

California Dungeness Crab Industry Advisory/Marketing Body Options

This document is intended to serve as an overview for the California Dungeness crab task force (DCTF) of options for continuing the work of the DCTF into the future. This document is not intended to be comprehensive and is intended to supplement materials previously provided to the DCTF on this topic including (1) Market Order and Organizations & Associations, (2) Case Studies of Existing Advisory Bodies, (3) CA Sea Urchin Commission Questions for Vern, and (4) CA mandated marketing program summary. These materials can be found on the DCTF webpage (<http://www.opc.ca.gov/2009/05/dctf-may-26-27-meeting-materials-and-background-information/>)

Self-Administered Bodies

1. Formal Self-funded Committee (e.g. the continuation of the DCTF)

- It can serve in an advisory or marketing capacity (or both).
- The committee could use the same composition of members as the existing DCTF or could change the composition using various methods to seat it.
- OPC staff support can be made available at a limited capacity and available to help administer the body. OPC cannot be responsible for supporting member travel cost, coordinating logistics, nor meeting facilitation.
- Funding source to support the committee should be determined by members, e.g. fee-based, landings taxes, etc.

2. Informal Advisory Committee

- It can serve in an advisory capacity.
- The composition of members could be determined by the DCTF or could be seated differently.
- Funding source to support the committee could be determined by members, e.g. fee-based, landings taxes, etc.
- Industry members are not required to participate.

3. Informal Marketing Committee

- Body will focus on marketing.
- Funding source to support the committee could be determined by members, e.g. fee-based, landings taxes, etc.
- When establishing, it is important to ensure that the committee does not violate Anti-Trust laws.
- Cannot force industry members to participate.

Bodies Administered through the California Department of Food and Agriculture (CDFA)

4. Marketing Orders and Agreements

- Marketing orders are the legal rules and regulations that establish marketing organizations under the CDFA Code.
- Marketing orders are made effective after a formal hearing and referendum vote by CDFA. It generally takes about six months to establish a market order.
- A market order would create a body that would serve to advise the CDFG on market agreements. A market order can also serve in a range of advisory capacities.
- All actions would be approved by CDFA. Enforcement of agreements is made by CDFA.

5. Councils

- Councils can be authorized under their own statutes through the legislature.
- They can serve in an advisory or marketing capacity (or both).
- The council's relationship to CDFA is somewhat similar to marketing orders.

6. Commissions

- Commissions are authorized under their own statutes and must pass through the legislative process.
- They can serve in an advisory or marketing capacity (or both).
- Commissions are made effective after law passes and CDFA conducts an implementation referendum.
- CDFA concurs in budgets, contemplated activities and other items.

Marketing Body Administered through the Ocean Protection Council (OPC)

7. California Sustainable Seafood Marketing Body

- The Ocean Protection Council is in the process of developing and implementing a voluntary sustainable seafood promotion program for the state that meets the criteria outlined in AB 1217(Monning).
- A marketing body could obtain assistance from OPC to develop protocols to guide the Dungeness crab fishery on how to be independently certified to internationally accepted standards for sustainable seafood.
- The marketing body could apply for OPC funds (as part of a marketing assistance program) for crab that is caught in California which has been independently certified to internationally accepted standards for sustainable seafood. The OPC would consult with the Department of Food and Agriculture in implementing this program.