



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF THE DIRECTOR
235 Promenade Street, Room 425
Providence, Rhode Island 02908

Protocols and Guidance for Direct Sales of Marine Species in Rhode Island

April 24, 2020

These protocols and guidance govern the implementation of the new Direct Sale Dealer License, established via emergency regulation filed on April 17, 2020 (250-RICR-90-00-15). Failure to comply with these protocols could result in the termination of the new license program. Failure to comply with specific regulatory provisions could result in the suspension or revocation of an individual's Direct Sale Dealer License, as well as the commercial fishing license held by the individual.

Authorization

The license authorizes properly licensed resident commercial fishermen in Rhode Island to sell certain species of finfish directly to consumers and licensed seafood retailers from the vessel on which they were harvested. The license also authorizes properly licensed resident commercial fishermen in Rhode Island to sell, and transport for sale, live lobsters and crabs directly to consumers and licensed seafood dealers from the vessel on which they were harvested.

Application

Direct sales may only be conducted by those who have applied for and obtained a Direct Sale Dealer License from DEM. The application includes a required field for the specific location where the direct sales will be conducted by the licensee. Any change in location requires an updated license to be obtained by resubmitting the application form with the new location specified.

License

Each Direct Sale Dealer License is solely applicable to the individual commercial fishing license holder and the declared vessel from which sales are made.

Federal Permit Holders

Federal permit holders must obtain an additional and separate Federal Dealer's Permit from NOAA Fisheries, in addition to a RI Direct Sale Dealer License, in order to conduct direct sales.

Harvesting, Handling, and Storage

Allowable Species

- Species subject to direct sale must be legally harvested.
- Finfish species subject to direct sale may include any legally harvested species except striped bass, and except all histamine-producing finfish, all of which are listed in the regulation. Examples of species that are not eligible for direct sale pursuant to the new license include: bluefish, tuna, bonito, mackerel, mahi mahi, swordfish, wahoo, and herring, as well as striped bass.
- Direct sale of all molluscan shellfish is prohibited.

Caught and Sold on Same Day

- Direct sales of finfish shall be applicable only to fish that have been caught (harvested) the same day – that is, caught and sold between midnight and 11:59 pm on the same day.

Handling and Storage

- Direct sales of finfish should primarily apply to whole fish and live fish; however, fish may be bled and also may be headed and/or gutted. If fish are headed, harvesters must first ensure that fish meet minimum-size requirements. Filleting or other processing is prohibited on the vessel and prior to sale.
- Knives/utensils and other contact surfaces used to head, gut or bleed fish must be kept clean.
- While on board the vessel, fish must be protected from contamination, and kept shaded, cooled and/or on ice.
- Tautog must be properly tagged at time of harvest and prior to sale.
- Lobsters and crabs must be kept shaded, cooled and alive.

Reporting

- For all species subject to direct sale, standard harvester reporting is required – i.e., federal Vessel Trip Reports (VTRs) or RI catch and effort reports.
- Harvester reports must be completed in full and be available for inspection prior to any species being sold pursuant to this Direct Sale Dealer License.
- In addition to standard harvester reporting, all sales made pursuant to this Direct Sale Dealer License must be reported to DEM via SAFIS eDR electronic dealer reporting.

Sales

Health and Safety

- It is critically important that all direct-sale activities strictly adhere to all applicable health and safety directives and guidelines issued by the Governor and RI Department of Health, as set forth at <https://health.ri.gov/covid/>.
- The attached flier -- **Safe Practices for Direct Sales of RI Seafood** – offers best practices for use by fishermen to keep themselves, their crew, and their customers safe during direct-sale activities.
- At a minimum, the following requirements must be met:
 - All fishermen and customers must maintain social distancing of at least 6 feet.
 - No more than 5 people can be gathered together at any time.
 - All fishermen and customers must wear face coverings. A face covering can be any face mask that covers the nose and mouth; it can be factory made or homemade. Bandanas provide minimal protection but are acceptable.
 - All fishermen and customers must have access to hand sanitizer and/or hand-washing stations
 - Any other requirements that are applicable as set forth in any Rhode Island Executive Order that has or is issued. It is the licenses holder’s responsibility to be informed of any changes.

Adherence to State/ Local Laws and Port/Marina Policies Pertaining to Retail Sales

- All direct-sale activities must be conducted in accordance with all applicable state and municipal laws, regulations, and ordinances governing retail sales operations. Fishermen should contact municipal officials in the city/town in which they intend to conduct sales to determine whether the activity is permissible and, if so, under what conditions.
- Retail sales are prohibited at state parks, piers and boat ramps, and other state facilities -- unless expressly authorized by DEM.
- All direct-sale activities must be conducted in accordance with applicable port and marina policies.
 - Direct-sale activities in Galilee and at Pier #9 in Newport must be undertaken in accordance with *DEM’s Direct-Sale Port Policy for Galilee and Newport*.
 - Fishermen should contact their marinas to determine if direct-sales activities are permissible and if so under what conditions.

General Provisions Governing Direct Sales

- Direct sales of finfish must be made from the vessel on which they were harvested, provided the vessels is in the water; or at the facility where the vessel is moored.
- Finfish subject to direct sale may not be transported, prior to sale, beyond the facility where the vessel is moored.

- Fishermen who trailer their vessels can only engage in direct sales if able to make appropriate arrangements with a shore side facility.
- The transfer of species between license holders is prohibited.
- Individuals conducting direct sales must at all times possess and make available for inspection a Direct Sale Dealer License in their name.
- Only the holder of a Direct Sale Dealer License, or a regularly employed crew member of the licensee, may conduct direct sales.
 - To be eligible to conduct direct sales, a crew member must first receive written authorization from the licensee, in the form of a type-written statement, signed and dated by the licensee, and including the name of the crew member, vessel name, and date the crew member began working on the vessel. The statement shall be kept on the vessel and be available for inspection.
- All finfish subject to direct sale must be sold with the following information provided in writing or via electronic receipt: species name, number of fish, vessel name, Direct Sale Dealer License number, and date of sale.
 - Fishermen are encouraged to pre-mark bags with this information to facilitate transactions.
- Any fish not sold on the day they were caught (harvested) may not be sold thereafter.
- Live lobsters and crabs may be transported for sale, provided they are kept shaded and cooled and are alive at point of sale.
- Direct sales of live lobsters and crabs, dockside or via delivery, must be sold with the following information provided in writing or via electronic receipt: number of animals, vessel name, Direct Sale Dealer License number, and date of sale.

Safe Practices for Direct Sales of RI Seafood

The coronavirus pandemic has spurred local demand for local seafood. Rhode Island's commercial fishermen have new opportunities to meet that demand via direct sales of the seafood they harvest. The opportunity carries with it the important responsibility to conduct direct sales safely. Here are the required actions fishermen must undertake, and some examples of best practices they can use, to keep themselves, their crew, and their customers healthy and safe. The examples can be easily modified to fit different situations.



Most Important

All direct sales of seafood must be undertaken in strict compliance with the following requirements:

- ❖ All fishermen and customers must maintain **social distancing** of at least 6 feet
- ❖ No more than 5 people can be gathered together at any time
- ❖ All fishermen and customers must wear **face coverings**
- ❖ All fishermen and customers must have access to **hand sanitizer and/or hand-washing** stations

Also Important

- ❖ Wearing **gloves** is recommended; but gloved hands can still pick up and transmit germs. Avoid touching face while wearing gloves. Wash hands, including gloved hands, frequently. Carefully remove and clean gloves after use.
- ❖ Frequently **sanitize high-touch surfaces** (cooler handles, etc.)
- ❖ **Make a plan** for how you will keep you and your customers safe and communicate the plan to your customers ahead of time.



Ordering & Payment Advice

If possible, have people pre-order by phone, email, or web.

Minimize cash transactions. Use apps like Venmo, Paypal, or Cash App, and have customers pre-pay if you do pre-orders.

If payments cannot be made using an app, be clever in finding ways to process payments from 6 feet away. For example, you can set up a box where people can drop their cash/checks to avoid hand-to-hand interaction and maintain 6-foot distancing.



Pick-up & Delivery Options

Option 1: Drive-Ups

Keeping people in their cars is an ideal way to safely sell, and a parking lot that is proximate to the dock and vessel is an ideal setting for this. Use signs and cones to direct traffic flow.

For pre-orders, have people stay in their cars **and pop their trunks** for you. Customers can identify themselves with their name or order number through the window.

If you cannot do pre-orders, take orders and process payments through the car window from 6 feet away. Have customers pop their trunks for loading of product.

Option 2: Walk-ups

Maintain 6-foot distances between all customers and between you and your customers.

Decide where you want the customer line to be and mark out 6-foot distances for the first few spots in line **using chalk, cones, etc.** to ensure customers practice proper social distancing while waiting in line.

Keep a 6-foot distance between you and customers while taking their order and accepting payment.

Designate an order collection area, such as a table, truck bed, or cooler, where you can place the item(s) for pick up. Ensure this area is 6 foot away from you and 6 foot from the line of customers. Once a customer has ordered, place the item(s) in the collection area. Once you move away, the customer can pick up their order from the collection area.

Option 3: Deliveries (Lobsters & Crabs Only)

Require no-contact delivery.

Leave product in a cooler provided by the customer. After product is placed in cooler, sanitize all parts of the cooler you touched.

Notify the customer once you have delivered the product.