

“GREEN SHEET”

Meeting dates: October 3-4, 2008
Agenda item: **REQUIREMENT TO PROVIDE SALES DOCUMENTS – Rule Action**
WAC 220-20-019
Staff Contact: Mike Cenci, Deputy Chief, Enforcement Program
Presenter/s: Mike Cenci, Deputy Chief, Enforcement Program

Background:

WAC 220-20-019 was originally meant to ensure that documentation (fish tickets and sales documents) associated with commercial-fisheries products be available for officer inspection at any businesses. This is overbroad, as some businesses are required to produce records per existing statute.

Two sectors handle commercial fish: (1) wholesale dealers, fish buyers, and holders of a Direct Retail Endorsement (DRE); and (2) secondary receivers. Record-keeping requirements for secondary receivers have been adequately addressed through provisions within RCW 77.15.568. Therefore, WAC 220-20-019 is not necessary with respect to secondary receivers.

Original receivers, on the other hand, are not secondary receivers, and their record-keeping requirements are not addressed by a similar statute. Therefore, Enforcement must continue to rely on WAC 220-20-019 to audit original receivers’ marketing of fish and shellfish.

Policy issue(s) you are bringing to the Commission for consideration:

The proposed language is meant to eliminate the WAC requirement for secondary receivers, who have adequate record-keeping requirements set out in statute, and to clarify for officers and the commercial industry the rules for original receivers.

Does the Fish and Wildlife Commission wish to clarify rules for original receivers of fish and shellfish?

Public involvement process used and what you learned:

Time was set aside for public testimony at the September 5-6 Commission meeting. However, no one showed up to comment on the proposed rule amendment.

Action requested:

Adoption of proposed revisions to WAC 220-20-019.

Draft motion language:

“I move to adopt WAC 220-20-019 as proposed.”

Justification for Commission action: The agency needs a clear, enforceable rule pertaining to original-receiver sales documentation to properly manage the state’s fish and shellfish resources in a sustainable fashion. This rule clarification benefits the general public in our stewardship role, the commercial industry, and the resource itself.
