of Newfoundland and Labrador](#) – Section 86

Guidelines and General Information

1. The [Aquatic Invasive Species Regulations](#) (AISR) provide a suite of regulatory tools under the federal [Fisheries Act](#) to prevent the introduction of aquatic invasive species into Canadian waters and to control and manage their establishment and spread, if introduced.
2. Fisheries and Oceans Canada (DFO), in partnership with the provinces and territories, is responsible for administration and enforcement.
3. The Canada Border Services Agency (CBSA) assists at the border by enforcing the import prohibitions listed in Column 4 of Part 2 of the Schedule to the Regulations. Import prohibitions initially apply to four species of Asian carp and two species of mussels. These species are not permitted to enter Canada unless certain conditions (described in paragraphs 7 to 9) are met. It is the responsibility of importers and the public to check the latest versions of the Regulations on the [Justice Laws website](#) for updates to the list of prohibited species in the Schedule.
4. Section 6 of the AISR and section 101 of the [Customs Act](#) provide the authority for CBSA officers to detain and refer to DFO officers or provincial enforcement authorities any aquatic species suspected to be **uneviscerated** Asian carps or **live or dead** Zebra or Quagga mussels that do not meet the exemptions detailed in sections 11 to 17 of the AISR, and, if necessary, to refuse them, or conveyances infected by them, entry into Canada.
5. Part 2 of the Schedule of the AISR also lists numerous species for which possession, transport and/or release is prohibited in certain areas of Canada. Should the CBSA encounter any of the species listed in Part 2 of the Schedule in or destined for the areas where they are prohibited, DFO or provincial authorities will be notified.

Commercial Importation

6. The importation into Canada of live and/or dead, uneviscerated Asian carps and live and/or dead mussels of the species listed in the table below for any use (e.g., food, aquarium, aquaculture, bait) is **prohibited**. This prohibition applies also to shipments moving in-transit through Canada.

Common Name	Scientific Name
Grass carp	<i>Ctenopharyngodon idella</i>
Bighead carp	<i>Hypophthalmichthys nobilis</i>
Silver carp	<i>Hypophthalmichthys molitrix</i>
Black carp	<i>Mylopharyngodon piceus</i>
Zebra mussel	<i>Dreissena polymorpha</i>
Quagga mussel	<i>Dreissena bugensis</i>

Note: The Asian carp species listed above can be imported as long as they are dead and eviscerated (“eviscerated”, in relation to a finfish, means that the internal organs, excluding the brain and gills, have been removed, Reference: section 190, [Health of Animals Regulations](#)); however, the importer must ensure that Canadian Food Inspection Agency (CFIA) requirements are met. CFIA requirements can be found on the CFIA’s [Automated Import Reference System \(AIRS\)](#).

7. Exemptions to the above prohibitions and permit requirements are provided in sections 11 to 17 of the AISR and include importation for scientific and educational purposes with the applicable permits (as listed in subsection 13(2) of the AISR).
8. Importers seeking an exemption under subparagraphs 13(1)(a)(i) to (iii) of the AISR should obtain information on the application process for the necessary permits by contacting the Introductions and Transfers Committee in the province or territory representing the aquatic organisms’ final destination. Contacts for each province and territory are available on the [DFO website](#). An importer of these species who has obtained a permit must have the permit available to present at the border in case of a request by CBSA, DFO or provincial enforcement officials.

9. Zebra and Quagga mussels are prohibited for importation intentionally or inadvertently, as hitchhikers. Commercial boat haulers and importers are responsible for ensuring that the boats, trailers, vessels, vehicles, construction equipment, and other conveyances and equipment being imported are free of the mussel species listed in the AISR. Any watercraft or equipment that comes from an infested lake or river probably has attached mussels and requires measures to ensure that it is mussel-free. The AISR do not apply to ballast water and sediments for persons referred to in the [Ballast Water Control and Management Regulations](#). In addition, biofouling of vessels more than 24 meters in length is not regulated under the AISR, but is addressed by [Transport Canada](#) guided by the [International Maritime Organization](#)'s 2011 Guidelines for the Control and Management of Ships' Biofouling to Minimize the Transfer of Invasive Aquatic Species.

Note: The import prohibition on Zebra and Quagga mussels applies whether the animals are alive or dead.

10. Importers are reminded of the requirement under the [Customs Act](#) that information reported to the CBSA must be **true, accurate and complete**.

11. Under the [Health of Animals Regulations](#) there are additional information requirements that must be declared upon entry, including the scientific or taxonomic names for finfish, crustaceans, and molluscs. Consequently, importers must report scientific names of all imported aquatic species in the commodity description field of Form CII, [Canada Customs Invoice](#) or the commercial invoice, either electronic or paper as per the instructions in [Memorandum D1-4-1, CBSA Invoice Requirements](#), and/or in accordance with the technical requirements, specifications and procedures for electronic data interchange as set out in the [Electronic Commerce Client Requirements Document](#) (ECCRD). In addition to taxonomic names, importers must declare the number of aquatic animals being imported, the life stage, the countr(y)ies in which the aquatic animals were born or where the germplasm came from, and whether the animals are from captivity or the wild.

12. The Harmonized System (HS) classifications for live and/or dead, whole, unviscerated carp are the same for all carp genera and species described in the [Customs Tariff](#) under HS 0301.93 (live), HS 0302.73 (dead, fresh), and HS 0303.25 (dead, frozen) [Carp (*Cyprinus carpio*, *Carassius carassius*, *Ctenopharyngodon idellus*, *Hypophthalmichthys spp.*, *Cirrhinus spp.*, *Mylopharyngodon piceus*)]. Some of these species, specifically live and/or dead, unviscerated Asian carp – *Ctenopharyngodon idellus*, *Hypophthalmichthys spp.* and *Mylopharyngodon piceus* are prohibited, whereas others are permitted to be imported live and/or dead, unviscerated into Canada as long as they meet CFIA import requirements – e.g., *Cyprinus carpio*, Common Carp. Note that one of the species under the classification for live carp, the Crucian carp or *Carassius carassius*, is prohibited from live possession, transportation, and release in Manitoba as per Part 2 of the Schedule in the AISR.

13. It is extremely important to provide the correct HS classification number as well as scientific name for the species being imported to allow the CBSA and Participating Government Agencies (PGAs) to determine admissibility and specific import requirements for admissibility. Failure to provide an accurate classification and scientific name to the level of species may result in requests for further information and/or Administrative Monetary Penalty System (AMPS) penalties for untrue, inaccurate, or incomplete information.

14. If the importer realizes that the tariff classification, origin, or value for duty of the product imported has been incorrectly declared, he or she is obligated to make a correction to the accounting declaration under section 32.2 of the [Customs Act](#). This is described in [Memorandum D11-6-6, "Reason to Believe" and Self-adjustments to Declarations of Origin, Tariff Classification, and Value for Duty](#).

15. There are numerous aquatic species import requirements under the [Health of Animals Regulations](#), Part XVI. As a result, the CFIA has added and updated OGD extension codes in AIRS (AIRS codes) for many aquatic species of finfish, molluscs and crustaceans. If an AIRS code for a specific species is associated with a HS code reported in an Electronic Data Interchange (EDI) message, then the scientific name reported to the CBSA on the import declaration must be the same as that reported to the CFIA via the AIRS code. In some cases, a scientific name on the import declaration may differ from that provided for by the AIRS code because of a discrepancy between the HS code and AIRS, e.g., AIRS code for a species does not match the HS code for that species; in such cases, the importer must use the proper AIRS code for the species and the HS code closest to indicating the form of the species (i.e., live, dead fresh, dead frozen) to ensure that CFIA requirements are met for the species being imported. Importers who currently use AIRS code 904900 ('other') and do not report scientific names on the import declaration are not compliant with the requirements of section 194 of the [Health of Animals Regulations](#).

Such entries could be rejected because of incomplete and inaccurate information. Furthermore, AMPS penalties can be issued for the same reasons at time of importation or post-release.

16. The following Web sites are sources of scientific names and information on aquatic species:

- (a) [Fish Base](#);
- (b) [Mollusca Base](#);
- (c) [World Register of Marine Species \(WoRMS\)](#), which identifies AphiaIDs (unique codes) for all scientific names in the database; and
- (d) [Integrated Taxonomic Information System \(ITIS\)](#), which identifies Taxonomic Serial Numbers (TSN) for all scientific names in the database.

17. Importers and customs brokers and service providers can use the table below to flag their systems for prohibited species and for declaration of scientific names or TSNs for dead and eviscerated Asian carp species. The table lists current species prohibited against importation by the AISR.

Common Name	Scientific Name	TSN	AphiaID
Grass carp	<i>Ctenopharyngodon idella</i>	163537	n/a
Bighead carp	<i>Hypophthalmichthys nobilis</i>	163692	n/a
Silver carp	<i>Hypophthalmichthys molitrix</i>	163691	n/a
Black carp	<i>Mylopharyngodon piceus</i>	639618	n/a
Zebra mussel	<i>Dreissena polymorpha</i>	81339	181566
Quagga mussel	<i>Dreissena bugensis</i>	567514	505319

18. Further information concerning the release of commercial goods can be found in the [Memorandum D17-1-4, Release of Commercial Goods](#).

Implementation of the CBSA Single Window Initiative (SWI)

19. On March 29, 2015, the CBSA SWI launched a new Integrated Import Declaration (IID) release service option (911) that allows importers and customs brokers registered with the CBSA to submit and obtain electronic release for commercial goods also regulated by other departments and agencies. The SWI provides clients with an alternative to CBSA's existing Pre-Arrival Review System (PARS) and Release on Minimum Documentation (RMD) release processes.

20. Fisheries and Oceans Canada (DFO) is not yet one of the participating government agencies (PGA) that are live with the IID; however, DFO IID data element requirements are described in the PGA program-specific appendices of the ECCRD – DFO's Aquatic Invasive Species Program is covered in Appendix B4.2. Genus and species name (i.e., scientific name) is one of the mandatory reporting requirements under "Commodity Characteristics". Other data requirements include quantity, life stage, sex and intended end use.

21. The CFIA also participates in the IID and Asian carps are subject to CFIA requirements. As of **November 2, 2015**, release requests for CFIA regulated goods may be provided to the CBSA electronically by submitting an IID (service option 911). All CFIA programs are covered in ECCRD Appendix B1.

22. If the IID service option is used, the importer has the ability to make changes to the IID pre-arrival, post-arrival and post-release, but prior to final accounting. Consequently, if different information regarding the scientific name becomes available after the IID is submitted, the importer has the ability to make changes to the IID as long as the amendment is made before final accounting.

23. The implementation of the SWI facilitates the reporting of scientific names by separating out aspects of the commodity description in the IID service option. The IID includes options for reporting scientific names in text form and/or as codes – TSNs and AphiaIDs. Provision of licence, certificate and permit information is also facilitated by the IID.

24. For more information on the SWI, please refer to the [CBSA website](#). The SWI IID [Electronic Commerce Client Requirements Document \(ECCRD\)](#) provides technical and system requirements information. Appendix B of the ECCRD includes a list of required data elements for all PGAs.

Travellers, Recreational Boaters and Float Plane Pilots

25. As Zebra and Quagga mussels are prohibited entry into Canada, all boats, trailers, vehicles, and other conveyances (excluding vessels longer than 24 m, as described in paragraph 9 of this document), must be free of mussels, alive or dead. There is an exemption provided for boat travel across transboundary waters already infested with Zebra and Quagga mussels in Quebec and in Ontario as follows: (a) the transboundary waters in Ontario, downstream of the bridge crossing the Pigeon River located at 48°00'05.1"N 89°35'06.8"W; (b) the boundary waters of the Canadian Great Lakes and connecting waterways, between the location of the bridge and the boundary between Ontario and Quebec; and (c) the boundary and transboundary waters in Quebec. Importation overland of Zebra and Quagga mussels is prohibited across Canada.

26. Travellers towing boats must ensure that the boats are cleaned, drained and dried and that the boats and trailers are free of mussels before they will be allowed entry into Canada. As mussels may be attached to aquatic vegetation or embedded in mud and organic debris, travellers must also ensure that watercraft is vegetation, debris and mud free.

27. Recreational boaters on the water must ensure that their boats are not moving from infested waters into Canada, with the exception of those areas identified in paragraph 25, and that their boats are not infested with mussels. For information on current zebra mussel distribution and contaminated water bodies, consult the United States Geological Survey Map of Current [Zebra and Quagga Mussel Sightings Distribution](#), or provincial or federal authorities (see Appendix). When reporting to the Telephone Reporting Centre (TRC) and moving across borders to areas other than those described in paragraph 25 (i.e., already infested waters of Ontario and Quebec), boaters must take measures to ensure their boats are free of mussels and inform the CBSA that the boats are compliant. This applies also to all CANPASS and NEXUS members, and non-compliance may result in membership suspension or cancellation. If boaters require assistance to become compliant, they must contact the relevant federal or provincial authorities (see Appendix).

28. Float planes can also harbor Zebra or Quagga mussels, or their larvae, either directly attached to the hull; on aquatic vegetation and organic debris entangled in rudders, wheels or lines; or in standing water within the floats. Therefore, float plane pilots need to make sure that their float planes have been cleaned of all aquatic vegetation and debris and attached mussels, and that the floats are completely drained and dried as much as possible before departing an infested waterbody (see paragraph 27 for information on infested water bodies). Similar to the requirement for boaters in paragraph 27 above, pilots calling in to the TRC must inform the CBSA that the float planes moving between freshwater bodies are compliant. Similar to the instructions in paragraph 27, if pilots require assistance to become compliant, they must contact the relevant provincial or federal authorities (see Appendix).

29. When boats, trailers, vehicles, and conveyances arriving at the border are suspected to be contaminated with mussels, enforcement authorities will be notified to inspect and/or clean the equipment. The CBSA may direct travellers and their equipment to inspection and washing stations. If cleaning is not operationally feasible at time of importation, travellers' equipment may be held and turned over to provincial authorities for a quarantine period, or refused entry.

Detention/Abandonment/Disposal

30. Goods and conveyances imported by a traveller and detained for non-compliance with the AISR will be documented on Form BSF241, *Non-monetary General Receipt*. The traveller will be given the original copy of the receipt. For further information on Form BSF241, see [Memorandum D2-6-7, Goods, Currency and Monetary Instruments Detained by the Canada Border Services Agency or Abandoned to the Crown – Use of Form BSF241, Non-monetary General Receipt](#). Travellers will be advised that they have 40 days in which to obtain release of the goods if detained under the *Customs Act*, or 48 hours if the goods are perishable; otherwise the goods, if held by the CBSA, will be forfeited under the *Customs Act* and transferred into the custody of DFO or provincial authorities.

31. In the case of commercial goods that are detained, Form K26, *Notice of Detention* will be issued and the accounting package presented for release of the goods will be rejected. The Form K26 in this instance will be referenced with the cargo control document number.

32. If the commercial goods detained for non-compliance with the AISR make up only part of a shipment, they may be separated from the shipment through a Form [A10, *Cargo Control Abstract*](#) process. An abstract must be prepared for each portion of the shipment requiring separate acquittal. The entire quantity shown on the carrier's original cargo control document must be accounted for on multiple *Cargo Control Abstracts*.

33. Importers will be responsible for all reasonable expenses incurred in the disposal of abandoned goods.

Penalty Information / Seizures

34. The penalty provisions of the [Fisheries Act](#) are described in sections 78 to 79.6. DFO and designated provincial/territorial officers are responsible for the enforcement of the AISR and *Fisheries Act*. Seizures and penalties by the CBSA for infractions, such as smuggling and incorrect description, under the [Customs Act](#) can apply to AISR prohibited goods.

35. The [Administrative Monetary Penalty System](#) (AMPS) authorizes the CBSA to impose monetary penalties for non-compliance with the [Customs Act](#), the [Customs Tariff](#) and the Regulations under these Acts, as well as contraventions of the terms and conditions of licensing agreements and undertakings. If prescribed documentation has not been presented to the CBSA with the release request, a penalty may be issued by the CBSA for not providing required permits or information, or for making false declarations, before the goods are released. AMPS penalties may also be applied post-release. Please refer to [Memorandum D22-1-1, *Administrative Monetary Penalty System*](#) for details.

Additional Information

36. Contact information for the regional offices of DFO/provinces/territories as well as provincial boat inspection programs, aquatic invasive species hotlines, and general inquiries about aquatic invasive species can be found in the Appendix.

37. The CBSA Border Information Service (BIS) line responds to public inquiries related to import requirements of other government departments. For more information within Canada, call the Border Information Service at **1-800-461-9999**. From outside Canada call 204-983-3500 or 506-636-5064; long distance charges will apply. Agents are available Monday to Friday (08:00 – 16:00 local time, except holidays). TTY is also available within Canada: **1-866-335-3237**.

Appendix

Provincial Boat Inspection Programs and Aquatic Invasive Species Hotlines

For travellers, recreational boaters and pilots who are crossing the border and are concerned about inadvertently transporting Zebra or Quagga mussels or other aquatic invasive species, please contact the appropriate provincial or territorial boat inspection program or AIS hotline for more information or to coordinate an inspection. For those provinces that do not have watercraft inspection programs or AIS hotlines, 'general inquiry' contact information provided below provides additional information on AIS and what you can do to help stop the spread.

British Columbia

Freshwater Species – Conservation Officer Hotline 1-877-952-7277 or COS.Aquatic.Invasive.Species@gov.bc.ca
 Marine Species – DFO Pacific Region: 1-888-356-7525 or aispacific@dfo-mpo.gc.ca

Alberta

Aquatic Invasive Species Hotline (24/7): 1-855-336-BOAT (2628) or kathryn.wilson@gov.ab.ca

Saskatchewan

Turn In Poacher Line (24/7): 1-800-667-7561 or SaskTips@gov.sk.ca

Manitoba

Aquatic Invasive Species Hotline (answered by AIS Specialist; 8:30 AM – 4:30 PM): 1-877-867-2470,
 or Turn In Poachers line (24/7): 1-800-782-0076, and AIS Specialist: Candace.Parks@gov.mb.ca

Ontario

General Inquiries: 1-800-563-7711 or www.invadingspecies.com

Quebec

Marine Species – DFO Quebec Region: 418-775-0682 or Nathalie.Simard@dfo-mpo.gc.ca

New Brunswick

DFO Gulf Region: 1-866-759-6600 or Invaders.glf@dfo-mpo.gc.ca
 DFO Maritimes: 1-888-435-4040 or XMARinvasive@mar.dfo-mpo.gc.ca

Nova Scotia

General Inquiries: (902) 485-5056 or inland@novascotia.ca
 DFO Gulf Region: 1-866-759-6600 or Invaders.glf@dfo-mpo.gc.ca
 DFO Maritimes: 1-888-435-4040 or XMARinvasive@mar.dfo-mpo.gc.ca

Newfoundland and Labrador

DFO Newfoundland and Labrador Region: 1-855-862-1815 or AIS-EAE.NL@dfo-mpo.gc.ca

Prince Edward Island

DFO Gulf Region: 1-866-759-6600 or Invaders.glf@dfo-mpo.gc.ca

Yukon Territories

DFO Pacific Region: 1-888-356-7525 or aispacific@dfo-mpo.gc.ca

Northwest Territories

DFO Central and Arctic Region: 867-979-8010 or larry.dow@dfo-mpo.gc.ca

Nunavut

DFO Central and Arctic Region: 867-979-8010 or larry.dow@dfo-mpo.gc.ca

References	
Issuing Office	Other Government Department Programs Unit Commercial Border Programs Division Border Programs Directorate Programs Branch
Headquarters File	
Legislative References	<i><u>Aquatic Invasive Species Regulations</u></i> <i><u>Fisheries Act</u></i> <i><u>Canada Border Services Agency Act</u></i> <i><u>Customs Act</u></i> <i><u>Health of Animals Act</u></i>
Other References	<u>D1-4-1</u> , <u>D2-6-7</u> , <u>D11-6-6</u> , <u>D17-1-4</u> , <u>D19-1-1</u> , <u>D19-7-1</u> , <u>D22-1-1</u>
Superseded Memorandum D	N/A