



Oregon

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**To: The Honorable Brian Clem, Chair
House Committee on Agriculture and Natural Resources**



Senate Bill 1550
Chris Kern, Fish Division Deputy Administrator
Oregon Department of Fish and Wildlife

Good morning Chair Clem and members of the Committee. I appreciate the opportunity to provide information on Senate Bill 1550 today. Generally, the bill strengthens the State's laws on tracing food fish in the market chain, particularly for purposes of protecting health. The specific reasons this bill has come to you during the short session, is to address the specific need to increase traceability of Dungeness crab and enhance our ability to protect public health during marine biotoxin events. While the recent motivation for the bill is due to issues arising in the commercial crab industry, the bill language is broad to allow the State to address future issues in other food fish species, as they arise.

If passed, this bill will clarify existing records-keeping requirements for all food fish – records that are already authorized under statute and implemented through Oregon Administrative Rules (OARs), by the Fish and Wildlife Commission. In addition, the bill grants access to records required in OARs to the Oregon Department of Agriculture (ODA), 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 food fish to both maximize certainty to industry about harvest opportunities and protect public health.

To describe how the need for statutory clarification has arisen for crab, I will describe what Oregon has experienced over the past three years in terms of biotoxins in Dungeness crab. 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. Dungeness crab is the state's most valuable single species fishery and is only one of the species that accumulates biotoxins. For crab, the biotoxins can be removed from the product by removing the biotoxin-rich viscera – or guts – of the crab, prior to human consumption. There are many other species that accumulate biotoxins including commercial and recreational fishing targets such as sardine, anchovies, mussels and clams.

To protect public health from biotoxins, the State monitors biotoxins in marine food fish species. When biotoxins are too high, the ODA and the Oregon Department of Fish and Wildlife (ODFW) coordinate fishery constraints or closures, depending on what action is needed to protect public health. The threat of fishery closures 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 two years in a row (2017 and 2018), 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. These fishery disruptions are an unfortunate consequence of the higher goal to protect Oregonians from consuming dangerous levels of biotoxins in fish.

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.

These two seafood traceability goals were embraced and endorsed by the 2017 Dungeness crab Rules Advisory Committee (RAC), comprised of 11 crab industry representatives and co-convened by ODA and ODFW. 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.

While there are traceability mechanisms currently in place in Oregon, they need to be strengthened in two ways. This bill strengthens those mechanisms. Existing OARs implemented by ODFW currently require record-keeping for seafood purchases (“1-back” records); this bill clarifies that ODFW also has the authority to require “1-forward” records, strengthening the speed with which food fish may be traced throughout the seafood market. In addition, the bill will provide ODA access to the records that are required in ODFW OARs, so that they can directly conduct the traceability investigations to protect public health. The ODA currently conducts food fish traceability investigations to protect public health, such as when there are biotoxin events. However the ODA does not have the statutory authority to require inspection of food fish records, which has been a barrier to keeping tainted food fish out of the hands of consumers. The bill will allow ODA access to the records, removing this barrier to public health protection.

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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