



Oregon

Kate Brown, Governor

Department of Fish and Wildlife

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Oregon Ocean Commercial Dungeness Crab Permit Holders, Processors, Buyers, and Interested Persons,



The Oregon Fish and Wildlife Commission (Commission) will consider adopting permanent rules for expanded record keeping requirements for buying and selling Dungeness crab in April. Expanded requirements have been in place via temporary rule since December 1, 2017. You may provide public comment on these rules by email to odfw.commission@coho2.dfw.state.or.us, mail to 4034 Fairview Industrial Drive SE, Salem, OR 97302, or in person at the Commission meeting:

Oregon Fish and Wildlife Commission Meeting
April 19-20, 2018
Clatsop County Fair and Expo Exhibit Hall
92937 Walluski Loop
Astoria, OR 97103

Dungeness crab harvest is an economic and cultural centerpiece in Oregon, a keystone for Oregon's popular seafood brand. Reliable and sustainable harvest is essential to maximizing the value of harvested crab to Oregon, and safe seafood management practices are essential for protecting public health. Elevated levels of the naturally occurring marine biotoxin domoic acid in crab viscera (guts) have resulted in season delays, closures, and/or evisceration (gutting) requirements in each of the last three seasons. The occurrence of domoic acid in Oregon's seafood has also been of great concern to the public, and has been the subject of several media articles on the topic. It is imperative that the State and the industry take decisive and complementary action to maximize the economic benefits of the crab fishery, while first and foremost assuring the public that there are sufficient mechanisms in place to protect public health.

Specifically, during the 2016-2017 season, domoic acid was detected in crab viscera above the Food and Drug Administration-established threshold. This was the first time that domoic acid exceeding the threshold had been detected during in-season testing. The Oregon Department of Agriculture (ODA) and Oregon Department of Fish and Wildlife (Department) adopted multiple emergency rules in rapid succession to first close the affected harvest area, then re-open with requirements to eviscerate (gut) all crab landed from the area.

After hearing broad industry concerns over these actions, the agencies and the industry have pursued a permanent rulemaking process to provide greater transparency and clarity on the monitoring process and management options during future biotoxin events affecting the commercial Dungeness crab fishery. An industry Rules Advisory Committee (RAC) was convened over the summer of 2017 to work collaboratively with the agencies to address industry concerns.

The RAC developed and recommended adoption of these record keeping requirements to support and strengthen the traceability framework for crab in the market chain. Traceability is an important factor in the decision to allow evisceration and provide reasonable assurance that all crab from an affected area are eviscerated. The stronger the traceability framework, the faster the State can act to prevent illnesses.

In brief, both the current temporary and proposed permanent rules establish 12 crab Harvest Areas off Oregon and require that each seafood business in the crab market chain maintain records of whom they have bought crab from (**1-back records**) and whom they have sold crab to (**1-forward records**) that include Harvest Area and date of landing amongst other information. The rules apply to all crab buyers and sellers **up to but not including the ultimate consumer.**

The Oregon Department of Fish and Wildlife is also considering recommending some important changes to the temporary rule for permanent adoption, and public comment on these and other proposals for modifications may be submitted to the commission as described above. These include:

- Adding Washington and California Harvest Areas to the Harvest Area map to clarify that the requirement applies to crab landed or imported from out-of-state.
- Clarifying that using a state-wide Harvest Area designation for Oregon will not comply with Harvest Area tracking requirements.
- Clarifying requirements for combining crab from multiple Harvest Areas. Listing multiple Harvest Areas would be allowed if crab from multiple areas were combined. For the first point of sale (first receiver), it would be **prohibited to list any Harvest Areas that crab were not harvested from** (i.e. the Harvest Areas could only be reported as a range if crab came from ALL Harvest Areas within that range). The initial list of areas could then be carried forward without modification to records of subsequent wholesalers or retailers purchasing that crab.

For the Notice of Proposed Rulemaking, including draft rule language (but without potential changes above) see “Record Keeping Requirements for Dungeness Crab” at: http://www.dfw.state.or.us/OARs/rules_proposed.asp.

A Department staff report on these recommendations to the Commission will be available by April 9, 2018 at: <http://www.dfw.state.or.us/agency/commission/minutes/>

For details on compliance with the temporary rule, including the Harvest Area map, see the November 7, 2017 industry notice associated with that action at: http://www.dfw.state.or.us/MRP/shellfish/commercial/crab/commercial_crab_harvest_areas.asp

The RAC also recommended adopting new ODA rules describing biotoxin testing protocols and management procedures (adopted November 2017), and several non-regulatory mechanisms to improve communication and transparency. For details, see: http://www.dfw.state.or.us/MRP/shellfish/commercial/crab/domoic_acid.asp

Please contact us if you have any questions.

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