

Appendix H

OREGON STATE AND LOCAL REGULATIONS, PERMITS AND LICENSES FOR SEAFOOD ALTERNATIVE MARKETS

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Note: The following information is intended for educational purposes only and is subject to change. Seafood harvesters should contact the agencies directly to determine what is required for their particular situation

Fishermen who sell their catch directly from their boat, a roadside stand/market, or alternative market need to follow regulations and guidelines and obtain specific licenses, registrations, permits, and certificates from several state and local agencies in addition to the licenses and permits required to fish commercially. Here we provide selected general information, by agency, that highlights some of these requirements and associated fees (as of 2023).

Fishermen should contact the agencies below to determine current requirements and fees to ensure they are in compliance. When doing so, fishermen will need to describe the seafood products they will be selling—species, product form (e.g., whole, filet, smoked)—and the type of alternative market(s) they will use.

OREGON DEPARTMENT OF FISH & WILDLIFE	OREGON DEPARTMENT OF AGRICULTURE	OREGON HEALTH AUTHORITY	LOCAL AUTHORITIES
Commercial Limited Fish Sellers Permit	Weighing Scale Certification	Food Safety Certificate	Depending on the type of market and where it is located, additional permits and fees may be required by local authorities.
Wholesale Fish Dealer License (Reporting & Non-reporting)	Retail Food Establishment License	Mobile Food Unit License	
Commercial Fisher Transportation Report	Food Processor's License	Restaurant License	
	Food Storage Warehouse License	Temporary Restaurant License	
		Commissary Kitchen Agreement	

Figure 1. Regulations, permits, and more for buying and selling fish and shellfish in Oregon, by agency.

Oregon Department of Fish and Wildlife (ODFW)

There are four types of ODFW commercial fishing licenses that may be appropriate for fishermen selling their catch through seafood alternative markets. Fishermen should contact ODFW directly for current information and to determine the requirements that apply to their specific situation.

If you have questions or for more information regarding these endorsements, please call ODFW Commercial Licensing Customer Service at (503) 947-6101 or email odfw.info@state.or.us.

ODFW COMMERCIAL FISHERIES DIVISION

COMMERCIAL FISHERIES DIVISION: <https://www.dfw.state.or.us/fish/commercial>

COMMERCIAL FISHERIES LICENSING STAFF: <https://www.dfw.state.or.us/fish/commercial/questions.asp>

CONTACT: Commercial Licensing Customer Service

PHONE: (503) 947-6101

EMAIL: odfw.info@state.or.us

COMMERCIAL LIMITED FISH SELLERS PERMIT

This permit is required to sell all or a portion of the catch to an ultimate consumer from the boat.

It only allows for dockside sales to the end consumer, from the vessel from which the catch was made. Customers must receive their product at the vessel — no sales may occur away from the boat.

Restaurants are considered an end consumer, but transport from vessel to another location is not allowed. Limited processing (loining or filleting) is allowed after the fish is sold and reported, and only if it is done on the seller's own vessel. Otherwise, it will need to meet additional Oregon Department of Agriculture handling and selling requirements.

The permit cannot be used by others (e.g., spouse, business partner, employee) at any time, only by the licensed fisherman.

The annual fee for a Commercial Limited Fish Sellers Permit is \$102.00 for Oregon Residents, \$152 for non-Oregon residents, plus a \$200.00 bond (2023, subject to change).

WHOLESALE FISH DEALER LICENSE (REPORTING)

The Wholesale Fish Dealer License (Reporting) is required to process fish or sell to retailers (e.g., fish markets, grocery stores, wholesalers).

It allow the business to buy fish and shellfish from harvesters and other wholesale dealers and sell to retail businesses or other wholesalers.

This license is only valid for a single business location (e.g., a home) where all transactions must occur. Boats in slips cannot be licensed as wholesale dealers as they do not meet the requirement of a physical address unless the boat is immobile and permanently docked.

A buyer's license is required for anyone buying from a fisherman away from the fisherman's business location.

The annual fee for a Wholesale Fish Dealer License (Reporting) is \$500.00 plus a \$1000 minimum bond and \$277 for a Buyers License (to buy product when away from licensed location) (2023, subject to change).

WHOLESALE FISH DEALER LICENSE (NON-REPORTING, FISH BROKERS)

The Wholesale Fish Dealer License (Non-Reporting, Fish Brokers) is required to process fish or sell to other wholesalers or retail businesses.





It allows the business to buy and sell fish and shellfish with other wholesale dealers, and requires less reporting to the state because you do not issue fish tickets.

The annual fee is \$502.00 for the Wholesale Dealers License, plus a \$1000 minimum bond and \$277 for a Buyers License (to buy product when away from licensed location) (2023, subject to change).

COMMERCIAL FISHER TRANSPORTATION REPORT

The Commercial Fisher Transportation Report is required of commercial fishermen selling to a wholesale dealer that does not have an unloading facility on the water. They must have a written transportation report, invoice, or memorandum in hand prior to removing and transporting product to another location.

The report must contain the following information:

-  Date
-  Name and address of the Oregon-licensed Wholesale Fish Dealer or Oregon-licensed Fish Bait
-  Dealer where the food fish or shellfish are being delivered
-  The number of each species of food fish or shellfish, their weight or estimated weight in pounds

This does not apply to retail fish dealers or wholesale fish dealers. There is no annual fee associated with this report.

Oregon Department of Agriculture (ODA)

The ODA oversees the safe and legal handling and distribution of food products in Oregon. As of 2023, three programs within the ODA may pertain to fishermen selling their catch through seafood alternative markets. Fishermen should check the information sources within each program and contact ODA directly for current information and to determine which requirements apply to their specific situation.



WEIGHING SCALE CERTIFICATION

Scales used to sell seafood must be licensed, tested and approved by the ODA Weights and Measures prior to use and licenses must be renewed annually by July 1.

The annual fee is dependent on scale capacity (e.g., \$45 for 0-400 pounds, \$91 for 401-1,160 pounds, \$184 for 1,161-7,500 pounds).

The scale must have a National Type Evaluation Program (NTEP) Certificate of Conformance. It must also have a Placed In Service Report (PISR) submitted within 24 hours of the time the device is placed in service.

The scale must comply with the requirements on the PISR and meet the specifications found in NIST Handbook 44.

Product that is weighed and packaged without the customer present must be labeled with the product name, net weight, price per unit and total price as specified in NIST Handbook 130, Uniform Packaging and Labeling Regulation. Additional information also may be needed on the label per the Fair Packaging and Labeling Act.

If you have questions or for more information regarding the Weighing Scale Certification information, please call an ODA Customer Service Specialist at (503) 986-4670.

OREGON WEIGHTS AND MEASURES

WEBSITE: <https://www.oregon.gov/oda/programs/MarketAccess/WeightsMeasures/Pages/AboutWeightsMeasures.aspx>

LICENSE A SCALE: <https://www.oregon.gov/oda/programs/MarketAccess/WeightsMeasures/Pages/LicenseScaleMeter.aspx>

OPERATING A SCALE: <https://www.oregon.gov/oda/programs/MarketAccess/WeightsMeasures/Pages/OperatingScale.aspx>

WEIGHING & MEASURING DEVICE APPLICATION: <https://www.oregon.gov/oda/shared/Documents/Publications/InternalServices/License%20App%202023-24.pdf>

CONTACT: WSDA Customer Service

PHONE: (503) 986-4670



RETAIL FOOD ESTABLISHMENT LICENSE

The Retail Food Establishment License is required to sell product from your vehicle, stand or retail store.

The establishment must submit a food safety plan review and comply with ODA retail food code. The establishment may also be required to submit a HACCP plan along with a variance application.

All foods sold at the establishment must be produced by a business licensed by either ODA or a County

Health Department (depends on location). Foods produced in other states must be licensed by the responsible agency in that state.

For a Retail Food Establishment Pre-Opening Checklist visit: <https://www.oregon.gov/oda/shared/Documents/Publications/FoodSafety/PreOpeningChecklist.pdf>.

The annual fee for a Retail Food Establishment License is dependent on annual gross sales (AGS) (e.g., \$159 for \$0-\$50,000 AGS, \$317 for \$50,001-\$500,000 AGS) (2023, subject to change).

If you have questions or for more information regarding the Weighing Scale Certification information, please call an ODA Customer Service Specialist at (503) 986-4670 or email foodsafety@oda.oregon.gov.

ODA FOOD SAFETY DIVISION

WEBSITE: <https://www.oregon.gov/oda/programs/FoodSafety/Pages/AboutFoodSafety.aspx>

CONTACT: ODA Customer Service

PHONE: (503) 986-4670

EMAIL: foodsafety@oda.oregon.gov

FOOD SAFETY INSPECTOR COUNTY CONTACT LIST: <https://www.oregon.gov/ODA/AboutUs/Pages/ODADirectory.aspx#or-foodsafety>

FIND MY FOOD INSPECTOR SEARCH: <https://mylicense.oda.state.or.us/plsapex/f?p=250:15>

FISH AND FISHERY PRODUCTS STEP BY STEP GUIDE: <https://www.oregon.gov/oda/shared/Documents/Publications/FoodSafety/FishandFisheryProductsStepbyStep.pdf>

“SEAFOOD HACCP - IS IT REQUIRED?” GUIDE: <https://www.oregon.gov/oda/shared/Documents/Publications/InternalServices/License%20App%202023-24.pdf>

SEAFOOD LAWS AND REGULATIONS GUIDE: <https://www.oregon.gov/oda/shared/Documents/Publications/FoodSafety/SeafoodLawsRegs.pdf>



FOOD PROCESSOR'S LICENSE

Food Processing is defined by the ODA as “cooking, baking, heating, drying, mixing, grinding, churning, separating, extracting, cutting, freezing or otherwise manufacturing a food or changing the physical characteristics of a food, and the packaging, canning or otherwise enclosing of such food in a container, but does not mean the sorting, cleaning or water-rinsing of a food.”

A food processor license is required for the processing of food products. The FDA defines processing as handling, storing, preparing, heading, eviscerating, shucking, freezing, changing into different market forms, manufacturing, preserving, packing, labeling, dockside unloading, or holding fish and fishery products. It excludes practices such as heading, eviscerating, or freezing solely to prepare a fish for holding on board a commercial fishing vessel.

The annual license fee is dependent on AGS (e.g., \$381 for \$0-\$50,000 AGS; \$539 for \$50,001-\$500,000 AGS) (2023, subject to change).

An HACCP plan is required for all seafood processors and importers.

For more information including appropriate contact information and Food Processor application, please visit: [http://www.oregon.gov/ODA/programs/FoodSafety/FS Licensing/Pages/ ProcessingWarehouse.aspx](http://www.oregon.gov/ODA/programs/FoodSafety/FS Licensing/Pages/ProcessingWarehouse.aspx).



FOOD STORAGE WAREHOUSE LICENSE

A Food Storage Warehouse License is required to store seafood away from the boat, prior to distribution to others (e.g., wholesalers, retail markets, restaurants, consumers).

This license is not required for licensed retail food establishments that store food to be served to employees, customers or guests or for licensed food processors who warehouse the finished product at the same location where the food is processed.

The annual fee is dependent on AGS (e.g., \$127 for \$0-\$50,000 AGS; \$159 for \$50,001-\$500,000 AGS) (2023, subject to change).

For more information including appropriate contact information and Warehouse Licensing application, please visit: [http://www.oregon.gov/ODA/programs/FoodSafety/FS Licensing/Pages/ ProcessingWarehouse.aspx](http://www.oregon.gov/ODA/programs/FoodSafety/FS Licensing/Pages/ProcessingWarehouse.aspx).



SEAFOOD COMMODITY COMMISSIONS

Additional forms and associated fees must be submitted and paid to the pertinent Seafood Commodity Commission when selling (or buying) certain fishery products. Annual fees will vary by product.

Fishermen should contact the appropriate commission(s) (listed below) to determine current requirements and fees to ensure they are in compliance.

OREGON DUNGENESS CRAB COMMISSION

WEBSITE: <https://oregondungeness.org/>

PHONE: (541) 267-5810

EMAIL: info@oregondungeness.org

OREGON ALBACORE COMMISSION

WEBSITE: <https://oregonalbacore.org/>

PHONE: (971) 209-2030

EMAIL: ericka@oregonalbacore.org

OREGON SALMON COMMISSION

WEBSITE: <https://www.oregonsalmon.org/>

PHONE: (541) 994-2647

EMAIL: ericka@oregonsalmon.org

OREGON TRAWL COMMISSION

WEBSITE: <https://www.oregontrawl.org/>

PHONE: (541) 994-2647

EMAIL: yelena@ortrawl.org

Oregon Health Authority (OHA)

County and city environmental health departments inspect and license food operations to ensure safe food handling practices. Required permits and fees vary among counties and seafood alternative markets. The permits and certifications listed below, as well as others, may be required by a given environmental health department.

Fishermen should contact their local environmental health department directly for up-to-date information and to determine the requirements that apply to their specific situation. For more information, contact the Department of Health of the county in which you will be operating your business (see county contact list below).

OHA PUBLIC HEALTH DIVISION - FOOD SAFETY

LOCAL PUBLIC HEALTH AUTHORITY DIRECTORY: <https://www.oregon.gov/oha/ph/providerpartnerresources/localhealthdepartmentresources/pages/lhd.aspx>

CONTACT: OHA State Office

PHONE: (971) 673-1222

EMAIL: erica.vaness@dhsoha.state.or.us



FOOD SAFETY CERTIFICATE

This certificate is required of any food worker engaged in food handling or foodservice and must be obtained within 30 days of beginning work.



MOBILE FOOD UNIT LICENSE

The Mobile Food Unit License is required if operating a new or previously licensed mobile unit as a food retail establishment (e.g., food carts, food trucks).



RESTAURANT LICENSE

This license is required if operating a new or previously licensed restaurant as a food retail establishment.



TEMPORARY RESTAURANT LICENSE

The Temporary Restaurant License allows someone to sell seafood at temporary food retail establishments (e.g., farmers market, food booths).



COMMISSARY KITCHEN AGREEMENT

A Commissary Kitchen Agreement may be required to allow a food retailer, caterer or mobile food unit access and use of a licensed food retail establishment as a kitchen. The agreement often requires cosigning by the food establishment and the kitchen operator and approval by the local environmental health advisor.

Local Authorities

Depending on the type of market and where it is located, additional permits and fees may be required by local authorities. Below are a few examples of such local requirements.

Fishermen should contact local authorities directly for up-to-date information and to determine the requirements that apply to their specific situation.



COUNTY

County government (planning departments) may require meeting zoning regulations and providing proof of permission from appropriate agencies (e.g., state highway division, county road office) when selling from a vehicle or stand on a public right-of-way or from property owners if selling from private property.



CITY

City government may require a business license, vendor's license, or both if selling from a vehicle or stand within city limits. Selling from private property requires proof of permission from the property owner, having an appropriate business license, and meeting local zoning requirements.



HARBOR/MARINA

Local harbors/marinas may have their own requirements for selling one's catch off the boat or at a

dockside (or fishermen's) market. In some cases, only certain products or types of markets are allowed, or there may be time and seasonal restrictions on direct selling.