

Exhibit (C)

Supplemental
Public Correspondence

From: [Michelle Tate](#)
To: [Caren Braby](#)
Cc: [April H Mack](#)
Subject: FW: Adoption of permanent rule for expanded "record keeping requirements for buying and selling Dungeness crab" - Concern Comment
Date: Wednesday, April 18, 2018 3:23:37 PM

Exhibit C PC

From: Doug Heater <doug@bornstein.com>
Sent: Wednesday, April 18, 2018 2:49 PM
To: ODFW Commission <ODFW.Commission@coho2.dfw.state.or.us>
Subject: Adoption of permanent rule for expanded "record keeping requirements for buying and selling Dungeness crab" - Concern Comment

I would like to speak on behalf of Bornstein Seafoods, and my personal opposition towards the Oregon Fish & Wildlife Commissions adopting this to a permanent rule. I can testify that I have been 40+ years in the processing industry, and extensive experience of buying and selling Dungeness Crab. Our company has a diversified line of Dungeness crab products, mostly traditional cooked products.

Prior to any attempt to a mandatory record keeping as proposed by this rule, we provided wholesome products to our market chain of distributors and customers. Our Dungeness crab products are managed under our HACCP plan, including a recall policy. Our recall process deals with Domoic acid, and of food born contaminates, or processing/handling deficiencies. Our HACCP plans are reviews by numerous regulatory entities, including the ODA.

We all in the industry agree, there must be better record keeping on part of the Domoic Acid in the Dungeness Crab industry, specifically receiving and shipping of live Dungeness from catch zones, to the market place, or to the processing facility. We also believe all dealers should have a Biotoxin plan within their HACCP plans.

The ODFW is also considering recommending some additional changes to the rule. Three bullet points on their March 14, 2018. **adding WA and CA on an area map.* This seem plenty acceptable. **Clarifying that state-wide harvest area designation for Oregon will not comply with harvest area tracking requirements.* This is totally unacceptable, We have been continually told, we can list our Oregon areas as we will throughout the process. Our company has complied through our HACCP plan, to know the 8 months of inventory we have to sell, is domoic acid free, through rigorous processing protocol. We should be able to list all area's on our records. This should not be changed. **Clarify requirements for combining multiple harvest areas.* This is very confusing, I cannot support without clarification. But, as I mentioned earlier, an efficient HACCP plan should supersede more regulatory efforts.

Need for the rule: Yes, modified to comply with live market form, to the processor or live distributor. Cooked and forward, ODA should work with processing dealers, to strengthen HACCP plans. The secondary and third hand cooked dealers and distributors should not do redundant record keeping. And inspectors doing redundant inspections.

Fiscal and economic impact: I feel the impact within our organization, since im in domestic sales, I have seen a steep decline in sales to my long term dealers and distributors in Oregon. It could be the fear of record keeping, and the penalty associated with noncompliance, that they have sourced their Dungeness crab for sources outside Oregon.

Cost of Compliance: section 2 b it states related to dealers and handlers, An estimate of this additional cost burden cannot be determined at this time. This is an excessive cost, and is pulling an inert amount of energy daily to comply with. We buy 90% of our raw material crab in 30-45 days of the year, we would love for our energy and record keeping to be done just once on the product we buy live to process, but this requires redundant recorded of the other 300+ days of shipping these crabs that had met compliance through our HACCP plans.

Clearly the intent of this rule, could be simplified to a rigid raw material rule. And not adversely affect costs and marketability through the whole supply chain, when it can be done and adhered to at first receivers. I urge the commission to send this back to ODFW, now that industry has worked with it, and make it work for Oregon.

Respectfully

Doug Heater

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April 17, 2018

Mr. Michael Finley, Chair
Oregon Fish and Wildlife Commission
4034 Fairview Industrial Drive SE
Salem, OR 97302

RE: Exhibit C: Record Keeping Requirements for Commercial Dungeness Crab Sales

Dear Chair Finley and Commission Members:

The Oregon Chapter of The Nature Conservancy is submitting written testimony in support of Exhibit C: Record Keeping Requirements for Commercial Dungeness Crab Sales. We appreciate the quick implementation of Senate Bill (SB) 1550 and see this as a positive step forward in developing full traceability for Oregon's fisheries.

Seafood traceability is an important tool needed to ensure a strong future for Oregon's marine fisheries. Consumers are becoming more aware of the source of their seafood. They want assurance that the industry they are supporting is sustainable and of the highest quality. They want to connect with the story of how their fish was caught and by whom. They also want to be sure their fish is safe to eat. This has become especially important in the last few years as Domoic Acid has impacted the Dungeness crab fishery.

To accomplish these goals and help Oregon seafood meet the highest standards of sustainability and quality, managers, the seafood industry, marketers, and consumers need to be able to track fish harvest from the vessel to the plate. Oregon has not had a system in place that provides traceability through the entire chain of custody for seafood to the consumer. The passing of SB 1550 and the associated adoption of administrative rules is an important first step.

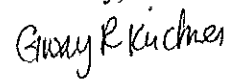
We have reviewed the exhibit documents and support the staff recommended rule language. This will allow for more finite area management, trace area and date of harvest through the market chain, and provide greater comfort to the end consumer that the product is safe for consumption. The rule language is clear and concise and appears to accomplish the goal of the action.

Lastly, while not addressed in this action, the Conservancy believes tools exist – such as electronic logbooks and electronic fish tickets – that, if implemented in Oregon, could provide close to real-time information on fisheries. This type of timely information would be valuable to address human health needs, like domoic acid contamination; provide improvements to fishery management and monitoring; and increase the potential for Oregon to fully trace all its seafood

in ways that can meet consumer demands. We are interested in working with partners in a collaborative manner to develop these tools and associated policies.

In closing, we support adoption of the staff recommendation. Thank you for the opportunity to provide comments today.

Sincerely,

A handwritten signature in black ink that reads "Gway R Kirchner". The signature is written in a cursive style with a large initial "G".

Gway Kirchner
Marine Fisheries Project Director
The Nature Conservancy

Michelle Tate

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