

Hearing Notice and Request for Comments

Subject: The Oregon Department of Agriculture (ODA) proposes to adopt new Oregon Administrative Rule (OARs) Chapter 603-025-0410. The proposed new rule outlines the process that ODA will use to monitor domoic acid levels in Dungeness Crab. The rule also describes the actions that ODA plans to take and the options that ODA plans to recommend to the Oregon Department of Fish and Wildlife (ODFW) if a domoic acid problem is found.

Public Hearing Time and Place: The hearing will begin with an information session. During the information session, ODA staff will review the proposed rule (see attachment 1 enclosed) and share recommendations from a Rules Advisory Committee (RAC) to improve communication and enhance traceability of crab. In addition, ODFW staff will present the RAC recommended crab harvest areas map and new crab records requirements (see attachments 2 and 3 enclosed) to support crab traceability. The formal public comment period will immediately follow the information session.

Date: September 26, 2017

Time: 4:00 pm
Room

Hatfield Marine Science Center

Oregon Department of Fish and Wildlife Conference

2040 SE Marine Science Dr
Newport, OR 97365

The Issues: The proposed rule describes the monitoring process for domoic acid in Dungeness Crab and the possible harvest restriction options that the Oregon Department of Agriculture will adopt through temporary rule and recommend to the Oregon Department of Fish and Wildlife if domoic acid is detected above thresholds established by the US Food and Drug Administration (FDA). Domoic acid is a naturally occurring marine biotoxin that can cause serious public health impacts if ingested above established thresholds.

During the 2015-2016 and 2016-2017 commercial Dungeness Crab fishing seasons, domoic acid issues delayed the opening of the commercial crabbing season. During the 2016-2017 season, domoic acid was detected in crab viscera above the FDA-established threshold and ODA and ODFW adopted emergency rules to first close the area and then open the area with requirements to eviscerate all crab landed from the area. The agencies and the industry have pursued a permanent rulemaking process to provide greater transparency and clarity on the monitoring process and management options during future biotoxin events affecting the commercial Dungeness crab fishery.

Legal Basis for the Proposed Action: Oregon Revised Statutes 561.190, 616.215, 616.225, and 616.235. Copies of these documents are available upon request.

The Review Process: Interested persons may present written or oral comments on the proposed ODA crab biotoxin management rule, crab harvest areas and the ODFW crab records requirements at the hearing. Written comments received by the ODA Food Safety Program, Attn: Stephanie Page, 635 Capitol St NE, Salem, OR 97301 by 5:00 p.m on October 16, 2017 will also be considered. Department staff will review and consider all written comments and testimony before recommending a final rule for adoption to the ODA Director.

For More Information: For copies of the proposed ODA rules, Rules Advisory Committee recommendations on traceability, related documents, or further information on the public hearings, contact Stephanie Page at the Oregon Department of Agriculture, (503) 986-4727. The draft documents, along with a summary of the RAC recommendations,, are also available online at http://www.dfw.state.or.us/mrp/shellfish/commercial/crab/domoic_acid.asp.