

Exhibit C

Record-keeping
requirements for
commercial Dungeness
crab to support product
traceability

Caren Braby

Marine Resources Program Manager

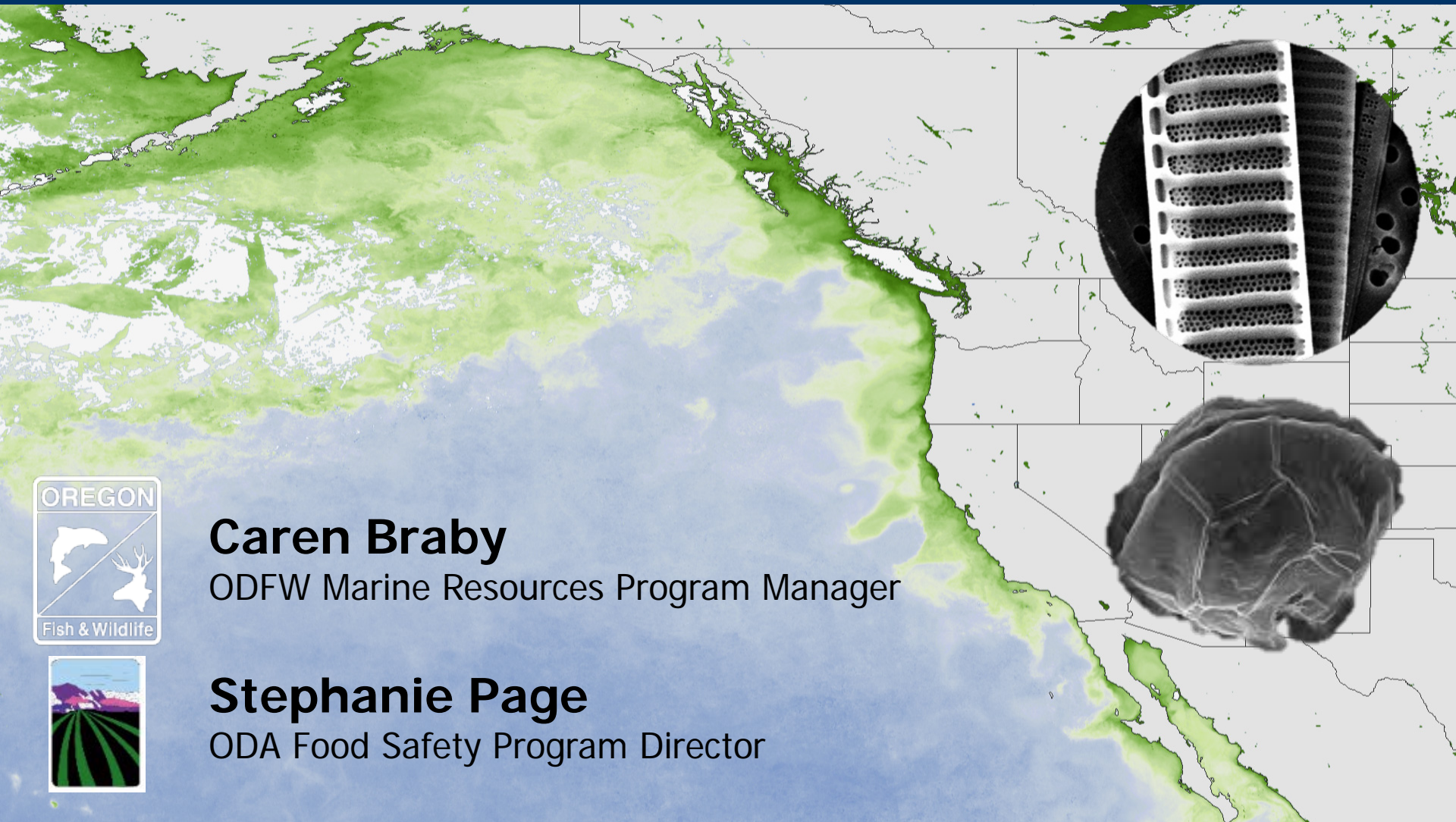
April 20, 2018



Outline

- Need for additional record-keeping requirements
 - Biotoxin events and crab fishery impacts
 - Traceability measures
- Public process for proposed rules
- Staff recommendations

June 2017 Informational Report to the OFWC: Dungeness Crab Fisheries & Biotoxins



Caren Braby

ODFW Marine Resources Program Manager



Stephanie Page

ODA Food Safety Program Director

chlorophyll (mg/m³)
0 0.05 30

Image: NOAA (July 2015)

NOAA Climate.gov
Data: Suomi NPP
NOAA View

HABs & West Coast Shellfish Closures 2015

West Coast Harmful Algal Bloom

NOAA responds to unprecedented bloom that stretches from central California to the Alaska Peninsula.

Clam opener canceled due to high toxin count

OLYMPIA — The first razor clam dig of the fall season has been postponed due to elevated levels of marine toxins on Washington's
Beaches affected by the health closure include Long Beach, Twin Harbors, Copalis, Mocrocks and Kalaloch.



THE TOXINS ARE LINKED TO A LARGE ALGAE BLOOM

Southern coast closed to all Dungeness crab fishing due to increase in marine toxins

Originally published June 9, 2015 at 8:08 am | Updated June 8, 2015 at 1:49 pm

Domoic Acid Regulatory Framework



Food & Drug Administration,
federal public health agency, criteria

- ≥ 30 ppm in crab viscera, ≥ 20 ppm in crab meat



Oregon Department of Agriculture (ODA),
state public health agency

- Implements FDA criteria, biotoxin management, licensing of processors, conducts recalls



Oregon Department of Fish and Wildlife

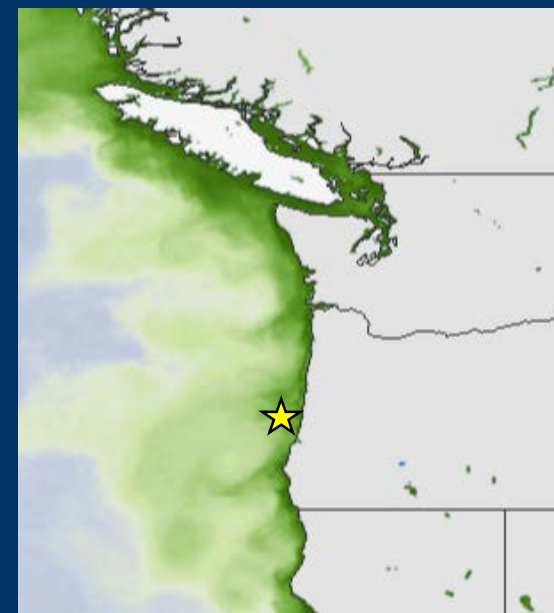
- Regulates fisheries, requires seafood records

First In-Season Domoic Acid Detection in Oregon (Feb 2017)



Samples showed:

- 1 crab north of Coos Bay
- 36 ppm (just over the limit)



Oregon's response:

- Implemented closure/evisceration order
 - Established a “Biotxin Management Zone”
- Traceability was evaluated:
 - Records keeping insufficient
 - Communication challenges
 - Management plan clarification needed



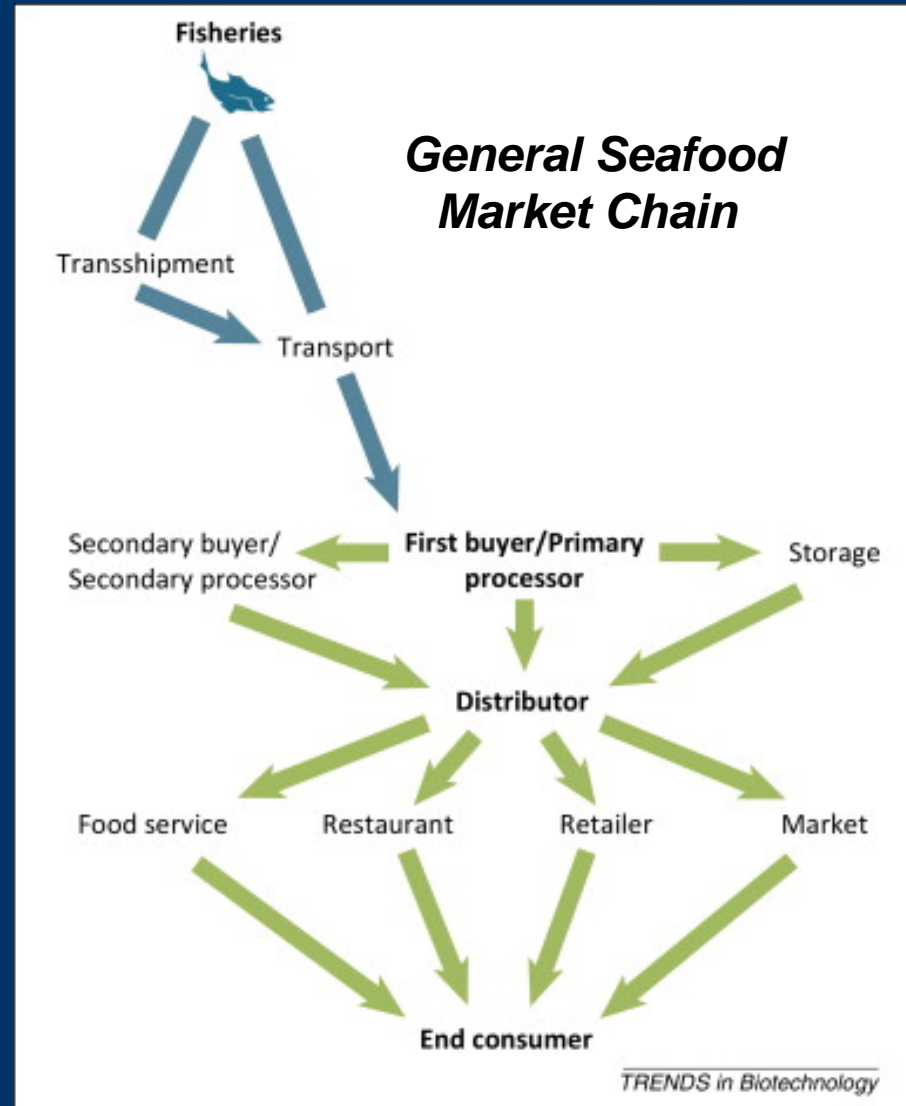
Why Evisceration Works



- Biotoxins enter crab via food, accumulate in organs first
- Cleaning crab removes organs from meat
- Biotoxins in meat is lower than in viscera

Traceability supports use of evisceration

- Traceability provides for
 - Fast and efficient recalls to protect consumers
 - Strategic management action, applied only to areas that need it
- Traceability tools are ODFW records



Pre-Existing Traceability Requirements

- License information, crab purveyors (ODFW)
 - Crab buyers/sellers including fishermen, wholesale, retail, processors
- Records of crab purchased (1-back) include:
 - Name/address of source, lbs of crab, date received, \$/pound paid
 - Records must be on site and retained for 3 years

Missing Information in Traceability Chain

- For crab purchased:
 - Were specific crab harvested from a Biotxin Management Zone (BMZ)?
 - Harvest Area
 - Date of Landing
- For crab determined to be from a BMZ:
 - Who has the crab now?
 - 1-forward record requirements

Recent Traceability Improvements

- Summer 2017 Rules Advisory Committee (RAC)
 - Recommendations (Att. 4)
 - Allow fishing with mandatory evisceration
 - Use existing traceability mechanisms
- December 2017 Season Start under new rules
 - ODA permanent rules (Att. 5)
 - Established criteria for establishing “Biotoxin Management Zone”, and acceptable use of evisceration
 - ODFW temporary rules (Dec 1, 2017)
 - Records requirements to support traceability including:
 - Harvest Areas, Date of Landing, 1-forward

Recent Traceability Improvements

February 2018

- Senate Bill 1550
- Clarified ODFW records keeping authority
- Gave ODA authority to use ODFW records for public health
- Electronic records acceptable

79th OREGON LEGISLATIVE ASSEMBLY--2018 Regular Session

A-Engrossed Senate Bill 1550

Ordered by the Senate February 15
Including Senate Amendments dated February 15

Sponsored by Senator ROBLAN, Representative SMITH DB; Senator KRUSE, Representative MCKEOWN (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Authorizes State Fish and Wildlife Commission to adopt record keeping requirements for person engaged in taking, landing, buying or selling of food fish for commercial purposes or otherwise dealing in food fish for commercial purposes. **Creates exception.** Allows commission [and Director of Agriculture], State Department of Fish and Wildlife, State Department of Agriculture or designees to examine records.

[Authorizes commission to undertake surveys, investigations and inquiries regarding food fish. Requires commission to undertake survey, investigation or inquiry requested by director. Requires commission to report to director on results of completed surveys, investigations or inquiries.]

Allows State Department of Agriculture to request record copies and information for purpose of food safety law programs. Allows department to enter premises where records are kept as part of general pattern of administration and enforcement of food safety laws.

A BILL FOR AN ACT

1

2 Relating to food fish.

3 **Be It Enacted by the People of the State of Oregon:**

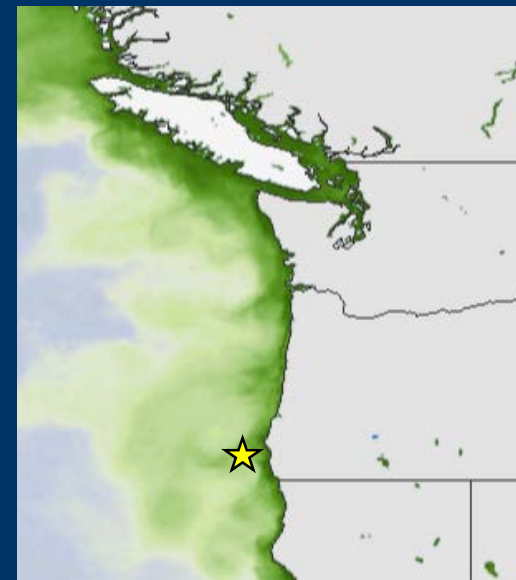
4 **SECTION 1.** Section 2 of this 2018 Act is added to and made a part of ORS chapter 506.

5 **SECTION 2.** (1) In addition to any other authority under the commercial fishing laws,

Second In-Season Domoic Acid Detection in Oregon (February 2018)



Test Drive:
*Did traceability
improvements
work?*



YES! (although some modifications needed)

- Management response was as expected
- Industry continued harvest without disruption

Permanent Traceability Tools

- Public process since filing for today's decision:
 - Industry notice (3/14/2018), noting likely modifications
 - Phone calls & meetings to identify if and how this rule creates unintended problems
 - Meeting with the Rules Advisory Committee (RAC), 4/13/2018
 - Public testimony today

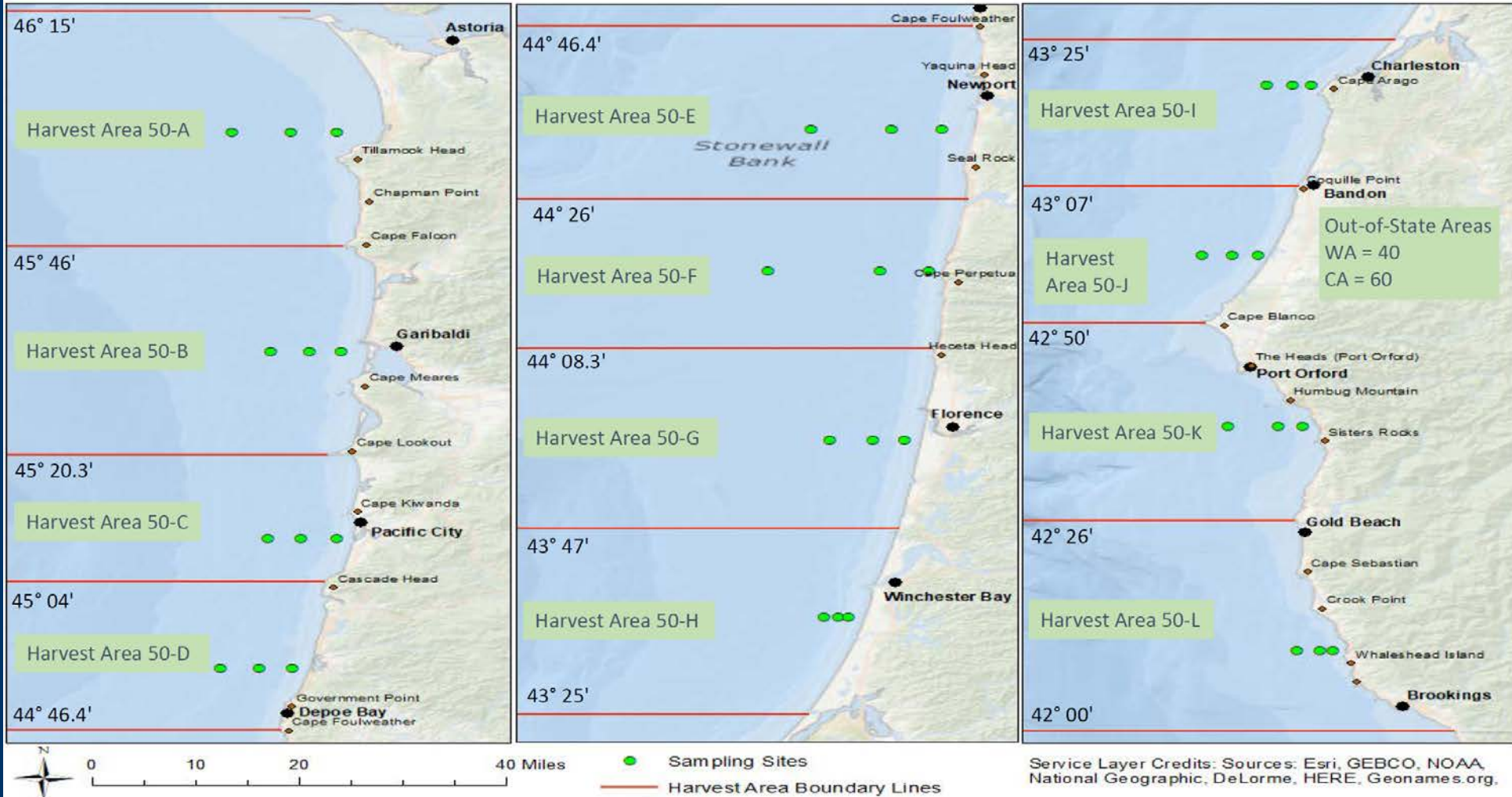
Permanent Traceability Tools

Harvest Area must be included on crab records:

- Divides Oregon into 12 Harvest Areas (Att. 8)
- NEW: References WA and CA areas
- NEW: Harvest Area records must be specific for uneviscerated crab
 - Include all Harvest Areas, and only those Harvest Areas, from which crab originated
 - “Harvest Area = Oregon” is not consistent with traceability intent

Permanent Traceability Tools

Dungeness Crab Harvest Area Map



Permanent Traceability Tools

Date of Landing must be included on crab records:

- Provides time stamp to relate:
 - Crab biotoxin sample date
 - Crab harvest date
- Time stamp is essential to definition of BMZ, for evisceration orders and recalls

Permanent Traceability Tools

1-forward record must be kept for crab sold:

- Complements rules already in place for crab purchased (1-back)
 - Distributors must keep records of purchases and sales on site for 3 years
 - No changes for restaurant owners
- Facilitates communication for implementation of BMZs and recalls
- Increases efficiency and accuracy of compliance audits

Records Requirements Summary

Existing Permanent Rule

Crab purchased (1-back)

Yes

Crab sold (1-forward)

Harvest Areas

Date of Landing

Records Requirements Summary

	<i>Existing Permanent Rule</i>	<i>Temporary Rule</i>
Crab purchased (1-back)	Yes	Yes
Crab sold (1-forward)		Yes
Harvest Areas		Yes
Date of Landing		Yes

Records Requirements Summary

	<i>Existing Permanent Rule</i>	<i>Temporary Rule</i>	<i>Proposed Permanent Rule</i>
Crab purchased (1-back)	Yes	Yes	Yes
Crab sold (1-forward)		Yes	Yes
Harvest Areas		Yes	
Date of Landing		Yes	Yes
Harvest Areas (Specificity for whole crab, only)			Yes

Staff Recommendation

- Adopt rules for records requirements, as shown in Supplemental Attachment 3, which will implement the following:
 - Harvest Areas (including WA, CA), specificity required for uneviscerated crab
 - Date of Landing
 - 1-forward (in addition to 1-back)

A close-up photograph of a crab's face, showing its eyes, mouthparts, and the textured, purple-brown carapace. The word "Questions?" is overlaid in the center in a bold, black, sans-serif font. The crab's mouthparts are visible at the bottom, showing sharp teeth. The background is dark, making the crab's features stand out.

Questions?