

# FISHERMAN TO CONSUMER MARKETING

## State and Local Regulations in Oregon

Commercial fishermen, accustomed to fluctuations of supply and demand, often look for new ways to market their catch. Some consider selling directly from their boat, truck, or small roadside stand.

Such a decision requires giving careful thought to potential problems: regulations, licenses, transportation, cold storage, price monitoring, packaging, sale location, and time away from fishing. In the long run, you might decide it's to your advantage to sell your catch to a processing plant so you can spend more time fishing.

If you decide to sell your catch directly to the public, you will need to obtain a number of licenses and forms—from several different state and local agencies—and pay the necessary fees. This fact sheet lists the required forms, licenses, and fees. Remember, fees (current as of 2003) are subject to change.

Here are the agencies you'll need to contact.

### OREGON DEPARTMENT OF FISH AND WILDLIFE (ODFW)

2501 SW First Avenue  
P.O. Box 59  
Portland, OR 97207  
Licensing: 503-872-5275

It's important that all commercial fish landed in Oregon be documented. That's why Oregon law requires that all commercial fish landed in the state be sold to a wholesale fish dealer and reported on a fish ticket. The only exception is that a fisherman may sell fish from his or her boat under a limited fish seller's permit and report total trip sales on fish tickets. The dealer, or limited fish seller, is responsible for landing fees for any salmon sales of 3.15% of the ex-vessel value plus \$0.0575 per pound dressed weight (or \$0.05 per pound in the round) and 1.09% of the ex-vessel value for all other fish and shellfish. Additional fees are paid directly to one or more of the four commodity commissions, depending on the species sold from the boat.

If you want to sell your own catch, you have three options.

#### 1. LIMITED FISH SELLER'S PERMIT

A limited fish seller's permit is a limited retail permit that authorizes you, as a licensed commercial harvester, to sell

from your boat, food fish and shellfish caught by your boat. You can sell the fish only to the final consumer, defined as the person who will consume the fish. At this time, a restaurant is considered a final consumer. You cannot sell away from the boat, nor can you appoint anyone else to sell your fish in your absence. Furthermore, you cannot sell under the permit to anyone who will resell the fish (for example, a fish market or a grocery store).

After you have sold the fish to the final consumer and have recorded the sale on a numbered receipt, you may conduct or allow loining or filleting of the sold fish on your boat. Check with the Oregon Department of Agriculture for sanitation recommendations.

You must make a numbered receipt for each sale (you must keep the receipts on your boat for six months and make them available for inspection for three years). You must record your sales on fish tickets and send the tickets to ODFW. You need to prepare monthly reports for ODFW and pay landing fees to that agency. Furthermore, you must pay commodity fees to the commodity commissions. You do not need a retail license from the Department of Agriculture.

Costs and equipment: \$20 fee, \$200 refundable deposit, a certified scale, and numbered receipt books. ODFW furnishes fish tickets, fish ticket envelopes, and monthly report forms.

#### 2. WHOLESALE FISH DEALER'S LICENSE

A wholesale fish dealer's license is required if you process your fish or sell it to retailers. It is a license for one specific, fixed business location, often your home. No other dealer may be licensed at that location. If you receive any fish at a location other than the licensed location, you must buy a buyer's license, which costs \$150.

If you have a wholesale fish dealer's license and a buyer's license, you can—like the limited fish seller—sell fish caught by your boat directly from your boat. However, if you sell retail away from your boat, you will need a retail license from the Department of Agriculture unless you are selling at a farmers' market.

Costs and equipment: \$350 fee (wholesale license only); \$1,000 bond, assigned savings, or refundable deposit; certified

scale and receipt books or invoices. ODFW furnishes fish tickets, fish ticket envelopes, and monthly report forms.

#### 3. SELLING FISH TO—THEN BUYING FISH BACK FROM—A WHOLESALE FISH DEALER

If you sell fish to a wholesale fish dealer and then buy fish back from the dealer, you in turn can sell only to a final consumer. You cannot sell the fish from a commercial fishing boat, and you cannot sell to a retailer. The wholesale fish dealer must record the sale of your landing at current market price on the fish ticket. In turn, the wholesaler will need to recover from you the landing and commodity commission fees as well as other expenses. No license is required from ODFW. However, you need to keep very good records.

To buy fish from a wholesaler and then resell to a retailer, you will need a license from the Department of Agriculture, unless you are selling at a farmers' market.

### OREGON DEPARTMENT OF AGRICULTURE (ODA)

635 Capitol NE  
Salem, OR 97310  
Contact: Administrator, Food Safety  
Division, 503-986-4720

1. No ODA license is required if you sell only raw agricultural products (whole or dressed fish) directly from your boat. Guidelines for safe fish filleting are available from ODA. Inspection is not required.
2. If you sell from a vehicle or stand, an ODA retail license (\$75 minimum) is required. A food processor's license (\$75 minimum) is required if you do any processing, except for filleting raw fish for the final customer. If you have the product processed in an ODA-licensed facility, you do not need a processor's license.
3. You must use an ODA-approved scale for all sales (see Measurement Standards Division).
4. Keep the temperature of your catch under 40°F at all times. Proper icing should be sufficient.
5. Except for boats that sell raw fish only, sales locations are subject to provisions of the retail Food Code.

**MEASUREMENT STANDARDS DIVISION**  
503-986-4670

1. You can purchase new or used scales that are legal for trade (known as Class III weighing devices) from a reputable scale dealer. You won't find these in your local hardware store. Several companies listed under "scales" in Portland offer them. Be sure to determine that a scale is accurate and certifiable by the Oregon Measurement Standards before you buy it.
2. Obtain a scale license application from the ODA Measurement Standards Division. Once you have filled out the application and sent it in with the annual (July 1–June 30) fee (\$20 for scales up to 400 pounds capacity), you may use the scale if it is an accurate Class III weighing device. Appointments for scale testing can be made at the Salem metrology lab at 503-986-4672. You do not need to have the scale tested before you use it if it is a licensed, accurate, Class III device. A license certificate will be mailed to you.

**OREGON DRIVER AND MOTOR VEHICLE SERVICES (ODMV)**

1. If you transport your catch to another location, no special license is required if your gross vehicle weight (loaded) is under 8,000 pounds.
2. If your loaded vehicle weighs more than 8,000 pounds, contact the ODMV about licensing and permit requirements. You can contact your local ODMV office, or call the central customer assistance line at 503-945-5000.

**COUNTY**

**COURTHOUSE**

1. Check the county planning department regulations on zoning requirements for selling from a vehicle or stand on the public right-of-way. Also, obtain permission from the appropriate body (state Highway Division, county road office) before setting up a stand.
2. If you want to sell from private property, get permission from the owner and check with the county for zoning regulations.

**CITY**

**CITY HALL**

1. If you want to sell from a vehicle or stand within a city limits, check to see if you need a business license, a vendor's license, or both. Prices vary considerably from town to town.

2. If you want to sell on private property, be sure to get the owner's permission, buy a business license, and make sure you meet city zoning requirements.

**OTHER**

Additional requirements for individual species:

1. Crab: Obtain poundage fee forms from the Oregon Dungeness Crab Commission, P.O. Box 1160, Coos Bay, OR 97420; 541-267-5810.
2. Albacore: Obtain poundage fee forms from the Oregon Albacore Commission, P.O. Box 1160, Coos Bay, OR 97420; 541-267-5810.
3. Salmon: Obtain poundage fee information and forms from the Oregon Salmon Commission, P.O. Box 983, Lincoln City, OR 97367; 541-994-2647.
4. Bottomfish, shrimp, scallops (trawl-caught): Obtain first purchaser's report forms from the Oregon Trawl Commission, P.O. Box 569, Astoria, OR 97103; 503-325-3384.
5. HACCP: You do not need to have an FDA/ODA HACCP or sanitation plan unless you are processing on board (not including troll-dressing salmon). Processors may place HACCP-related requirements on albacore boats.

**FOR FURTHER INFORMATION**

Oregon Sea Grant and the OSU Extension Service offer many publications that may be useful to fishermen wishing to market their own catch.

Please order by publication number; when fees are charged, prepayment is required.

The following publications are available from

Oregon Sea Grant Communications  
Oregon State University  
322 Kerr Admin. Bldg.  
Corvallis, OR 97331-2131  
Phone: 541-737-2716

*Oregon Sea Grant Publications Directory.*  
No charge.

*Albacore Tuna: A Quality Guide for Off-the-Dock Purchasers.* ORESU-G-95-003. 50¢. Also on the Web at [seagrant.oregonstate.edu/sppubs/onlinepubs/g95003.pdf](http://seagrant.oregonstate.edu/sppubs/onlinepubs/g95003.pdf)

*Ensuring Food Safety . . . The HACCP Way: An Introduction to HACCP & a Resource Guide for Retail Deli Managers.* T-030. \$1.

*Hazard Analysis and Critical Control Point Applications to the Seafood Industry.* ORESU-H-92-001. \$4.

*Preparation of Salt Brines for the Fishing Industry.* ORESU-H-99-002. 50¢.

*Quality Control and Quality Assurance for Seafood.* (Conference proceedings.) ORESU-W-93-001. \$15.

*Understanding and Controlling Histamine Formation in Troll-Caught Albacore Tuna: A Review and Update of Preliminary Findings from the 1994 Season.* ORESU-T-01-001. No charge. Also available on the Web at [seagrant.oregonstate.edu/sppubs/onlinepubs/t01001.pdf](http://seagrant.oregonstate.edu/sppubs/onlinepubs/t01001.pdf)

The following publication is available from Extension and Experiment Station Communications, Oregon State University, on the Web at [eesc.orst.edu/agcomwebfile/edmat/SG79.pdf](http://eesc.orst.edu/agcomwebfile/edmat/SG79.pdf)

*Parasites in Marine Fishes: Questions and Answers for Seafood Retailers*

The following publication, by the Alaska Department of Commerce and Economic Development, is available on the Web at <http://www.dced.state.ak.us/cbd/seafood/pub/markman.pdf>

*Alaska Fisherman's Direct Marketing Manual*

Compiled by Ginny Goblirsch, Extension Sea Grant agent. Please address requests for information directly to the agency or office responsible for the aspect of direct marketing that concerns you.

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Sea Grant is a unique partnership with public and private sectors, combining research, education, and technology transfer for public service. This national network of universities meets the changing environmental and economic needs of people in our coastal, ocean, and Great Lakes regions.

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