

Appendix G

WASHINGTON STATE AND LOCAL REGULATIONS, PERMITS AND MORE FOR SEAFOOD ALTERNATIVE MARKETS

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

Fishermen considering selling their catch or product directly from their boat, a roadside stand/market, or other alternative market will 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 Dec 2023).

Fishermen should contact the agencies below to determine current requirements and fees and to ensure they are in compliance. When doing so, fishermen will need to be able 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.

WASHINGTON DEPARTMENT OF FISH & WILDLIFE	WASHINGTON STATE DEPARTMENT OF AGRICULTURE	WASHINGTON STATE DEPARTMENT OF HEALTH	COUNTY- LEVEL HEALTH DEPARTMENTS IN WASHINGTON
Fish Dealer License	Weighing Scale Certification	WSDOH Food Safety Program	Each county has a local health department that sets requirements for selling to retail.
Wholesale Fish Buyer Endorsement	Food Processor License	WSDOH Shellfish Program	
Limited Fish Seller Endorsement	Food Storage Warehouse	Shellstock Shipper License	

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

Washington Department of Fish and Wildlife (WDFW)

The WDFW oversees [insert blurb about what WDFW oversees].

If you have questions or for more information regarding these endorsements, please call WDFW Commercial Licensing Customer Service at (360) 902-2464, Option 4, or email commercialsales@dfw.wa.gov.

WDFW LICENSE DIVISION

WEBSITE: <https://wdfw.wa.gov/licenses>

CONTACT: Commercial Licensing Customer Service

PHONE: (360) 902-2464

EMAIL: commercialsales@dfw.wa.gov

FISH DEALER LICENSE

This is the minimum license required to broker and/or process fish and shellfish and replaces the Wholesale Fish Dealer License.

Brokering is defined as facilitating the sale or purchase of raw or frozen fish/shellfish for a fee or commission, without assuming the title to the fish/shellfish.

Processing is defined as taking possession of raw or frozen fish/shellfish to prepare, repackage, process or preserve, which includes, but is not limited to canning or processing for payment whether the fish or shellfish is commercially harvested or taken for personal use, and the commercial manufacture or preparation of fertilizer, oil, meat, caviar, fish bait, or any other by-products from fish or shellfish.

A Fish Dealer License is also required for individuals engaged in the wholesale buying, selling, or brokering of raw or frozen fish/shellfish (see below).

The annual fee for a Fish Dealer License is \$400 for Washington residents, \$785 for nonresidents. The application fee is \$105 (2023, subject to change).

WHOLESALE FISH BUYER ENDORSEMENT

This endorsement must be added to the Fish Dealer License (see above) to take first possession or ownership of fish/shellfish from commercial harvesters landing their fish/shellfish in Washington state, to take first possession or ownership of fresh or frozen fish/shellfish from interstate or foreign commerce, or to engage in wholesale buying or selling of fish/shellfish harvested by tribal harvesters.

Wholesale fish buyers are also responsible for documenting the commercial harvest and sales according to the rules of WDFW.

The annual fee for a wholesale fish buyer endorsement is \$245 for residents and \$630 for nonresidents. The application fee is \$105.

LIMITED FISH SELLER ENDORSEMENT

This endorsement allows commercial harvesters and designated alternate operators to sell their catch directly to market. The holder of this endorsement is also exempt from the permitting requirements of chapter 246-215 Washington Administrative Code (Foodservice) provided the seller only sells fresh fish—whole or cleaned and dressed.

The annual fee is \$70 for Washington residents and \$455 for nonresidents. The application fee is \$105 (2023, subject to change).

BOND REQUIREMENTS

The Wholesale Fish Buyer Endorsement requires a cash deposit, performance bond, or savings account assignment in the amount of \$2,000 (for up to 2 buyers).

For each additional buyer engaged by the wholesale business, the cash deposit, bond, or savings account assignment must be increased by an additional \$1,000.

Limited fish sellers are required to submit a cash deposit, performance bond, or savings account assignment in the amount of \$1,000 (2023, subject to change).

This information is provided by Washington Department of Fish and Wildlife.

Washington State Department of Agriculture (WSDA)

The WSDA oversees the safe and legal handling and distribution of food products in Washington State. The following provides information about WSDA licenses and permits that may pertain to fishermen selling their catch through seafood alternative markets. Fishermen should check the information sources for each program and contact WSDA directly for up-to-date information and to determine the requirements that apply to their specific situation.

WEIGHING SCALE CERTIFICATION

Scales used to sell seafood must be approved and registered. Most seafood must be sold by weight. Whole shellfish may be sold by count. Size designations may be provided.

The annual fee is dependent on scale capacity. The cost is \$16 for 0 - 400 pounds (2023, subject to change). Please refer to the Department of Revenue Weighing and Measuring Devices website for more information about fees: <https://dor.wa.gov/manage-business/state-endorsements/weighing-and-measuring-devices>.

The scale must have a National Type Evaluation Program (NTEP) Certificate of Conformance. Scales must be registered annually with the WA Department of Revenue, Business Licensing Service. Any device used for commercial purposes has to be placed in service by a registered service agent.

A copy of the business license with weights and measures endorsement must be on site with the scale. Seafood 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 a WSDA Customer Service Specialist at (360) 902-1822, or email wtsmeasures@agr.wa.gov.

DEPARTMENT OF REVENUE WEIGHING & MEASURING DEVICES

WEBSITE: <https://dor.wa.gov/manage-business/state-endorsements/weighing-and-measuring-devices>

CONTACT: WSDA Customer Service

PHONE: (360) 902-1822

EMAIL: wtsmeasures@agr.wa.gov



FOOD PROCESSOR LICENSE

Food Processing is defined as the handling or processing of any food in any manner of preparation for sale for human consumption at a fixed location. For example, smoked, cooked and/or frozen salmon and many other seafood products which are processed for sale or distribution and food that is custom processed for another party. It also includes repacking foods that are taken from one container in an unwrapped state and transferred or repackaged in another container.

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. 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 \$200.00 (2023, subject to change), unless you are able to claim an exemption. Contact WSDA Customer Service for more information about exemptions.

The Food Processor's License is non-transferable. If you sell your business, the new owners must apply for a new license. If you move to a new location, you must apply for a new license for the new facility location. Please notify your inspector or the Olympia office if you sell your business or move to a new location.

A daily sanitation monitoring plan and a seafood HACCP plan is required for each type of fishery product for which a food safety hazard has been identified (see information sources above for specific requirements).

This license is not required for licensed retail food service establishments with 100% of sales occurring on site.

For more information including appropriate contact information and Food Processor application, please visit: <https://agr.wa.gov/departments/food-safety/food-safety/food-processors>.



FOOD STORAGE WAREHOUSE LICENSE

A **food storage warehouse** is defined as any premises, establishment, building, room area, facility, or place, in whole or in part, where food is stored, kept, or held for wholesale distribution to other wholesalers or to retail outlets, restaurants, and any such other facility selling or distributing to the ultimate consumer. Food storage warehouses include, but are not limited to, facilities where food is kept or held refrigerated or frozen and include facilities where food is stored to the account of another firm and/or is owned by the food storage warehouse.

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, direct to consumer).

The annual fee varies between \$0 - \$200 (2023, subject to change).

For more information including appropriate contact information and Food Processor application, please visit: <https://agr.wa.gov/departments/food-safety/food-safety/food-storage-warehouses>.

If you have questions or for more information regarding the Food Processor License or Food Storage Warehouse License, please call WSDA Customer Service Specialist at 360-902-1876 or email foodsafety@agr.wa.gov.

WSDA FOOD SAFETY PROGRAM

WEBSITES: <https://agr.wa.gov/departments/food-safety/food-safety/food-processors>,
<https://agr.wa.gov/departments/food-safety/food-safety/food-storage-warehouses>

CONTACT: WSDA Customer Service

PHONE: (360) 902-1876

EMAIL: foodsafety@agr.wa.gov

This information is provided by the Washington State Department of Agriculture.

Departments of Health

Both state and local public health agencies regulate and assist with seafood safety, ensuring safe and sanitary seafood handling and distribution. Fishermen should check the information sources provided below and contact both the WSDOH and the local (county and/or city) environmental health department directly for up-to-date information and to determine the requirements that apply to their specific situation.

WASHINGTON STATE DEPARTMENT OF HEALTH (WSDOH)

Environmental Health and Safety Division

This division of WSDOH includes several programs with staff who assist local governments and other agencies with environmental health and safety. Here we provide select information about two programs that may pertain to fishermen selling their catch through seafood alternative markets.



WSDOH FOOD SAFETY PROGRAM

The WSDOH Food Safety Program team partners with local health departments (along with other agencies) to promote safe practices in food service and retail settings. The Washington State Retail Food Code (link below) – adapted from the 2009 FDA Food Code with some modifications (link below)-- provides the safety standards for food served or sold to the public, and includes retail shellfish requirements and food worker card regulations.

If you have questions or for more information regarding the Food Safety Program, please call WSDOH at (360) 236-3330, or email food@doh.wa.gov.

WSDOH FOOD SAFETY PROGRAM

WEBSITE: <http://www.doh.wa.gov/AboutUs/ProgramsandServices/EnvironmentalPublicHealth/EnvironmentalHealthandSafety/FoodSafety>

RETAIL FOOD CODE: <http://www.doh.wa.gov/Portals/1/Documents/Pubs/332-033.pdf>

FOOD SAFETY RULES & REGULATIONS: <https://doh.wa.gov/community-and-environment/food/food-worker-and-industry/food-safety-rules>

CONTACT: WSDOH Customer Service

PHONE: (360) 236-3330

EMAIL: food@doh.wa.gov



WSDOH SHELLFISH PROGRAM

The WSDOH Shellfish Program regulates shellfish food safety through testing of both filter-feeding shellfish (e.g., geoduck and other clams, scallops) and the water where they grow and are harvested by commercial (and recreational) fishermen. The following provides information about one type of license from the Shellfish Program that may pertain to fishermen selling their catch through seafood alternative markets.



SHELLSTOCK SHIPPER LICENSE

This license allows someone to commercially harvest and sell filter-feeding shellfish (e.g., geoduck and other clams, scallops) shellstock.

The annual fee for this license is \$263 (2023, subject to change), plus annual PSP testing fee (dependent on number of harvesting sites). e.g., \$353 for 1-2 harvest sites, \$535 for 3 or more sites

This license does not allow shucking of shellfish or repacking shucked shellfish. Harvested product must be handled and shipped in accordance with shellstock safety requirements.

More information about licenses and fees and shellstock safety requirements can be found here: <https://doh.wa.gov/community-and-environment/shellfish/commercial-shellfish/apply-license/shellstock-shipper-license>.

If you have questions or for more information regarding the Shellstock Shipper License, please call WSDOH at (360) 236-3330, or email shellfish@doh.wa.gov.

WSDOH SHELLFISH PROGRAM

WEBSITE: <https://doh.wa.gov/community-and-environment/shellfish/commercial-shellfish/apply-license/shellstock-shipper-license>

CONTACT: WSDOH Customer Service

PHONE: (360) 236-3330

EMAIL: shellfish@doh.wa.gov

County-Level Health Departments in Washington

Each county has a local health department that sets the requirements for selling to retail. It is best practice to reach out to the county-level health department for their specific requirements. Depending on the type of market and where it is located, additional permits and fees may be required by local authorities. Fishermen should contact local health department authorities directly for up-to-date information and to determine the requirements that apply to their specific situation. For Washington County Health Department contact information, please visit: <http://www.doh.wa.gov/CommunityandEnvironment/Food/LocalFoodSafetyContacts>.

For example, in King County, direct marketers who sell straight to consumers (1 on 1) off the boat dock DO NOT need a permit from the King County Health Department but DO need a Limited Fish Seller Endorsement from Washington State Department of Fish and Wildlife. However, direct marketers who wish to sell at a Farmers Market do need an additional permit from the King County Health Department because Farmers Markets are considered a retail space.

FURTHER CONSIDERATIONS AT THE LOCAL LEVEL

County: County 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. Customers who report sickness associated with a seafood product should report it to their local health department. Each county has an illness hotline and local health departments will follow up with WDOH if shellfish is implicated.

City: City government may require a business license, vendor's license, or both if selling from a vehicle

or stand within city limits. Also, 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.

WASHINGTON COUNTY HEALTH DEPARTMENT FOOD SAFETY CONTACTS

WEBSITE: <http://www.doh.wa.gov/CommunityandEnvironment/Food/LocalFoodSafetyContacts>