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LOUISIANA WILD SEAFOOD CERTIFICATION PROGRAM (LWSCP) OUTLINE & OVERVIEW



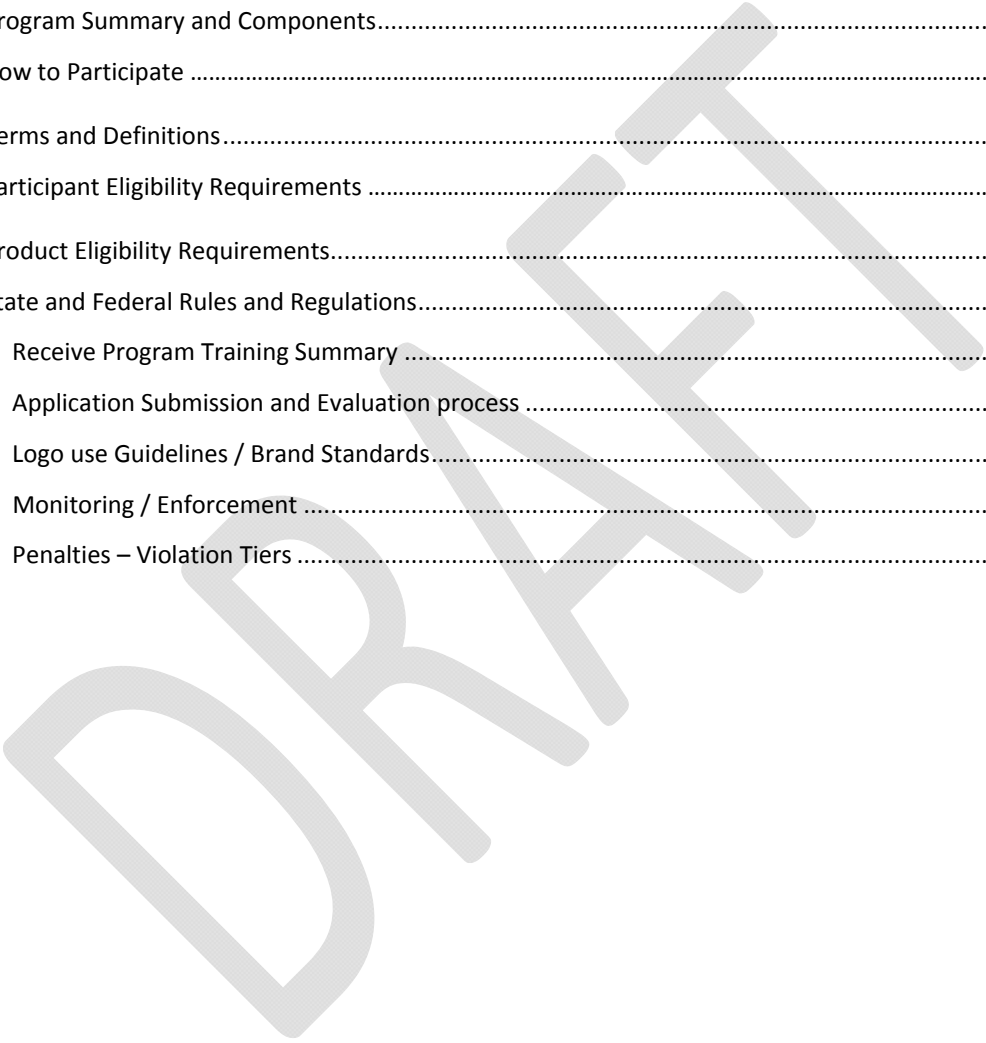
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LOUISIANA WILD SEAFOOD CERTIFICATION PROGRAM OVERVIEW

1) PURPOSE

The purpose of the Louisiana Wild Seafood Certification Program (LWSCP) is to develop a brand that guarantees labeled wild-caught seafood products are from Louisiana. By creating an origin based brand, the State of Louisiana through its various agencies, has the ability to ensure consumers that the LWSCP labeled seafood products were caught by a Louisiana licensed fisherman, landed in Louisiana, and processed by a Louisiana processor. This seafood certification program strives to increase consumer confidence, help harvesters and processors to receive a premium price for their product, and ensure Louisiana's seafood industry is able to compete and endure in the constantly changing global market place. Our primary mission with this origin based certification program is to build a unified brand that will attract not only consumers but also food service and seafood distribution buyers who want to be sure they are sourcing the best tasting seafood in the world – **Louisiana seafood**.

2) BACKGROUND AND SUMMARY OF R.S. 56:578.15

In September of 2010, Louisiana Legislators passed Revised Statute 56:578.15 which authorized Louisiana Department of Wildlife and Fisheries to establish a quality certification program for Louisiana wild seafood products which are taken, harvested, or landed in Louisiana. Specifically, R.S. 56:578.15 – *Louisiana Wild Seafood Certification Program* states:

- a) “The secretary of the Department of Wildlife and Fisheries is authorized to establish a quality certification program for Louisiana wild fish, and for Louisiana wild seafood products, including wild-caught shrimp, which are taken, harvested, or landed in Louisiana.”
- b) “...standards may include but are not limited to harvest requirements, post-harvest refrigeration requirements, quality standards, handling practices, traceability, branding and branding registrations, recording requirements, compliance standards, and packaging regulations”
- c) “Any fisherman or seafood dealer who wishes to participate in the Louisiana Wild Seafood Certification Program shall apply to the department to be issued a participation permit by the department.”
- d) “Any holder of such permit who harvests or markets Louisiana wild fish or wild seafood products in accordance with the requirements of the Louisiana Wild Seafood Certification Program shall be authorized to market said product under the auspices of the Louisiana Wild Seafood Certification Program.”

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3) PROGRAM GOALS AND OBJECTIVES

- a) To create a voluntary program to enable the identification and differentiation, for customers and consumers, of seafood products produced in Louisiana.
- b) To increase participant and consumer confidence by certifying that seafood products are wild-caught, harvested in Louisiana or Gulf of Mexico waters, landed in Louisiana, and handled and processed by licensed Louisiana commercial fishermen, dealers, and processors.
- c) To assure that LWSCP participants and products are compliant with all state and federal regulations and program requirements.
- d) To provide a program for certified wild-caught Louisiana seafood products to be branded and marketed by Louisiana Seafood Promotion & Marketing Board towards improved sales and returns.
- e) To create a recognizable Louisiana seafood brand that will attract buyers interested in buying domestic, wild-caught seafood.

4) PROGRAM SUMMARY AND COMPONENTS

- a) Participation in the LWSCP is completely voluntary. Although voluntary, continuing participation in good standing requires compliance with program rules and regulations.
- b) This voluntary participation in the LWSCP is available to Louisiana licensed seafood harvesters, wholesale/retail seafood dealers and processors, retail seafood dealers, restaurants, and grocers. Out of state retail seafood dealers, restaurants, and grocers will also be able to participate if sourcing seafood from Louisiana program participants.
- c) LWSCP participants (harvesters, dealers, processors, retailers) are linked by the transfer and monitoring of seafood products, and the record keeping of this product control. This record keeping control is based on LDWF Trip Tickets and additional documentation already required by law.
- d) Training in LWSCP rules and requirements is an eligibility condition for voluntary application, participation and certification in the program.
- e) Enforcement of LWSCP rules and requirements will assure that any product sold under this program will contain only Louisiana seafood products, and specifically forbids including imported products.
- f) LWSCP participant and product eligibility requires compliance with all Louisiana state and US federal seafood harvesting and processing regulations. Enforcement of these LWSCP rules will be performed by LDWF, LDHH, and LDAF, based on their statutory responsibilities, to ensure compliance.

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5) HOW TO PARTICIPATE

- a) Louisiana Commercial Fishermen (*commercial fishing license holders*)
 - i. Application process:
 - a. Complete application and turn in all necessary paperwork
 - b. Watch training video at one of the approved locations
 - ii. Receive LWSCP participation permit to use participant card and LWSCP label
 - iii. Land catch in Louisiana according to all rules and regulations
 - iv. If you want your product to end up in LWSCP, ensure that the wholesale/retail buyer is a program participant
 - v. Present LWSCP participant card or supply LWSCP permit number to buyer
- b) Louisiana Seafood Dealers and Processors (*wholesale/retail seafood dealer license holders*)
 - i. Application process:
 - a. Complete application and turn in all necessary paperwork
 - b. Watch training video at one of the approved locations
 - ii. Receive LWSCP participation permit to use participant card and LWSCP label
 - iii. For all catch included in LWSCP, ensure the catch is supplied by harvesters participating in program through LWSCP participant database
 - iv. Label all catch that is destined for program inclusion as such (any container holding LWSCP seafood must be labeled), and ensure non-certified seafood is not commingled with LWSCP product
- c) In-State and Out-of-State Retail Dealers, Grocers, and Restaurants (*retail seafood dealer license holders and/or those not required to have LDWF license*)
 - i. Application process:
 - a. Complete application and turn in all necessary paperwork
 - b. Receive and watch training video
 - ii. Receive LWSCP participation permit to use associated label and promotional/marketing materials
 - iii. For all catch included in LWSCP, ensure the product is supplied by or originates from dealers and/or processors participating in program through LWSCP participant database
 - iv. Label all catch that is destined for program inclusion as such and ensure non-certified seafood is not commingled with LWSCP product

6) TERMS AND DEFINITIONS

CFR – Code of Federal Regulations

Commingled – to cause to blend together, mix or combine; particularly as it applies to mixing non-certified seafood with LWSCP products

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FDA – Food and Drug Administration

Foreign Imports- products harvested or landed outside of the United States

GMP – Good Manufacturing Practices; policies and procedures to control sanitary practices and conditions and produce wholesome food products fit for human consumption in all food processing facilities, as required by the FDA current GMP regulation 21 CFR 110

HACCP – Hazard Analysis Critical Control Point; a program and approach to control food safety hazards, focusing on identifying specific hazards in fish and fishery products and controlling safety at specific and critical process steps. A HACCP program and plan is required of seafood processors by the FDA seafood HACCP regulation, 21 CFR 123

Harvested – caught, taken, gathered or removed for use

LAC – Louisiana Administrative Code

Landed – captured and brought ashore

LDAF – Louisiana Department of Agriculture and Forestry

LDHH – Louisiana Department of Health and Hospitals

LDWF – Louisiana Department of Wildlife and Fisheries

LWSCP – Louisiana Wild Seafood Certification Program

Packaged – product that is contained in a closed or sealed package or container for sale

Processed – any method of preparing fish or fish products for market including drying to a point of dehydration, canning, salting, freezing, breading, or cooking for immediate consumption; but not simple packing of fresh fish in a sack, bag, package, crate, box, lug or vat for transport or holding

Origin Test – method of verifying product was harvested from wild stock from the Gulf of Mexico or Louisiana waters

R.S. – Revised Statute

Trip Ticket – aka commercial receipt form; a three-part form signed by both the commercial fisherman and the wholesale/retail seafood dealer attesting to the accuracy of what, when, where, how, and by whom commercial seafood was harvested, as well as to whom the seafood was sold.

Wild Stock – stock sustained by natural spawning and rearing in the natural habitat

7) PARTICIPANT ELIGIBILITY REQUIREMENTS

a) *Commercial Fishermen*

- i. Must possess a current Louisiana Resident or Non-Resident Commercial Fisherman's license
- ii. Must submit certificate verifying completion of training on program rules, regulations and basic quality control techniques (60 minute video)
- iii. Must apply for and receive authorization to participate in the LWSCP and use the associated label

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- iv. Must comply with state and federal harvest regulations (See Page 8-9 / section 9.a)
 - v. Must comply with state and federal reporting and record-keeping requirements (See Page 9 / section 9.a)
- b) *Seafood Dealers and Processors*
- i. Must possess a current Louisiana Resident or Non-Resident Wholesale/Retail Seafood Dealer's license
 - ii. If selling seafood from vehicle, must have wholesale/retail dealer vehicle license
 - iii. Participating Facility must be located in Louisiana
 - iv. Must submit certificate verifying completion of training on program rules, regulations and basic quality control techniques (60 minute video)
 - v. Must apply for and receive authorization to participate in the LWSCP and use the associated label
 - vi. Must comply with state and federal reporting requirements and be up to date on trip ticket reporting (See Page 11-12 / section 9.b)
 - vii. Must comply with state and federal regulations (See Page 9-12 / section 9.b)
- c) *In-State Retail Seafood Dealers (includes restaurants selling raw consumable product)*
- i. Must possess a current Louisiana Resident or Non-Resident Retail Seafood Dealer's license when selling directly to the public.
 - ii. Must apply for and receive authorization to participate in the LWSCP and use the associated label
 - iii. If requested, must provide proof of purchase from program participant.
 - iv. Must comply with state and federal regulations (See Page 12-14 / section 9.c)
- d) *In-State Restaurants and Retail Grocers – (fully prepared product only)*
- i. Must apply for and receive authorization to participate in the LWSCP and use the associated label
 - ii. If requested, must provide proof of purchase from program participant
 - iii. Must comply with state and federal regulations (See Page 14-16 / section 9.d)
- e) *Out-of-State Retail Dealer, Restaurants and Grocers:*
- i. Must apply for and receive authorization to participate in the LWSCP and use the associated label.
 - ii. If requested, must provide proof of purchase from program participant.
 - iii. Must comply with state of residence and federal regulations (See Page 16 / section 9.e)

8) PRODUCT ELIGIBILITY REQUIREMENTS

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- a) Seafood must be harvested from wild stock from the Gulf of Mexico or Louisiana waters.
- b) Eligible wild seafood includes crab, oysters, freshwater finfish, saltwater finfish, crawfish, shrimp (does not include farmed/aquaculture products).
- c) Seafood must be harvested by a commercial fishermen participating in the LWSCP.
- d) Seafood must be landed in Louisiana and be transferred in one of the following manners:
 - i. Sold to a Wholesale/Retail Seafood Dealer participating in the LWSCP.
 - ii. Sold directly to the public by a Fresh Products License holder participating in the LWSCP as a harvester.
- e) Seafood must be processed and packaged in Louisiana by a packer/processor participating in the LWSCP.
- f) Packaged products possessing a certification label must only contain seafood meeting the above requirements and cannot be commingled with foreign imports or seafood that was landed, processed, or packaged, outside of Louisiana.

LWSCP seafood purchased by a restaurant/retailer participating in the LWSCP must be obtained from another LWSCP participant.

9) STATE AND FEDERAL RULES AND REGULATIONS

Rules and regulations that are applicable to the LWSCP eligibility requirements.

a) *Commercial Fisherman*

Must comply with state and federal reporting requirements and harvest regulations

- i. License Requirements
 - a. A commercial fisherman taking fish from state waters or possessing fish in the state must purchase and possess a commercial fisherman’s license. (R.S. 56:303)
 - b. A commercial fisherman must possess a valid commercial gear license and commercial vessel license where/when applicable (R.S. 56:305)
 - c. A commercial fisherman harvesting in federal waters must have appropriate permits and licenses (50 CFR Part 622.4)
- ii. Fishing Regulations
 - a. Harvest of “fish”/seafood must follow rules and regulations regarding seasons, creel and size limits, gear restrictions, and other mechanisms to manage the fisheries (R.S. 56:57.2; 56:326; 56:332; 56:433.1; 56:495.1; 56:497; 56:498; 56:499; 56:501; etc.)
 - b. Harvest in federal waters must comply with rules and regulations for applicable species (50 CFR Part 622)
- iii. Purchases/Sales
 - a. The holder of a commercial fisherman's license may transport and sell his own catch to any licensed Louisiana wholesale/retail seafood dealer located within the state of Louisiana. The holder of a commercial fisherman's license may

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- transport and sell his own catch to a consumer only within the state and only when in possession of a fresh products license as provided in R.S. 56:303.1.1.
- b. However, if he purchases fish for resale or transports his catch out of the state of Louisiana, or if he sells fish to a retail seafood dealer, restaurant, or retail grocer, he becomes a wholesale/retail seafood dealer and must obtain a wholesale/retail seafood dealer's license and is governed by the laws, rules, and regulations concerning wholesale/retail seafood dealers (R.S. 56:303.7 A)
 - c. Sales of fish harvested in federal waters and/or regulated under federal rules should adhere to federal policy (50 CFR Part 622.4)
- iv. Records
 - a. Commercial fishermen shall maintain copies of trip tickets for three years and shall be open to inspection by the department (R.S. 56:306.5)
 - b. See also vi) "Time/Temperature Requirements for Oyster Harvest"
 - c. Participants in fisheries governed by federal regulations are required to keep records as dictated by 50 CFR Part 622.5
 - v. Reporting
 - a. Commercial fishermen selling seafood under a Fresh Product License should file monthly returns via trip ticket system in accordance with (R.S. 56:303.4; 56:306.6)
 - b. Participants in fisheries governed by federal regulations are required to follow reporting requirements as dictated by 50 CFR Part 622.5
 - vi. Time/Temperature Requirements for Oyster Harvest
 - a. All Louisiana licensed commercial fishermen who harvest oysters must also comply with time and temperature, tagging, and record keeping requirements. (Title 51:327; 51:329; 51:333)
- b) *Seafood Dealers and Processors*
Must comply with state and federal regulations
- i. Must have a valid health permit (Title 51:9.311)
 - a. All seafood dealers and processors must have a valid health permit with the appropriate seafood establishment code from LDHH to operate in Louisiana and handle, process and package seafood. (Title 51:9.311)
 - ii. Must have appropriate HACCP plans (FDA seafood HACCP regulation, 21 CFR 123)
 - a. All seafood dealers and processors are required to have HACCP plans, appropriate to the species processed, and to be in compliance with FDA seafood HACCP requirements. (FDA seafood HACCP regulation, 21 CFR 123)
 - b. All seafood dealers and processors who handle and process oysters are required to have HACCP plans and to be in compliance with LDHH sanitary code requirements. (Title 51:101)
 - iii. Must meet basic sanitation requirements (FDA current GMP regulation 21 CFR 110; Title 51:9)

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- a. All seafood dealers and processors must handle and process seafood using good manufacturing and sanitary practices to produce wholesome seafood products for sale to consumers. These sanitary practices must keep the food products free of filth, contamination and adulteration, and comply with federal and state sanitary regulations. (FDA current GMP regulation 21 CFR 110; Title 51:9)
- iv. Must have a scale certified annually by LDAF (R.S. 3:4608; R.S. 3:4622A.; LAC 7:XXXV.101; LAC 7:XXXV.129)
 - a. All seafood dealers and processors must possess and use scales that are certified as accurate by the LDAF to determine the amount of seafood product for each sale, if the whole seafood product is sold by weight. (R.S. 3:4608; R.S. 3:4622A.; LAC 7:XXXV.101; LAC 7:XXXV.129)
- v. Must package products with an accurate net weight (R.S. 3:4613; R.S. 3:4615; R.S. 3:4616)
 - a. All final packages of seafood products (i.e. sealed or closed boxes, bags) must have a net weight statement, with some exceptions for count. All seafood sold by weight must use net weight for sale. Net weight is the amount of actual product in the package, after removal of packaging and allowable packing material (glaze, ice, etc.) (R.S. 3:4613; R.S. 3:4615; R.S. 3:4616)
- vi. Must meet packaged labeling (21 CFR 101; R.S. 3:4613; LAC 7:XXXV.105C.)
 - a. All packaged seafood products must be marked with the appropriate required labeling, in addition to net weight. These requirements may differ for wholesale and retail packages. (21 CFR 101; R.S. 3:4613; LAC 7:XXXV.105C.)
- vii. License Requirements
 - a. Any individual person, firm, association, corporation, partnership or any legal entity recognized by law that buys or handles by any means whatsoever any species of “fish”/seafood whether fresh, frozen, processed or unprocessed in Louisiana for sale or resale, including bait species, whether on a commission basis or otherwise are required to purchase a Wholesale/Retail Dealer’s license. (R.S. 56:306)
 - b. A wholesale/retail seafood dealer is the only licensee who can legally purchase “fish” from a commercial fisherman and resell such fish.
 - c. If selling seafood from vehicle, must possess wholesale/retail dealer vehicle license
 - d. Any wholesale/retail seafood dealer who exports or attempts to export outside the state of Louisiana any crabs, soft shell crabs, boiled crabs, containerized crabmeat or containerized pasteurized crabmeat shall be required to purchase a Wholesale Out-of State Crab Shipping license in addition to his Wholesale/Retail Dealer’s license. (R.S. 56:306.1 7(a))
 - e. Dealers receiving federally regulated species and/or species harvested in federal waters must have appropriate permits and licenses (50 CFR Part 622.4)
- viii. Purchase/Sales

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- a. Wholesale/Retail Seafood Dealers shall only purchase from a validly licensed commercial fisherman or another licensed wholesale/retail seafood dealer. (R.S. 56:306.4 A(1))
- b. Purchase and sales of fish harvested in federal waters and/or regulated under federal rules should adhere to federal policy (50 CFR Part 622.4)
- ix. Records
 - a. Wholesale/Retail Seafood Dealers shall keep and maintain in the English language:
 - b. Records of the quantity and species of “fish”/seafood (fresh, frozen, processed or unprocessed) acquired;
 - c. The date the “fish”/seafood was acquired and the full name and license number of the commercial fisherman, wholesale/retail dealer from whom the “fish”/seafood was acquired;
 - d. Records of the quantity and species of “fish”/seafood sold and the name and license number of the person to whom the “fish”/seafood was sold. (R.S. 56:306.5)
 - e. See also xi) “Time/Temperature Requirements for Oysters”
 - f. Participants in fisheries governed by federal regulations are required to keep records as dictated by 50 CFR Part 622.5
- x. Reporting
 - a. Any wholesale/retail seafood dealer buying “fish” or seafood from anyone other than a licensed wholesale/retail seafood dealer and fresh products licensee shall complete trip tickets documenting each transaction. On or before the tenth of each month, the dealer shall submit all the previous month’s trip tickets and a submission sheet. (R.S. 56:306.6)
 - b. Wholesale/retail seafood dealers purchasing oysters from persons harvesting oysters in Louisiana are responsible for and shall pay an Oyster Severance Tax on or before the tenth day of the month following the sale. (R.S. 56:446)
 - c. Wholesale/retail seafood dealers are required to pay an excise tax on all saltwater shrimp taken from state waters. (R.S. 56:506)
 - d. Wholesale/retail seafood dealers when selling or otherwise transferring shrimp shall specify on each invoice of sale or transfer required to be delivered to retail dealers, restaurants, and/or retail grocers the specific country of origin of the shrimp being sold or transferred. (Title 76:365)
 - e. All records for shrimp, which are harvested from Louisiana waters or which are landed in Louisiana from a harvesting vessel, shall indicate such shrimp are a “Product of Louisiana” or “Louisiana Shrimp” or “Louisiana (and shrimp species)” shall be recorded separately on all records. (Title 76:365)
 - f. No wholesale/retail seafood dealer shall possess, package, process, sell, barter, trade or exchange shrimp from a foreign country which is commingled with shrimp caught in the United States or which is represented to be a product of the United States. Violations of the provisions shall constitute a class four violation as defined in R.S. 56:34. (Title 76:365)

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- g. Participants in fisheries governed by federal regulations are required to follow reporting requirements as dictated by 50 CFR Part 622.5
- xi. Time/Temperature Requirements for Oysters
 - a. All dealers/processors who handle oysters must also comply with time and temperature, tagging, and record keeping requirements. (Title 51:333)
- xii. Shipping Requirements
 - a. All vehicles used for the commercial transportation of “fish”/seafood must be marked with the name and address of the company. Shipments containing “fish” shall be plainly marked; records, tags or certificates to show the names of the consignee, with an itemized statement of the number of pounds of “fish” or seafood and the names of each kind of species contained therein, must accompany all shipments of “fish”/seafood.
 - b. Operators and drivers of any form of commercial transport, except common carriers, who are in the act of loading, unloading, or transporting fish shall have in their possession at least one of the following licenses:
 - (1) A commercial fisherman’s license.
 - (2) A wholesale/retail dealer’s license.
 - (3) A transport license. (R.S. 56:307)
 - c. Vehicles transporting federally managed species should follow 50 CFR Part 622.5
- c) *In-State Retail Seafood Dealers* (includes restaurants selling raw consumable product)
 - i. Must have a valid health permit (Title 51:23.5)
 - a. All retail seafood dealers and processors must have a valid health permit with the appropriate retail food establishment code from LDHH to operate in Louisiana. (Title 51:23.5)
 - ii. Must have a scale certified annually by LDAF if the seafood product is sold by weight (R.S. 3:4608; R.S. 3:4622A.; LAC 7:XXXV.101; LAC 7:XXXV.129)
 - iii. Must package products with an accurate net weight (R.S. 3:4613; R.S. 3:4615; R.S. 3:4616)
 - a. All final packages of seafood products (i.e. sealed or closed boxes, bags) must have a net weight statement, with some exceptions for count. All seafood sold by weight must use net weight for sale. Net weight is the amount of actual product in the package, after removal of packaging and allowable packing material (glaze, ice, etc.) (R.S. 3:4613; R.S. 3:4615; R.S. 3:4616)
 - iv. Must meet packaged labeling requirements (21 CFR 101; R.S. 3:4613; LAC 7:XXXV.105C.)

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- a. All packaged seafood products must be marked with the appropriate required labeling, in addition to net weight. These requirements may differ for wholesale and retail packages. (21 CFR 101; R.S. 3:4613; LAC 7:XXXV.105C.)
- v. License Requirements
 - a. Any individual person, firm association, corporation, partnership or any legal entity recognized by law that only buys, acquires or handles by any means whatsoever any species of “fish”/seafood whether fresh, frozen, processed or unprocessed in Louisiana is required to purchase a Retail Seafood Dealer’s license. (R.S. 56:306.1)
 - b. Restaurants or grocers that sell raw “fish” such as oysters or sushi are required to obtain a Retail Seafood Dealer’s license. (R.S. 56:306.4)
 - c. Any retail dealer that exports or attempts to export outside the state of Louisiana any crabs, soft shell crabs, boiled crabs, containerized crabmeat or containerized pasteurized crabmeat shall be required to purchase a Wholesale Out-of-State Crab Shipping license in addition to his Retail Dealer’s license. (R.S. 56:306.1 7(a))
 - d. If retail dealers picks up seafood directly from wholesale/retail dealers and transport such “fish”/seafood to the place of business then Transport License is required. Transport license is required for operators and drivers of any form of commercial transport, except common carriers, who are in the act of loading, unloading, or transporting fish. (R.S. 56:307)
- vi. Purchases/Sales
 - a. Only purchase “fish”/seafood from a licensed Louisiana wholesale/retail seafood dealer. (R.S. 56:306.1)
 - b. Only sells fish/seafood directly to the consumer for personal or household use. (R.S. 56:306.1)
 - c. Not authorized to make wholesale transactions (sales intended to be resold) and not authorized to purchase fish from a commercial fisherman.
 - d. No retail seafood dealer shall knowingly possess, package, process, sell, barter, exchange or attempt to sell, barter, trade or exchange shrimp which is represented to be a product of the United States or a product of Louisiana unless such shrimp is actually a product of the United States or a product of Louisiana. Violations of the provisions shall constitute a class four violation as defined in R.S. 56:34 (Title 76:365)
 - e. No retail seafood dealer shall possess, package, process, sell, barter, exchange or attempt to sell, barter, trade or exchange shrimp from a foreign country which is commingled with shrimp caught in the United States or which is represented to be a product of the United States. Violations of the provisions shall constitute a class four violation as defined in R.S. 56:34 (Title 76:365)
- vii. Records

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- a. Retail Dealers shall keep and maintain records in the English language: (R.S. 56:306.5)
 - b. Records of the quantity and species of “fish”/seafood (fresh, frozen, processed or unprocessed) acquired;
 - c. The date the “fish”/seafood was acquired and the full name and license number of the wholesale/retail dealer from whom the “fish”/seafood was acquired;
 - d. Records of the quantity and species of “fish”/seafood sold; when product sold to consumer, records shall indicate such.
 - e. Records shall be maintained for three years and shall be open to inspection by the department.
 - f. In addition to the above requirements, retail dealers shall keep and maintain records in the English language: (Title 76:365)
 - g. Records shall specify the country of origin of shrimp acquired or purchased. Shrimp from different countries shall be recorded separately on all records.
 - h. Shrimp harvested or landed in Louisiana need to indicate shrimp as “Product of Louisiana” or “Louisiana (and shrimp species)”.
- viii. Shipping Requirements
- a. All vehicles used for the commercial transportation of “fish”/seafood must be marked with the name and address of the company. Shipments containing “fish” shall be plainly marked; records, tags or certificates to show the names of the consignee, with an itemized statement of the number of pounds of “fish” or seafood and the names of each kind of species contained therein, must accompany all shipments of “fish”/seafood. (R.S. 56:307.7)
- d) *In-State Restaurants and Retail Grocers* (fully prepared product only)
- i. If requested, must provide proof of purchase from program participant
 - ii. Must have a valid health permit (Title 51:23.5)
 - a. All restaurants and retail grocers in Louisiana must have a valid health permit with the appropriate retail food establishment code from LDHH to operate in Louisiana. (Title 51:23.5)
 - iii. Must have a scale certified annually by LDAF if the seafood product is sold by weight (R.S. 3:4608; R.S. 3:4622A.; LAC 7:XXXV.101; LAC 7:XXXV.129)
 - iv. Must package products with an accurate net weight where applicable (R.S. 3:4613; R.S. 3:4615; R.S. 3:4616)
 - v. License Requirements
 - a. If only purchase “fish”/seafood from a licensed Louisiana wholesale/retail dealer and sell such “fish”/seafood fully prepared by cooking for immediate consumption, no license is required. (R.S. 56:306.1)
 - b. If restaurant/retail grocer picks up seafood directly from wholesale/retail dealers and transport such “fish”/seafood to the place of business then Retail Seafood Dealer’s License and Transport License is required. Transport license is required for operators and drivers of any form of commercial transport, except

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common carriers, who are in the act of loading, unloading, or transporting fish.
(R.S. 56:307)

- vi. Purchases/Sales
 - a. Only purchase “fish”/seafood from a licensed Louisiana wholesale/retail seafood dealer. (R.S. 56:306.1)
 - b. Only sells fish/seafood directly to the consumer for personal or household use. (R.S. 56:306.1)
 - c. Not authorized to make wholesale transactions (sales intended to be resold) and not authorized to purchase fish from a commercial fisherman.
 - d. Shall not knowingly possess, package, process, sell, barter, exchange or attempt to sell, barter, trade or exchange shrimp which is represented to be a product of the United States or a product of Louisiana unless such shrimp is actually a product of the United States or a product of Louisiana. Violations of the provisions shall constitute a class four violation as defined in R.S. 56:34.(Title 76:365)
 - e. Shall not possess, package, process, sell, barter, exchange or attempt to sell, barter, trade or exchange shrimp from a foreign country which is commingled with shrimp caught in the United States or which is represented to be a product of the United States. Violations of the provisions shall constitute a class four violation as defined in R.S. 56:34. (Title 76:365)
- vii. Records
 - a. Shall keep and maintain in the English language: (R.S. 56:306.5)
 - b. The date the “fish”/seafood was acquired and the full name and license number of the wholesale/retail dealer from whom the “fish”/seafood was acquired
 - c. Records of the quantity and species of “fish”/seafood sold; when product sold to consumer, records shall indicate such.
 - d. Records shall be maintained for three years and shall be open to inspection by the department.
 - e. In addition to the above requirements, shall keep and maintain in the English language: (Title 76:365)
 - f. Records shall specify the country of origin of shrimp acquired or purchased. Shrimp from different countries shall be recorded separately on all records.
 - g. Shrimp harvested or landed in Louisiana need to indicate shrimp as “Product of Louisiana” or “Louisiana (and shrimp species)”.
- viii. Shipping Requirements
 - a. All vehicles used for the commercial transportation of “fish”/seafood must be marked with the name and address of the company. Shipments containing “fish” shall be plainly marked; records, tags or certificates to show the names of the consignee, with an itemized statement of the number of pounds of “fish” or seafood and the names of each kind of species contained therein, must accompany all shipments of “fish”/seafood. (R.S. 307.7)

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- e) *Out-of-State Retail Dealer, Restaurants and Grocers*
- i. Must be in compliance with state and federal regulations, specifically regarding:
 - a. Health permit and/or meeting basic sanitation requirements
 - b. License requirements for handling and/or sale of seafood, where applicable
 - c. Certified scale when seafood product sold by weight
 - d. Packaging products with an accurate net weight
 - e. Must be marked with the appropriate required labeling
 - f. Shipping requirements for transporting seafood, where applicable
 - ii. Provisions for out-of-state program participants that would otherwise be covered under Louisiana state law
 - a. Purchases/Sales of LWSCP seafood
 - (1) LWSCP seafood can only be purchased from a licensed Louisiana wholesale/retail seafood dealer currently participating in LWSCP
 - (2) LWSCP seafood can only be sold directly to the consumer for personal or household use
 - (3) Not authorized to make wholesale transactions (sales intended to be resold) of LWSCP seafood
 - (4) No retail seafood dealer shall knowingly possess, package, process, sell, barter, exchange or attempt to sell, barter, trade or exchange shrimp which is represented to be a product of the United States or a product of Louisiana unless such shrimp is actually a product of the United States or a product of Louisiana
 - (5) No retail seafood dealer shall possess, package, process, sell, barter, exchange or attempt to sell, barter, trade or exchange shrimp from a foreign country which is commingled with shrimp caught in the United States or which is represented to be a product of the United States
 - b. Records for LWSCP seafood
 - (1) Shall keep and maintain records in the English language
 - (2) The date the “fish”/seafood was acquired and the full name and license number of the wholesale/retail dealer from whom the “fish”/seafood was acquired
 - (3) Records of the quantity and species of “fish”/seafood sold; when product sold to consumer, records shall indicate such
 - (4) Records shall be maintained for three years and shall be open to inspection to ensure chain-of-custody for LWSCP product
 - (5) Records shall specify the country of origin of shrimp acquired or purchased; shrimp from different countries shall be recorded separately on all records

10) RECEIVE PROGRAM TRAINING SUMMARY

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All LWSCP participants are required to complete a training program as part of voluntary participation.

The primary goal of the training program is to provide information about the program rules and requirements. Additionally, the background, goals and potential benefits about the program will be explained. Further resources for harvest and processing regulations and requirements, better product handling and quality control, and opportunities for vessel and business improvement will be also provided.

The training consists of a video presentation of the above information, along with some written material. Those participants holding a commercial fishing license and/or a wholesale/retail dealer license will be required to submit the training certificate with their application. This certificate can be obtained by viewing the training video at one of the approved locations. Retail dealer license holders or those not required to have LDWF licenses will be mailed a copy of the training video.

- a) Commercial fishing license holders and/or wholesale/retail dealer license holders will be required to view a 1-hour program training video to receive an application for the LWSCP. After they view the video the training location will provide the participant with a signed certificate verifying that the training video has been viewed. A copy of this certificate should be included with your completed application.
- b) Training locations may include, but are not limited to:
 - i. South Central Planning and Development Commission
 - ii. LA Department of Wildlife and Fisheries Field Offices
 - iii. LSU SeaGrant Offices
 - iv. Public Outreach / Onsite Locations
 - v. Local libraries
- c) For more information on LWSCP training please contact:

South Central Planning and Development Commission
Louisiana Wild Seafood Certification Program
P. O. Box 1870
Gray, LA 70359
Toll-free # 1-800-630-3791
Local # 985-655-1051

11) APPLICATION SUBMISSION AND EVALUATION PROCESS

- a) Applications will be mailed upon request, or handed out in person, by calling or visiting South Central Planning and Development Commission (SCPDC), visiting one of LSU

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Sea Grant's field offices, attending public outreach meetings or visiting one of the libraries

- b) The following documentation shall be returned with the application for the following program participants:
 - i. *Commercial Fishermen*
 - a. Copies of program training certificate, current Commercial Fisherman's License, and driver's license
 - ii. *Wholesale/Retail Dealers and Processors*
 - a. Copies of program training certificate, current Wholesale/Retail Seafood Dealer's License, driver's license (of person responsible for business operations), all current health permits issued by LDHH, all current weighing and measuring device licenses issued by LDAF, and documentation verifying address of business location
 - iii. *In-State Retail Seafood Dealers*
 - a. Copies of current Retail Seafood Dealer's License, driver's license (of person responsible for business operations), all current health permits issued by LDHH, all current weighing and measuring device licenses issued by LDAF if applicable, and documentation verifying address of business location
 - iv. *In-State Restaurants and Retail Grocers*
 - a. Copies of driver's license (of person responsible for business operations), all current health permits issued by LDHH, all current weighing and measuring device licenses issued by LDAF if applicable, and documentation verifying address of business location
 - v. *Out of State Retail Dealer, Restaurants and Grocers*
 - a. Copies of driver's license (of person responsible for business operations), all current health permits issued by state, all current weighing and measuring device licenses issued by state if applicable, and documentation verifying address of business location
- c) Multiple locations
 - i. Only one application is allowed per individual harvester
 - ii. If a dealer or processors own multiple locations, each location is required to submit an application
 - iii. Each retail / restaurant location is required to submit a separate application
- d) Marketing database
 - i. Applicants have the option of allowing their names and contact information to be placed on the marketing database as stated on the application. This information will be crucial for the marketing and promotion of program participants.
- e) Participation database

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- i. Applicant's contact information (name and address) provided on application can be accessed by all program participants to determine applicant's participation status in the program
- f) It is recommended that applicants make copies of application and program training certificate
- g) Please mail applications and all document submissions to:
 - South Central Planning and Development Commission**
 - Louisiana Wild Seafood Certification Program**
 - P. O. Box 1870**
 - Gray, LA 70359**
 - Toll-free # 1-800-630-3791**
 - Local # 985-655-1051**
- h) All applications received will be reviewed for qualification. LDWF, LDAF and LDHH will check program participants for state and federal violations to determine program eligibility based on violation tier structure (see Section 14, page 21). If applicant is ineligible, applications will be held until minimum requirements are met by applicant.
- i) In the event that additional information not included with the application is required to prove eligibility, the applicant agrees to provide that information in a timely manner. If application is incomplete, it will be sent back for applicants to make appropriate corrections. If an applicant is unable to sign documents, applicant must have power of attorney to authorize signing on behalf of applicant.
- j) All applicants will receive a letter stating status of program eligibility (ineligible/can't participate in program, eligible/minor or no violation(s) or ineligible until minimum requirements are met).
- k) All qualifying applicants will receive a participation permit along with information on how to access and download image file for use of packages/labels (website, password, and username).
- l) Permits expire annually. Program participants can renew their permits to continue participation in the program.

12) LOGO USE GUIDELINES / BRAND STANDARDS

- a) Any product containing the LWSCP label must comply with program rules and regulations and must be made available for inspection upon request.
- b) Participants get access to image file for use on packages, labels, brochures and other individual promotional materials. Access to download this file will come with your participation permit.
- c) Brand Standards

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- i. Use of the logo by participants must conform to the below brand standards:
 - a. THE FOOD GROUP HERE

13) MONITORING / ENFORCEMENT

Under normal circumstances monitoring of the LWSCP will occur through the normal inspection protocol currently in use by LDWF, LDAF, and LDHH.

- a) Application approval
 - i. Upon receipt, information on the application will be verified against LDWF, LDAF, and LDHH records to ensure the applicant is properly licensed and permitted. Applicants not possessing the proper licenses and permits as required by LWSCP participant eligibility criteria will be placed on hold until the proper license or permit can be obtained. In cases of fraud, applicants will be rejected and barred from the program.
 - ii. Before the applicant is approved for a LWSCP permit, LDWF, LDAF, and LDHH will check for any violations applicable to LWSCP within the previous 3 years. Any violations found will be treated in a manner consistent with the LWSCP tiered violation system (see Section 14, page 21).
- b) Report of violations on regular basis
 - i. Violations applicable to LWSCP will be reported to LWSCP monitors throughout the year on a monthly basis, and in cases of egregious violations, reported immediately. Any violations reported will be treated in a manner consistent with the LWSCP tiered violation system (see Section 14, page 21).
 - ii. Any violations which result in the suspension or forfeiture of the participant's license or permit will cause the participant to become ineligible to participate in LWSCP until their license or permit is reinstated.
- c) Product and record inspection
 - i. Product containing the LWSCP label and all required records associated with such product must be made available upon request of any LDWF, LDAF, or LDHH agent for inspection and sampling to ensure certification standards are being followed. Failure to comply will result in removal of the product from the market (R.S. 56:578.15(B)) and be a tier 1 violation of the LWSCP rules.
 - ii. Product samples may be taken to conduct DNA or protein based country of origin tests. Discovery of any foreign product will be considered a tier 1 violation under LWSCP and may result in fines and penalties not associated with LWSCP.

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14) PENALTIES – VIOLATION TIERS

- a) If any required licenses (LDWF, LDAF, LDHH) are revoked or temporarily suspended, the participant will be automatically removed from the LWSCP and will not be able to use the LWSCP logo. When the license(s) or permit(s) are reinstated, you can be reinstated into the LWSCP via the renewal application process.
- b) The following is a summary of the violations and respective penalties that will specifically affect participants involved in the LWSCP. This is not meant to be a comprehensive list of possible violations and penalties, as the LDWF, LDHH and LDAF have the ability enforce all violations of their regulations and make necessary recommendations regarding penalties to this program. For the purpose of the LWSCP, a violation occurs when a citation is issued for an infraction(s). It is the obligation of the participant to update the program on the disposition of the violation.

| <u>Tier 1</u> | <u>Tier 2</u> | <u>Tier 3</u> |
|--------------------------------------------------------------------------|--------------------------------------------------------------|-------------------------------------------------------------------------|
| <i>1 violation occurrence results in removal for 3 years*</i> | <i>1 violation occurrence results in removal for 1 year*</i> | <i>3 violation occurrences in 1 year results in removal for 1 year*</i> |
| Commingling non-certified seafood into certified program packaging | Short weights | Any violation of LDHH policies not listed in Tiers 1 & 2 |
| Intentional misrepresentation of program seafood | Scale tampering | Any violation of LDAF policies not listed in Tiers 1 & 2 |
| Any trademark infringement practices with LWSCP trademark and trade name | Submission of fraudulent LWSCP application | Any violation of LDWF fishery policies not listed in Tiers 1 & 2 |
| Fraudulent trip tickets or any other felony fishing conviction | | Not adhering to labeling guidelines |
| Two tier 2 violations within 3 years | | LWSCP rules not listed in Tiers 1 & 2 |

* If you are removed from the program for violations of the above tiers, you may not reapply for the program for the specified length of time (i.e. 36 months for tier 1, and 12 months for tiers 2 and 3).