



# Oregon

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**To: The Honorable Senator Dembrow, Chair  
Senate Environment and Natural Resources Committee**



### **Senate Bill 1550**

**Caren Braby, Marine Resources Program Manager  
Oregon Department of Fish and Wildlife**

Good afternoon Chair Dembrow and members of the Committee. We appreciate the opportunity to discuss Senate Bill 1550 with you today. This bill has come to you during the short session to address a specific need to increase traceability of Dungeness crab and enhance our ability to protect public health during marine biotoxin events. As we'll explain, the bill language is broad enough that it will allow us to deal with similar issues in other food fish species, as they may arise in the future.

This bill will clarify and augment existing records-keeping requirements for the seafood industry (per statutory authority to the Fish and Wildlife Commission) and grant access to these records to the Oregon Department of Agriculture, for the purposes of protecting public health. Both of these measures would be implemented through fishery-specific rule by the Fish and Wildlife Commission to increase the traceability of Oregon's seafood to both maximize certainty to industry about harvest opportunities and protect public health.

Over the last three years, Oregon has experienced massive marine harmful algal blooms which have delayed and closed fisheries. Harmful algal blooms produce biotoxins that are accumulated in seafood and are dangerous to humans and other vertebrates, if consumed in too high a concentration. As an example, the state's most valuable single species fishery – Dungeness crab – is one of the species that accumulates biotoxins. There are many other species that accumulate biotoxins including commercial and recreational fishing targets such as sardine, anchovies, mussels and other clams.

Biotoxin accumulation in commercial seafood species and the resulting threat of fishery closures to protect public health leads to uncertainty and economic costs for the state, the fishing industry and the coastal communities that rely on them. The Dungeness crab fishery has been delayed three seasons in a row and has been disrupted by in-season action, in order to prevent biotoxin-tainted crab from getting into the hands of consumers. Other fisheries have sustained full closures, including coveted razor clams, which have been closed for months at a time.

Harmful algal blooms are projected to increase in frequency and intensity in the coming decades, due to changing ocean conditions. While we cannot prevent harmful algal blooms from occurring,

we can design our management approach to optimize two goals: continue harvest and maximize certainty to the industry as much as possible, and maximize protection of public health. Central to balancing these two goals is the concept of seafood traceability.

To best manage biotoxins in Dungeness crab specifically, the ODFW and the ODA convened a Rules Advisory Committee in 2017 to develop management recommendations to the state. The Committee was comprised of seafood industry representatives including processors, fishermen, and seafood buyers. The overarching recommendation from this Committee was to implement seafood traceability measures that would allow harvest to continue when there are low-level biotoxin events that can be managed by evisceration (gutting) crab before it is sold to consumers. Evisceration is well-demonstrated to reduce the biotoxin load of a single crab by 10-fold or more, so harvest can continue under low to moderate biotoxin events with no threat to public health.

There are traceability mechanisms currently in place in Oregon. Administrative rules implemented by ODFW currently require records-keeping for seafood purchases (“1-back” records). Individuals who are in possession of seafood are required to provide records of the purchase (including a number of descriptors of the purchase), upon request by ODFW or peace officers. The ODA currently conducts seafood traceability audits, when there are biotoxin events. An audit involves getting records from individuals in the seafood market chain to determine the actual exposure of the public to biotoxin-tainted seafood, following the identification of a biotoxin event. The bill increases the traceability mechanisms by clarifying the Fish and Wildlife Commission’s authority to adopt administrative rules to require records-keeping for seafood sales (“1-forward” records), as well. In addition, the bill would grant the ODA the ability to require access to and inspection of any records that are required by the Commission, for use in food safety investigations.

Because we do not know which species will be affected by biotoxin accumulation in the future, the bill language keeps the authority broad and builds seafood traceability for all food fish. The Fish and Wildlife Commission would then adopt administrative rules through public process to develop particular requirements in a fishery-specific manner, as appropriate.

We are pleased to report that the other recommendations from the RAC have been implemented in rule by the Fish and Wildlife Commission and by the Board of Agriculture. This bill, if passed, will represent full implementation of the RAC recommendations that are within the scope of responsibility for ODFW and ODA.

As we face future uncertainty in the threat of biotoxins to the public and the economic security of the fishing industry, rigorous seafood traceability standards give us the tools we need to better manage biotoxin events. In this way, we will be able to maximize harvest, protect public health, and provide certainty to the businesses that rely on Oregon’s seafood.

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