



**REGULATORY GUIDANCE FOR
THE DIRECT MARKETING OF
MOLLUSCAN SHELLFISH IN CONNECTICUT**

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LEGAL DISCLAIMERS

This guide provides a general overview of the regulations that must be followed to establish and operate a business selling molluscan shellfish to the final consumer in Connecticut. This guide is not intended to substitute for advice from a state regulatory authority. The authors have made every effort to ensure the accuracy of the information in this guide at the time of its completion. Laws, regulations, and guidelines can change at any time, and the status of laws and regulations in the future cannot be predicted with certainty. Therefore, every reader of this guide should contact the state regulatory authority to ensure that the regulatory information is up to date. Any web addresses provided herein are purely for the convenience of the user, and the authors of this guide disclaim any liability for the content of the referenced websites.

AUTHORS

Anoushka Concepcion
Tessa Getchis
David Lamoureux Jr.

ACKNOWLEDGMENTS

David Carey
Kristin DeRosia-Banick
Justin Grimm-Greenblatt
Tracey Weeks
Robert Pomeroy
Steven Plant
Nancy Balcom
Jiff Martin





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PURPOSE

This guide introduces the various direct marketing opportunities and associated regulatory requirements for commercially harvested raw fresh or frozen molluscan shellfish (clams, mussels, oysters and whole or roe-on scallops) in Connecticut. This guide is meant for shellfish producers interested in the direct marketing of molluscan shellfish to the final consumer. Individuals who are not licensed shellfish producers need to adhere to specific requirements in order to conduct direct sales of molluscan shellfish.

WHAT IS DIRECT MARKETING?

There is growing demand for local food products, especially agricultural commodities, which are in many cases being supplied through farmers' markets and other direct sales¹. In a report to Congress, the Department of Agriculture (USDA) identified "freshness" as the most common reason consumers cited for buying locally-produced food². The mass market distribution chain relies on multiple buyers for the product to reach the consumer, whereas direct marketing bypasses the middleman and sells product directly to the consumer (see Figures 1 and 2). The benefit of direct marketing is that it allows producers to increase revenues and expand their customer base. When the product is sold directly to consumers, it often needs less transportation, handling and time in storage (see Figure 2). Consumers benefit by gaining access to local, fresh, high-quality product and by getting to know the farmers and their cultivation practices.

BACKGROUND

Connecticut is in the heart of the Northeast marketplace, with more than 30 million people within a two-hour drive of its borders, providing a distinct advantage for agricultural producers to connect directly to customers. Connecticut agriculture contributes more than \$3 billion to the state economy annually, with direct market sales valued at \$74 million³ (Figure 3). Although aquaculture contributed only four percent of the total agricultural farm sales in 2015, the growing industry generated more than \$30 million⁴ in farm-gate sales.

The most recent Census of Agriculture (2012) showed that agricultural products sold directly to consumers averaged \$21,000 per farm, an increase of nearly 25 percent of the value of products over a five-year period⁵. Results of a consumer preference study showed that freshness, origin, environmental impacts and the support of local businesses were reasons respondents preferred locally produced seafood⁶. A similar study indicated that the vast majority of respondents were willing to pay a premium, up to \$1 to \$2 more per pound, for shellfish from a local farm⁷. Local direct marketing keeps food dollars in a given region, which helps keep family farms in business⁸.

SHELLFISH DISTRIBUTION CHAIN

Traditionally, Connecticut shellfish is marketed through wholesalers who purchase product and distribute it to buyers in large cities (e.g. New York, Boston, Philadelphia). Typically, the seller and buyer establish an agreement for a set price and product quantity over a defined period. The entire harvest can be sold to one distributor. This enables harvesters to better plan for annual production, sales and revenue. Multiple parties are responsible for maintaining product safety before it reaches the consumer.

With direct marketing the harvester cultivates a relationship with the final consumer. To encourage loyalty, the harvester informs the customer about the unique aspects of the product and farming practices. The buyer benefits from a personal, one-on-one connection with the farmer and learns how the food they are eating is produced. If an employee is representing the farm at a direct sales outlet, he or she should be able to convey enthusiasm and knowledge about the product to the customer. In return, harvesters learn about customer preferences which may allow them to improve or diversify products in future seasons. The harvester sets the selling price higher than wholesale to compensate for the significant effort needed for customer relations and advertising. The harvester is responsible for maintaining product safety before it reaches the consumer, and may also use this as a selling point.

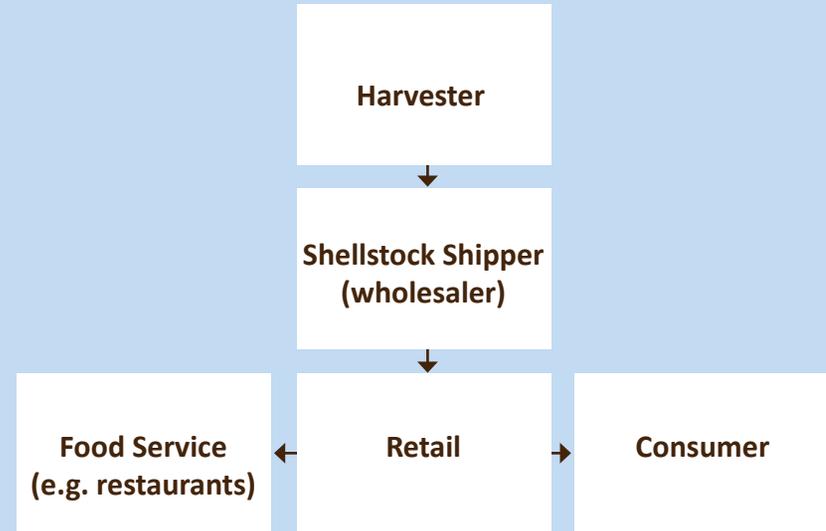


FIGURE 1. Traditional Shellfish Distribution Chain

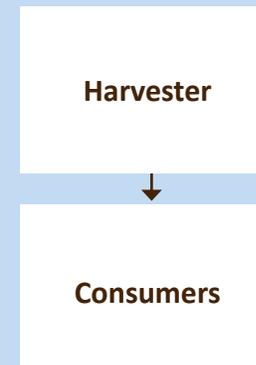


FIGURE 2. Direct Marketing Shellfish Distribution Chain

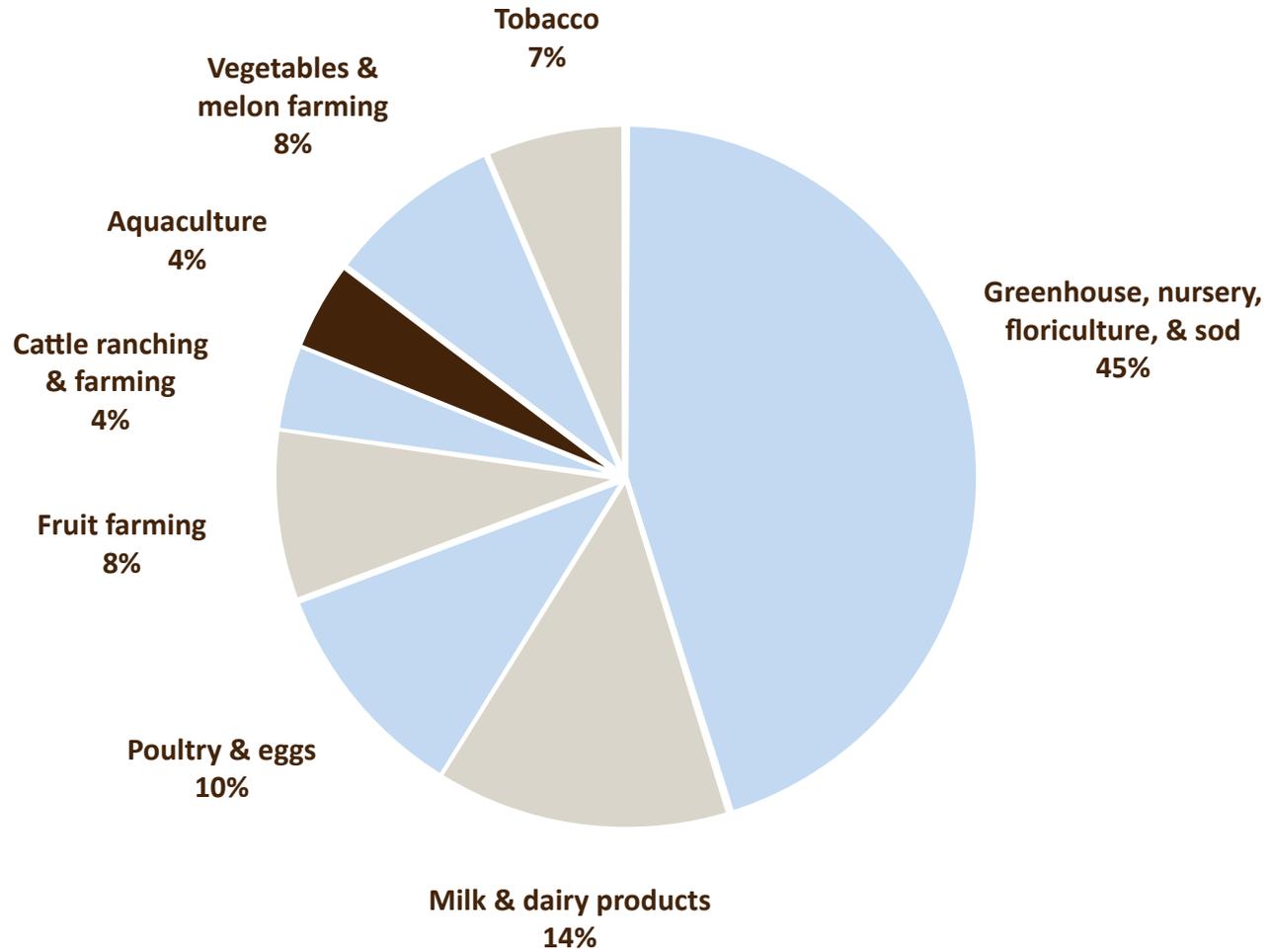


FIGURE 3. Sales of Connecticut Farm Products by Sector. (Courtesy of Zwick Center for Food and Resource Policy, University of Connecticut, 2005)

WHO CAN MARKET SHELLFISH DIRECTLY TO CONSUMERS?

Shellfish marketed directly to consumers must be from an approved source. An approved source is defined as a shellfish harvester who is licensed by state regulators as a [Shellstock Shipper I \(SSI\)](#) or dealer licensed as a [Shellstock Shipper III \(SSIII\)](#). The Connecticut Department of Agriculture Bureau of Aquaculture (CT DABA) is the Connecticut shellfish regulatory authority and licenses all commercial shellfish harvesters and dealers in accordance with the [National Shellfish Sanitation Program \(NSSP\) Model Ordinance](#). Please note, in Connecticut all harvesters are also licensed as dealers. Shellstock Shippers must be trained in seafood [Hazard Analysis and Critical Control Points \(HACCP\)](#) and listed on the US Food and Drug Administration (USFDA) [Interstate Certified Shellfish Shippers List \(ICSSL\)](#).

Please note that there may be fees associated with applications and training courses. In certain cases, there may be additional local regulatory requirements and approvals. The following pages describe these requirements.

DIRECT MARKETING AVENUES

There are three major avenues of direct marketing:

Licensed harvester facilities (Shellstock Shipper I): From a regulatory perspective, the simplest way to market shellfish directly to consumers is at the harvester's facility or landing point where refrigerated storage is available.

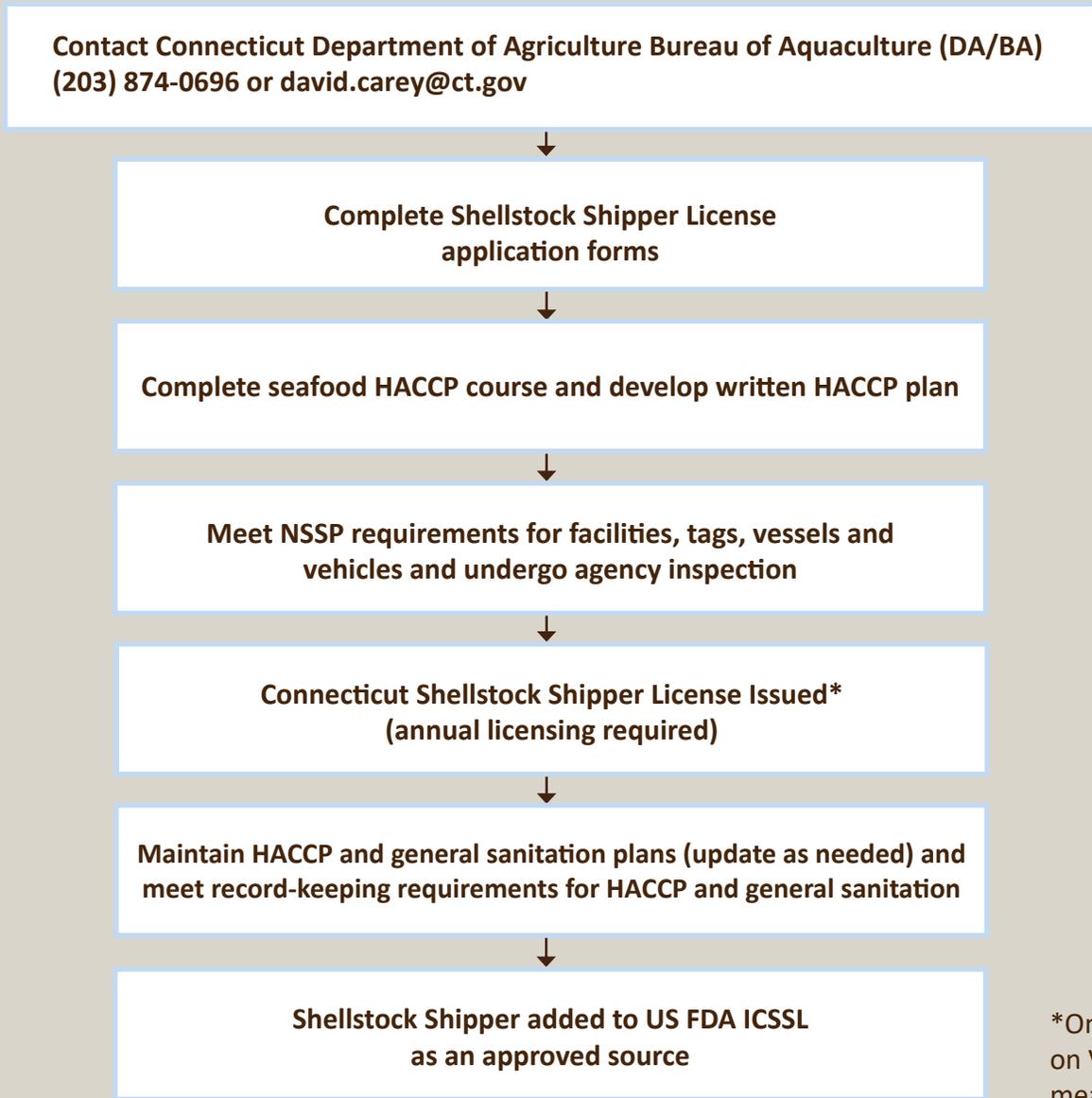
Temporary Food Service Establishments: A temporary food service establishment (i.e. Certified Farmers' Market) must operate at a fixed location for a temporary period of time in connection with a special event (carnival or circus), public exhibition, festival, celebration, or similar transitory gathering. This type of venue can serve as a gateway for consumers to gain access to local product. For example, a Certified Farmers' Market is a common marketplace (authorized by the Department of Agriculture) featuring locally produced products from two or more farmers.

Itinerant Vendors: An itinerant vendor is a person or business which does not have a permanent place of business (i.e., food trucks, caterers, traveling raw bar, etc.) and does not meet the requirement of a temporary food service establishment.

BASIC REGULATORY REQUIREMENTS

This section describes the necessary steps to become an approved source of shellfish and to directly market shellfish to consumers through one of the aforementioned avenues.

FIGURE 4. Connecticut requirements to become an approved source (Shellstock I/III License).



*Once licensed, DABA will provide guidance on VP (*Vibrio parahaemolyticus*) control measures, if applicable.

FIGURE 5. Connecticut regulatory requirements for direct sales by venue type.

Licensed Harvester Facility

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The individual must meet all the regulatory requirements for Shellstock Shipper I (see Figure 4). Contact the local health department to determine if there are additional requirements.

Temporary Food Service Establishment

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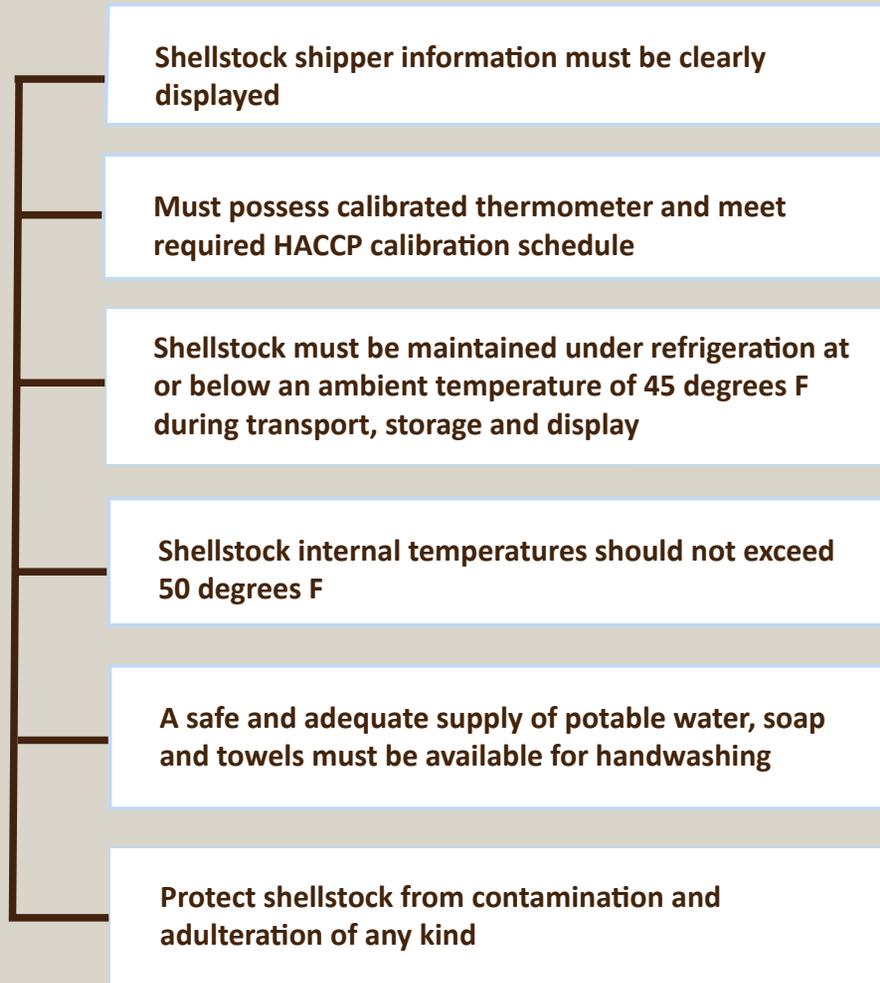
The individual must meet the regulatory requirements of Shellstock Shipper I and dealers must meet the regulatory requirements of Shellstock Shipper III (see Figure 4). Contact the local health department to determine if there are additional requirements (refer to section 19-13-B42 of the Connecticut Public Health Code). Request approval from the local Market Master (see page 12 for contact information).

Itinerant Vendor

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The individual must acquire or purchase product from an ICSSL-approved source, must be licensed as an itinerant vendor, and must comply with section 19-13-B48 (and 19-13-B49 if a raw bar) of the Connecticut Public Health Code. An itinerant vendor's license is required in each local health jurisdiction where the itinerant vendor plans to operate. All equipment and menus need to be approved in advance. Contact the local health department to determine if there are additional requirements. Many local health departments require an approved "base of operations" for storing, cleaning and sanitizing equipment. Contact local zoning and police departments to determine if additional permits are required.

FIGURE 6. Seafood safety requirements for direct sales.



INSURANCE FOR SEAFOOD SAFETY ISSUES

Most seafood products are highly perishable and only a brief delay (time may vary due to a combination of factors) in delivery can affect the quality and safety of the product. Furthermore, certain fresh and processed seafood products have the potential for causing human illness. This poses potential liability problems. It is critical that food safety controls are administered meticulously. In addition, for the welfare of the business, liability insurance must be considered a priority and also may be a requirement for certain markets and events. Contact the local USDA Farm Service Agency to identify potential insurance providers.

CONSUMER ADVISORY STATEMENT

The following consumer advisory statement should always be clearly displayed at the site of sale of any molluscan shellfish: “Consuming raw or undercooked meats, poultry, seafood, shellfish or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions” as per guidance from the [FDA](#).



CONSUMER GUIDANCE

Consumers should be provided with information on safe handling, storing and cooking techniques for shellfish. Connecticut Sea Grant has a brochure for consumers that provides recommendations for ways to keep purchased shellfish safe. Copies of the brochure can be found online at Connecticut Sea Grant's [website](#).

ADVERTISING

Community Supported Aquaculture or Fisheries (CSA or CSF) is a marketing concept in which the consumer invests in a business by purchasing one or more “shares” in the season prior to harvest, covering the anticipated costs of farming. In return, the consumer receives a predetermined supply of the farm/fishery products. In this marketing venue both parties share the risks of production (e.g. the harvester offers and the consumer accepts a product delay or substitution)⁹. Multi-farm CSAs allow for diverse product offerings and maintain a consistent supply of product in case of single-farm shortages. CSA shares can be marketed at any point of sale location or on-line. For more information about setting up a CSA or multi-farm CSA in Connecticut, please visit the Connecticut Department of Agriculture [Community Supported Agriculture Listing](#).

The Internet and social media can be utilized to grow and brand a business. The Internet can be used to conduct market research (through the use of search engines), promote business and increase communication with existing and potential customers through the use of websites, e-newsletters and email. Through social media, growers can increase interaction, communication and connection. Social networking sites focus on building and reflecting social networks or social relations among people who share interests or activities. Some examples include Facebook, Twitter, Instagram and Pinterest. There are several free and low-cost online marketing tools that can be used to advertise agricultural businesses. Some examples of Connecticut agricultural-focused marketing websites include the Buy CT Grown website and Heart Connecticut Grown Facebook page. These tools were developed by the University of Connecticut for promoting Connecticut grown goods and Connecticut agriculture. Individuals may list locations of direct marketing venues for shellfish. There is also a [Facebook page](#) that connects farmers and consumers.

FOR CONSUMERS OF MOLLUSCAN SHELLFISH

SAFE HANDLING, STORAGE, AND COOKING PRACTICES



RESOURCE MATERIALS

- Connecticut Approved Sources of Shellfish
<http://www.ct.gov/doag/cwp/view.asp?a=1369&q=259174>
- FDA Interstate Certified Shellfish Shippers List
<http://www.fda.gov/Food/GuidanceRegulation/FederalStateFoodPrograms/ucm2006753.htm>
- Hazard Analysis and Critical Control Point (HACCP) Course Listings
<https://seagrant.uconn.edu/focus-areas/sustainable-fisheries/seafood-safety/>
- National Shellfish Sanitation Program Model Ordinance
<https://www.fda.gov/food/guidanceregulation/federalstatefoodprograms/ucm2006754.htm>
- Compliance Guide for Temporary Foodservice Events
<https://portal.ct.gov/-/media/Departments-and-Agencies/DPH/dph/FoodProtection/91615ComplianceGuideUpdatepdf.pdf?la=en>
- Farmers' Market Reference Guide - Chapter 11 (Food Safety Guidelines and Regulations) and Chapter 18 (Shellfish Requirements)
http://www.ct.gov/doag/lib/doag/marketing_files/2016/fm%20reference%20guide%202016/Complete_Farmers_Market_Ref_Guide_2016.pdf
- Local Health Department Contact List
<https://portal.ct.gov/DPH/Local-Health-Admin/LHA/Local-Health-Administration---Site-Map>
- Implementation Guidance for the Consumer Advisory Provision of the FDA Food Code
<https://www.fda.gov/food/guidanceregulation/retailfoodprotection/foodcode/default.htm>
- Connecticut Farmers' Markets List and Market Masters
<http://www.ct.gov/doag/cwp/view.asp?a=3260&q=398996>
- Connecticut Agricultural Business Management Guide
http://www.ctfarmrisk.uconn.edu/index_43_3097177875.pdf
- Fisherman's Direct Marketing Manual
<https://wsg.washington.edu/wordpress/wp-content/uploads/publications/FishDirectMarMan.pdf>
- Tips for Direct Marketers: Basic Start-up Guide for the Direct Market Fisherman
<https://seagrant.uaf.edu/map/pubs/asn51startupdm.pdf>
- Direct Marketing of Seafood: A Fisherman's Perspective
<https://ir.library.oregonstate.edu/xmlui/bitstream/handle/1957/31036/069.pdf?sequence=1>
- San Diego Seafood Marketing Study, Report for Groups Interested in Marketing or Supporting Efforts
<https://caseagrant.ucsd.edu/sites/default/files/marketers%20summary.pdf>
- Market Your Catch
<http://marketyourcatch.msi.ucsb.edu/>
- Using the Internet to Enhance Direct Market Sales of Seafood
http://ncseagrant.ncsu.edu/ncseagrant_docs/products/2010s/using_the_internet-seafood.pdf

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