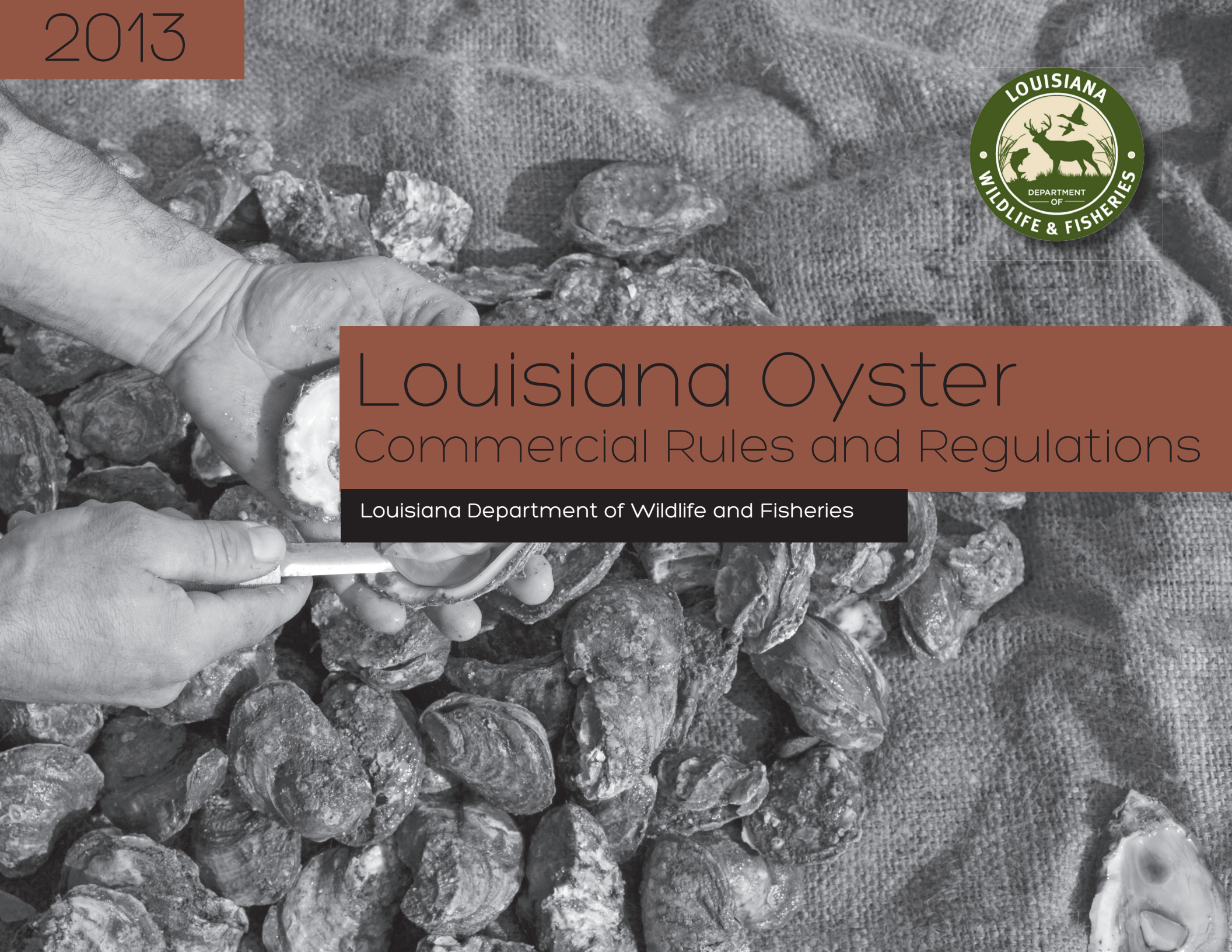
2013



Louisiana Oyster
Commercial Rules and Regulations

Louisiana Department of Wildlife and Fisheries

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Harvesters

THIS PUBLICATION SHOULD NOT BE CONSIDERED AN OFFICIAL COPY OF THE LAWS AND SHOULD NOT BE RELIED UPON AS SUCH. THIS PUBLICATION SUMMARIZES THE EXISTING LAWS IN EFFECT. AS LAWS MAY CHANGE FOLLOWING THE PRINTING OF THIS PUBLICATION, THE ACCURACY OF THE INFORMATION HEREIN IS NOT GUARANTEED. IT IS THE OBLIGATION AND RESPONSIBILITY OF THE READER TO BE AWARE OF CURRENT LAWS AT ALL TIMES. THE READER SHOULD BE FAMILIAR WITH LOUISIANA REVISED STATUTES TITLE 56 AND TITLE 51, THE NATIONAL SHELLFISH SANITATION PROGRAM REQUIREMENTS AS WELL AS ALL OFFICIAL REGULATIONS OF THE LOUISIANA WILDLIFE AND FISHERIES COMMISSION, LOCAL AND PARISH ORDINANCES, AND FEDERAL LAWS.

Commercial Harvest Licenses / Permits

To take or possess oysters in Louisiana waters for commercial purposes, you must have one or more of the following licenses issued by the Louisiana Department of Wildlife and Fisheries (LDWF).		
If you:	**You must have a:**	**Notes:**
Are operating a commercial fishing vessel	Commercial Fisherman's License	This is a personal license and is not transferable. It allows you to transport and sell your catch to any wholesale/ retail seafood dealer located in and licensed by the state of Louisiana.
Use or possess oyster dredges or tongs	Commercial Gear License	You must have a license for each piece of gear.
Have a vessel fishing commercially in the saltwater areas of Louisiana OR carrying oysters for sale	Vessel License	This license is specific to an individuals vessel
Are a commercial fishermen harvesting or possessing oysters in Louisiana state waters	Oyster Harvester License	
Are in charge of an oyster cargo vessel	Oyster Cargo Vessel Permit	
Harvesting oysters from Calcasieu Lake	Calcasieu Lake Oyster Harvester Permit	
Take oysters from the public natural reefs or the oyster seed grounds	Oyster Seed Ground Vessel permit	Except those in Calcasieu Lake or Sabine Lake

Seasons

Public grounds: The oyster harvest season for state public oyster beds generally runs from the first Wednesday following Labor Day in September through April 30 of the following year. However, the Louisiana Wildlife and Fisheries Commission can open and close the season when biological data indicate a need. Harvesters should consult the LDWF website, www.wlf.la.gov, for the most recent information regarding oyster seasons.

Private leases: The owner of an oyster lease or his agents may fish oysters on the lease at any time of year.

All areas: Taking of oysters is prohibited from one-half hour after sunset until one-half hour before sunrise.

Did you know?

In 2012, the Louisiana Department of Wildlife and Fisheries enforcement division inspected about 4,084 of 36,611 oyster fishing trips, covering about 11% of total trips.

Closed Areas

The Louisiana Department of Health and Hospitals (LDHH) may close any oyster area for health reasons. Call 1-800-256-2775 for more information. If LDWF finds a vessel harvesting oysters within an unapproved or closed area, all oysters on board the vessel shall be deemed to have been taken from the unapproved or closed waters. LDWF will seize these oysters and return them to the water. LDWF may also revoke the oyster harvester's license(s) under which the violation occurred.

Removing Oysters

Public grounds: You may use dredges, scrapers, and tongs to take oysters from public grounds. Dredges and scrapers can be no longer than six feet wide measured along the tooth bar. Dredge teeth shall be no longer than five inches. Vessels shall use no more than seven dredges at a time.

Private leases: Lessees may use any implements or appliances they want as long as they do not impair or destroy the water bottom.

Calcasieu and Sabine Lakes: You may harvest oysters with the following:

- Tongs
- Hand dredge
- Single dredge with mechanical assist that has a tooth bar no longer than 36 inches
- Single scraper with mechanical assist with a flat bar no longer than 36 inches.

In both lakes, your vessel must be self-propelled, and you may harvest no more than 25 sacks of oysters per day for commercial purposes, unless from a private lease where commercial harvest is unlimited.

Trawl, Seine, and Skimmer Use

You may not trawl, seine, or use skimmer nets over privately leased bedding grounds for one year immediately following the seeding of such area. The area must be marked or posted as required by law. If you knowingly trawl or use skimmer nets upon such marked areas, you are liable for damages caused to the lessee.

Unlawful Removal of Oysters or Signs

You are not allowed to knowingly or willfully take, carry away, or attempt to take or carry away, any oysters, shell, or cultch from a leased area, unless you have permission from the lessee. Additionally, you are not allowed to willfully remove or alter any stake, monument, bounds, buoy, sign, or other designation of bedding or propagating ground placed by LDWF or in accordance with its regulations.

Cleanliness of Shellfish Vessels

You must wash decks, holds, or binds used for storage of shellfish daily. Unless otherwise exempted in writing by LDHH, you must have a suspended awning (tarp) on your harvest vessel to protect shellfish from direct exposure to sun, birds, and other adverse conditions. It must be at least 12 inches high but no more than 7 feet high and extend to the outer edges of the vessel.

Sewage Disposal on Shellfish Vessels

Owners and operators of all vessels shall provide suitable waste receptacles with tight fitting lids. These receptacles must be properly labeled with the wording "FOR HUMAN WASTE ONLY" with letters no smaller than 1 ½ inches tall. Waste receptacles must have a capacity of at least 2 gallons for each person on the vessel. You must dispose of the contents of such receptacles by means of a municipal sewer system, by incineration, or by burial in the ground.

51% OF ALL EASTERN OYSTER LANDINGS IN THE U.S. ARE LANDED IN LOUISIANA.

Oyster Seed Ground Vessel Permit

Only vessels with an LDWF-issued oyster seed ground vessel permit can carry oysters taken from public reefs, oyster seed grounds, or reservations, except those in Calcasieu and Sabine Lakes. The permit must be issued in the name of the vessel owner and identify the vessel permitted. The permit cannot be sold, exchanged, or transferred. Any vessels taking oysters from public seed grounds must have also an LDWF-issued VMS unit properly installed and operating.

Culling Oysters

You may only cull oysters from open state-designated public grounds or leases from which you are authorized to take oysters. When removing oysters from natural reefs, you must immediately return any oysters measuring less than three inches from hinge to mouth and any dead shell back to the the natural reefs from which they were taken. This does not apply if you are lawfully removing seed oysters from natural reefs or if you are a lessee of private bedding grounds harvesting your own oysters.

LDWF may permit lessees to fish oysters of any size, without charge, from the natural reefs of the waters of Louisiana for bedding purposes only. LDWF may designate from which natural reefs oysters may be fished and the quantity that may be taken.

Harvester Log Sheet

Both the harvester and the first certified dealer must complete the Harvester-Dealer Time / Temperature Log Sheet to document compliance with time to refrigeration requirements. The log sheet must be maintained for one year. Log sheets for the previous 15 days must be kept aboard harvest vessel.

Cooler Log Sheet

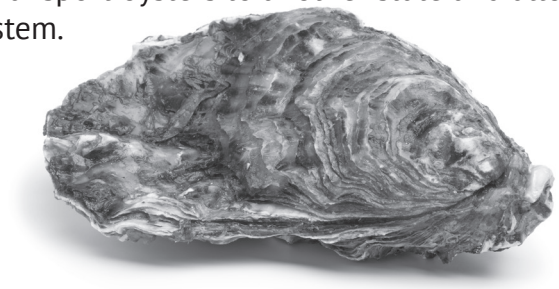
Oysters harvested for raw consumption (white tag) must adhere to the applicable time and temperature controls established by the Vibrio vulnificus control plan. During the months May 1st to October 31st harvesters are required to maintain a boat cooler log sheet. The harvester must provide harvest records to the original shellfish dealer demonstrating compliance with the time and temperature requirments. The record must include the date and time harvest begins for each lot of shellfish harvested. It shall be the responsility of the harvester to properly separate and identify each lot upon being placed under refrigeration.

Note: A proposed rule change that may go into effect in the Fall of 2013 will require harvesters fishing for white tag oysters to attach a tag or label on all containers holding shell-stock, with the corresponding lot identification number or character printed legibly on the tag or label, prior to being placed under refrigeration. This tag or label shall be approved by the state health officer, and the Secretary of the Department of Wildlife and Fisheries.

Landing Oysters

If you're harvesting oysters from Louisiana's public reefs for sale or consumption, you must land them in Louisiana. You must properly tag and sack or containerize them and pay applicable severance taxes.

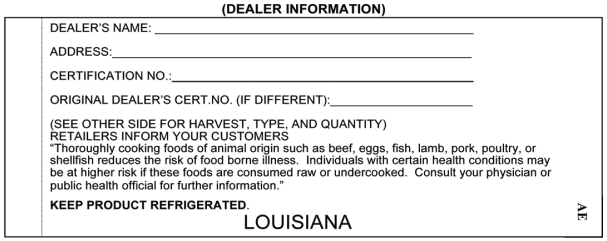
You may land oysters harvested from a private lease in Louisiana's waters outside the state, provided LDWF has permitted you to do so and the oysters are properly tagged. You must install a VMS unit on the vessel used to transport oysters to another state and allow LDWF to access the system.



Oyster Harvest Tags

If you are taking oysters from Louisiana state waters for sale, you must tag all of them with offical oyster harvest tags purchased from LDWF. These tags are used to identify sacks and any other types of containers used to hold oysters and other mollusks while in their shells. If oysters are sacked or put into containers on the vessel, you must tag them appropriately prior to removing them from the vessel. Otherwise, you must tag oysters that are yet to be sacked or containerized immediately upon arrival at the dock prior to shipment.

White Tag


(DEALER INFORMATION)

DEALER'S NAME: _____

ADDRESS: _____

CERTIFICATION NO.: _____

ORIGINAL DEALER'S CERT.NO. (IF DIFFERENT): _____

(SEE OTHER SIDE FOR HARVEST, TYPE, AND QUANTITY)
RETAILERS INFORM YOUR CUSTOMERS
"Thoroughly cooking foods of animal origin such as beef, eggs, fish, lamb, pork, poultry, or shellfish reduces the risk of food borne illness. Individuals with certain health conditions may be at higher risk if these foods are consumed raw or undercooked. Consult your physician or public health official for further information."

KEEP PRODUCT REFRIGERATED.

LOUISIANA

AE

Description & Use

For raw consumption.

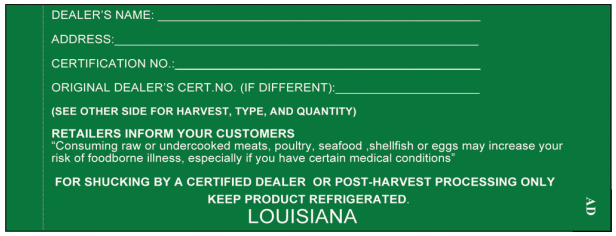
Refrigeration Air Temperature

Less than or equal to 45° F.

Requirements

Months	Hours Until Refrigeration	Internal Meat Temperature
Dec, Jan, Feb	36	10 hrs to 55° F
Mar, Apr, Nov	8	10 hrs to 55° F
May to October	1	6 hrs to 55° F

Green Tag


DEALER'S NAME: _____

ADDRESS: _____

CERTIFICATION NO.: _____

ORIGINAL DEALER'S CERT.NO. (IF DIFFERENT): _____

(SEE OTHER SIDE FOR HARVEST, TYPE, AND QUANTITY)

RETAILERS INFORM YOUR CUSTOMERS
"Consuming raw or undercooked meats, poultry, seafood ,shellfish or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions"

FOR SHUCKING BY A CERTIFIED DEALER OR POST-HARVEST PROCESSING ONLY

KEEP PRODUCT REFRIGERATED.

LOUISIANA

AD

Description & Use

Must be consumed fully cooked. For shucking or Post-Harvest Processing (PHP) ONLY.

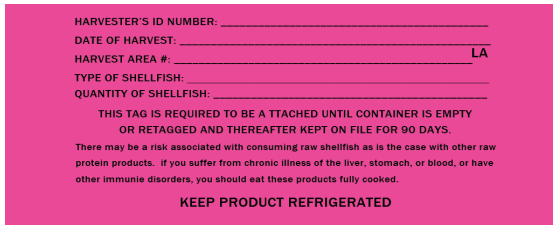
Refrigeration Air Temperature

Must be less than or equal to 45° F.

Requirements

Months	Hours Until Refrigeration	Internal Meat Temperature
Dec, Jan, Feb	24 hours	Can't ship until internal temp. is 50° F or less, unless trip is under 4 hours. If temp. is not met, shipment can occure with a time / temp monitoring device.
Mar - May & Oct - Nov	18 Hours	
June - Sept	12 Hours	

Pink Tag


HARVESTER'S ID NUMBER: _____

DATE OF HARVEST: _____

HARVEST AREA #: _____ LA

TYPE OF SHELLFISH: _____

QUANTITY OF SHELLFISH: _____

THIS TAG IS REQUIRED TO BE A TTACHED UNTIL CONTAINER IS EMPTY OR RETAGGED AND THEREAFTER KEPT ON FILE FOR 90 DAYS.

There may be a risk associated with consuming raw shellfish as is the case with other raw protein products. if you suffer from chronic illness of the liver, stomach, or blood, or have other immunie disorders, you should eat these products fully cooked.

KEEP PRODUCT REFRIGERATED

Description & Use

For use in Louisiana ONLY. Sacked, boxed, shucked, or frozen oysters with pink tags CANNOT leave the state of Louisiana.

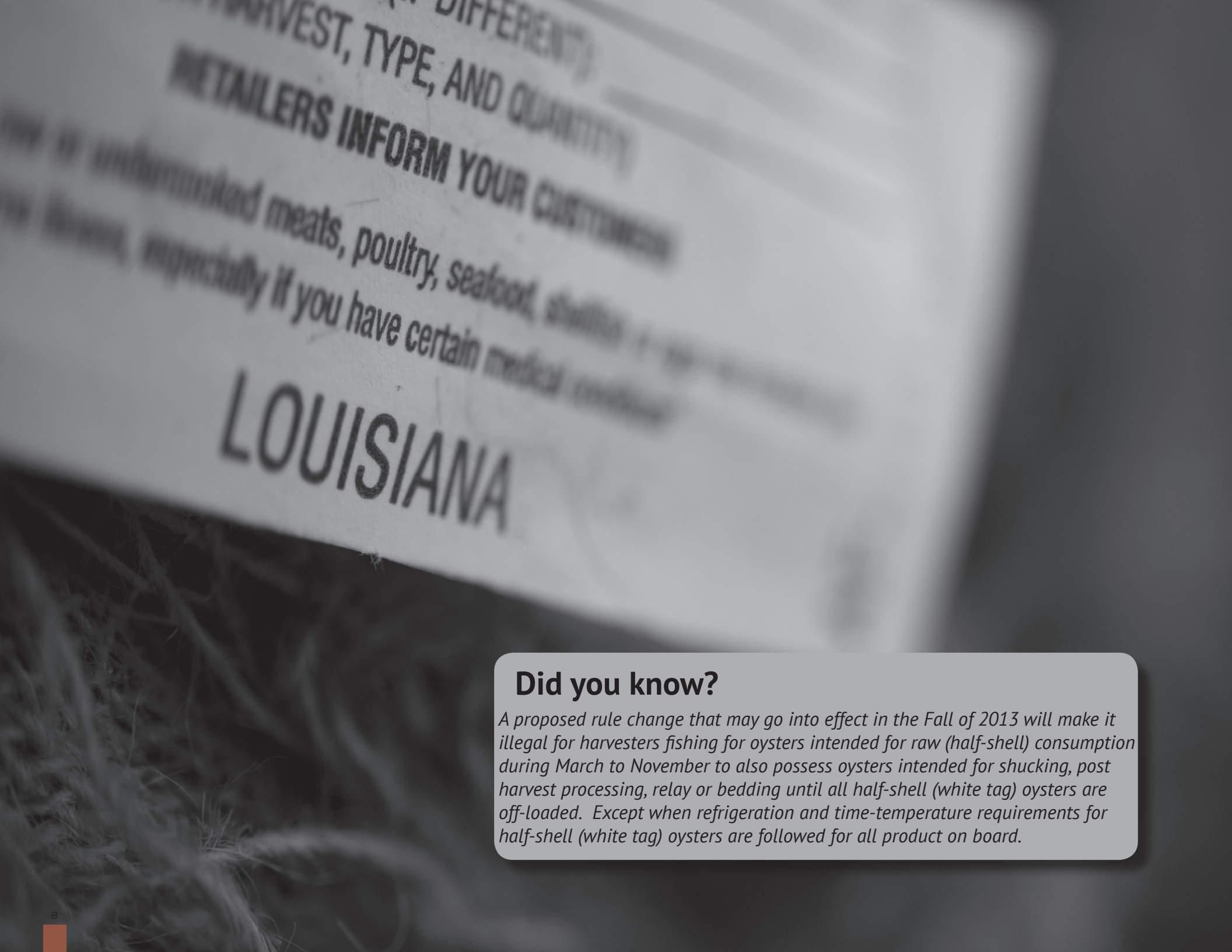
Refrigeration Air Temperature

Less than or equal to 45° F

Requirements

Before leaving to fish pink tags fishermen must call 800-442-2511 and press "0" for dispatch

Months	Hours Until Refrigeration	Internal Meat Temperature
All	5	NONE



Did you know?

A proposed rule change that may go into effect in the Fall of 2013 will make it illegal for harvesters fishing for oysters intended for raw (half-shell) consumption during March to November to also possess oysters intended for shucking, post harvest processing, relay or bedding until all half-shell (white tag) oysters are off-loaded. Except when refrigeration and time-temperature requirements for half-shell (white tag) oysters are followed for all product on board.

Commercial Dealers and Shuckers

THIS SECTION SUMMARIZES LOUISIANA RULES AND REGULATIONS PERTAINING TO DEALERS, SHUCKERS, AND RETAILERS.

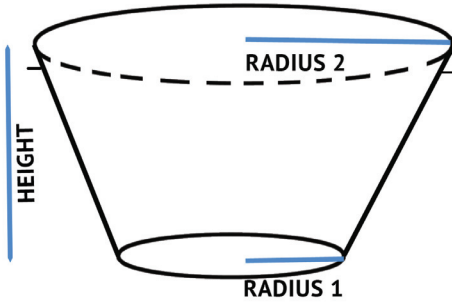
Licenses and Permits

To purchase and resell oysters in Louisiana, you must have one of the following LDWF-issued licenses, unless otherwise noted:		
If you:	**You must have:**	**Notes:**
Buy seafood products directly from licensed harvesters.	A Wholesale/Retail Seafood Dealer License from LDWF	Cost is $250. There are no restrictions on whom these licenseholders may sell seafood products to.
Only purchase seafood from Wholesale/Retail Seafood Dealers and only sell to the public.	A Retail Seafood Dealers License (or have your own Wholesale / Retail Dealer License - above)	Cost is $100
*Restaurants selling seafood are exempt from dealer license requirements unless they are serving raw fish products such as raw oysters, sushi or sashimi. These restaurants must purchase a Retail Seafood Dealers License in order to purchase products from a Wholesale / Retail Dealer. If restaurant will be buying directly from the harvester they will need an LDWF Wholesale / Retail Dealer license.		
Shuck oysters to sell to another dealer for resale	A LDHH-issued Shucker-Packer Permit	
Buy from harvesters and reship oysters	A LDHH Shellstock Shipper or Reshipper Permit	
Buy only from Wholesale / Retail Dealers	LDHH Distribution and Reshipping Permit	
Are a seafood retailer shucking oysters for sale to the public	LDHH retail permit required	Shucked oysters must be in an open container, displayed in the service case or stored in the cooler. Do not package them in closed containers except at the time of sale to the end consumer. You may also sell them on the half shell.

Standard Volume Measurements

A **Barrel** is equal to 6,451.26 cubic inches, or the equivalent of two sacks / baskets. A **Sack** (same as a 'Basket') is the equivalent of one-half Barrel or 1.5 bushels; which is exactly 3,225.63 cubic inches.

The Louisiana Department of Agriculture and Forestry (LDAF) certifies metal baskets to ensure accurate measurement. Contact LDAF's Weights and Measure Section at 225-925-3780. LDAF and LDWF agents have the authority to inspect baskets to ensure volumetric measurements are accurate. Sacks must contain correct measurement at the time of delivery.



$$V = \pi \frac{(R2+R1*R2+R1^2)H}{3}$$

Labeling

The quantity of oysters for sale must be accurately labeled by volume, weight, or count in the 'Quantity' field on the harvest tag. If labeled as a 'sack' they must meet the volumetric requirement of 3,225.63 cubic inches.

If oysters are removed from the shell, they must be clearly labeled by volume or weight.

If oysters are sold by volume or weight, no more than fifteen percent of the total weight can be free liquid.

If you are packaging, labeling, or distributing shucked oysters, you must follow the guidelines set forth in the NIST Handbook 130 as adopted by the National Conference on Weights and Measures.

Half shell oysters may only be sold by weight (excluding weight of shell) or by count.

The state health officer must approve shucked oyster containers. When packing shucked oysters in Louisiana, you must mark the containers with your certified number preceded by the letters 'LA' and also indicate the packing date with a code or the actual date.

Tags / Reporting

If you are a dealer, you must keep the harvester's tag affixed to each container of shellstock until the container is shipped or emptied for washing, grading, or packing. Retain all tags for at least 90 days.

There is a zero tolerance policy for untagged oyster containers or sacks—any untagged or improperly tagged container or sack will be considered to have been taken from polluted waters and deemed a health hazard.

Containers of shucked oysters must be dated and have the name and address of the original processor, shucker-packer or repacker, and the Louisiana certification number.

You must keep oysters in the container in which they were received until they are used, unless displaying them for retail sale. You may not mix oysters from different lots.

Both the harvester and the first certified dealer must complete the Harvester-Dealer Time / Temperature Log Sheet to document compliance with time to refrigeration requirements. The log sheet must be maintained for one year. Log sheets for the previous 15 days must be kept aboard harvest vessel.

Processing

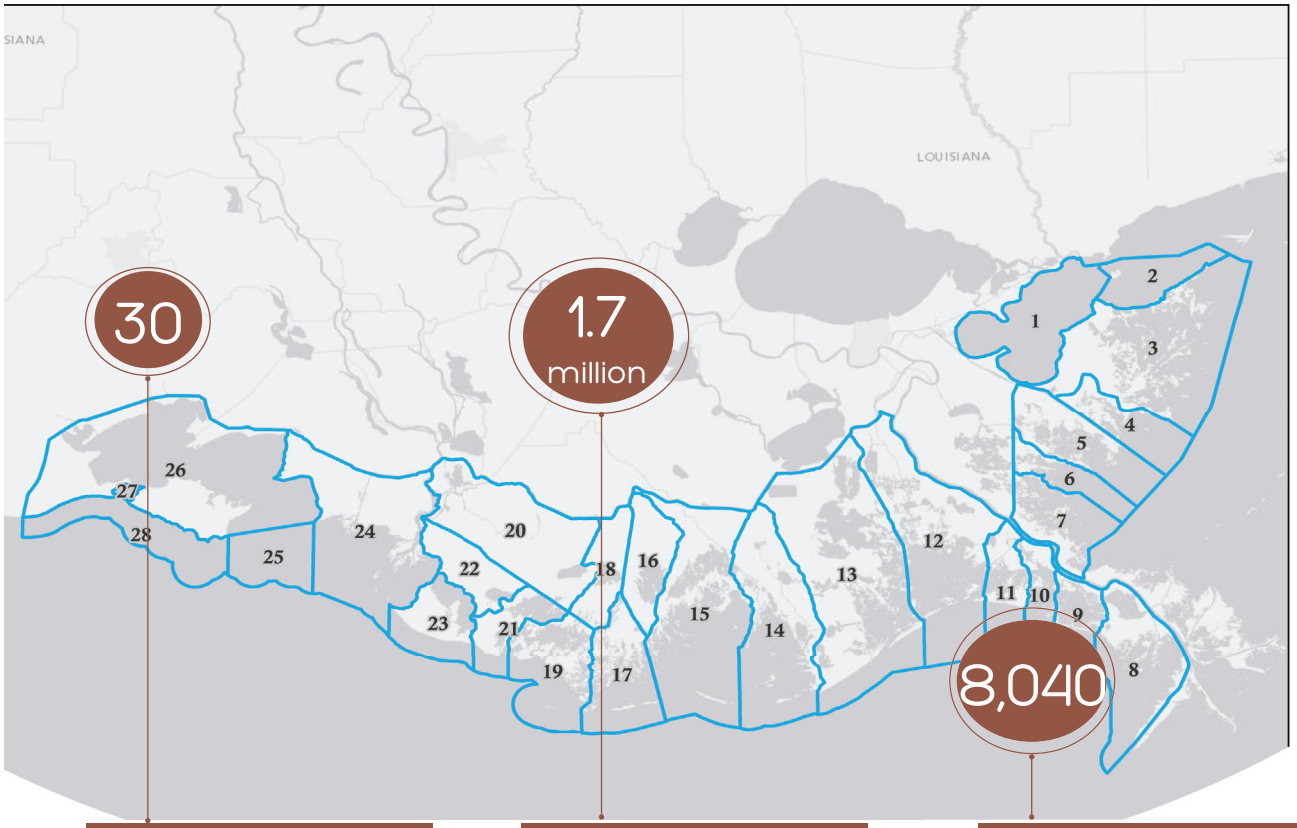
Oysters must be shucked and prepackaged only in LDHH-certified facilities. The LDHH permit serial number must appear on every package, can, carton, or other container in which shellfish are packed for distribution and sale.

Every dealer must have and implement a written HACCP plan. Oysters must maintain a temperature of 45° F or below throughout transit.

Did you know?

During the 2013 regular legislative session, legislators passed House Bill 236, increasing penalties for violations of laws regulating oyster harvest during health closures and health time restrictions.

Louisiana Oyster Harvest Facts



Harvest Areas

LDHH separates Louisiana into 30 harvest areas, set forth by the Louisiana Sanitary Code and the National Shellfish Sanitation Program (NSSP).

Public Seed Grounds

LDWF manages 1.7 million acres of public oyster seed grounds

Private Leases

There are roughly 8,040 private water bottom leases in Louisiana, totaling 400,000 acres.

Oyster Task Force

The Oyster Task Force was established to study and monitor the molluscan industry and to make recommendations that maximize benefits from that industry to Louisiana and its citizens. They also coordinate efforts to increase oyster production and saleability, study declines in molluscan shellfish saleability, and make recommendations to the State to resolve problems. Oyster Task Force meetings are open to the public. To receive information about upcoming Oyster Task Force meetings, please email aroth@wlf.la.gov.

Illegal Activity

Report illegal harvest activity, day or night, to LDWF at 1-800-442-2511.

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