

Regulatory Guide to Marketing Bivalve Molluscan Shellfish in New York



This regulatory guide was created by New York Sea Grant with assistance from members of the New York Seafood Direct Marketing Task Force with representation from Federal, State County and City agencies as well as industry partners. This document is for educational and informational purposes only. This is a living document that may be updated over time to reflect current requirements for selling/marketing New York seafood. For the most up to date regulations refer to codes, rules, and regulations that are linked throughout this resource and relevant agency websites. The information provided should not be used as a substitute for legal advice. Individuals and businesses are encouraged to consult with legal counsel if starting new initiatives.

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Table of Contents

Contributors	3
Document Navigation	4
Shellfish Marketing Regulatory Flow Chart	5
Selling Live/Whole Molluscan Shellfish Wholesale in NY	6
Selling Processed Molluscan Shellfish Wholesale in NY	8
Selling Processed Molluscan Shellfish through E-Commerce	10
Selling Live/Whole Molluscan Shellfish through E-Commerce	12
Selling Processed Molluscan Shellfish at Farm/Fish Stands	14
Selling Live/Whole Molluscan Shellfish at Farm/Fish Stands	16
Selling Molluscan Shellfish at Mobile Food Service Locations	18
Selling Molluscan Shellfish at Temporary Food Service Locations	20
Selling Molluscan Shellfish Through CSFs	22
Additional Resources	24

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Acknowledgement

New York Sea Grant would like to thank all those who contributed to these efforts through participation on the task force and review of the guidance documents created to assist the NY seafood industry.

This guide is a product resulting from project A/EEP-52 funded under award NA20OAR4170487 from the National Sea Grant College Program of the U.S. Department of Commerce's National Oceanic and Atmospheric Administration, to the Research Foundation for State University of New York on behalf of New York Sea Grant. The statements, findings, conclusions, views and recommendations are those of the author(s) and do not necessarily reflect the views of any of those organizations.

Document Navigation

Introduction

New York Sea Grant created the Seafood Marketing Task force in June of 2020 to develop a series of resources to assist NY seafood producers in understanding the regulations governing the sale and marketing of seafood products in New York. The task force was made up of various industry, academic, and regulatory agency representatives with control over shellfish production and sales. All resources created are meant to assist in getting seafood products to market. The resources include regulatory guides that outline the regulations applicable to different avenues of sale and topical guides that provide more detailed information on the various requirements mentioned throughout the regulatory guides. This guide focuses on the regulatory structure that dictates the harvest, landing, and sale of bivalve molluscan shellfish in New York.



Interactive Buttons

Throughout this document you will find a variety of buttons that will allow you to interact with the contents and navigate the document. Interactive features can be identified by scrolling the mouse cursor over the buttons and images. The color of the image will change indicating you can click to view the interactive content or navigate to a new page of the document. Some of the most commonly used buttons are explained below.



Regulations Buttons

The regulations buttons depicted above will turn from yellow to blue when you hover over them. When clicked they will pull up the regulations specific to that step in the process flow chart. Each time you click one of these numbered buttons a new set of regulations will appear.

Regulatory Guide Navigation Buttons

Each of the blue buttons on the flowchart that indicate the buyer will turn white when scrolled over, as depicted below.



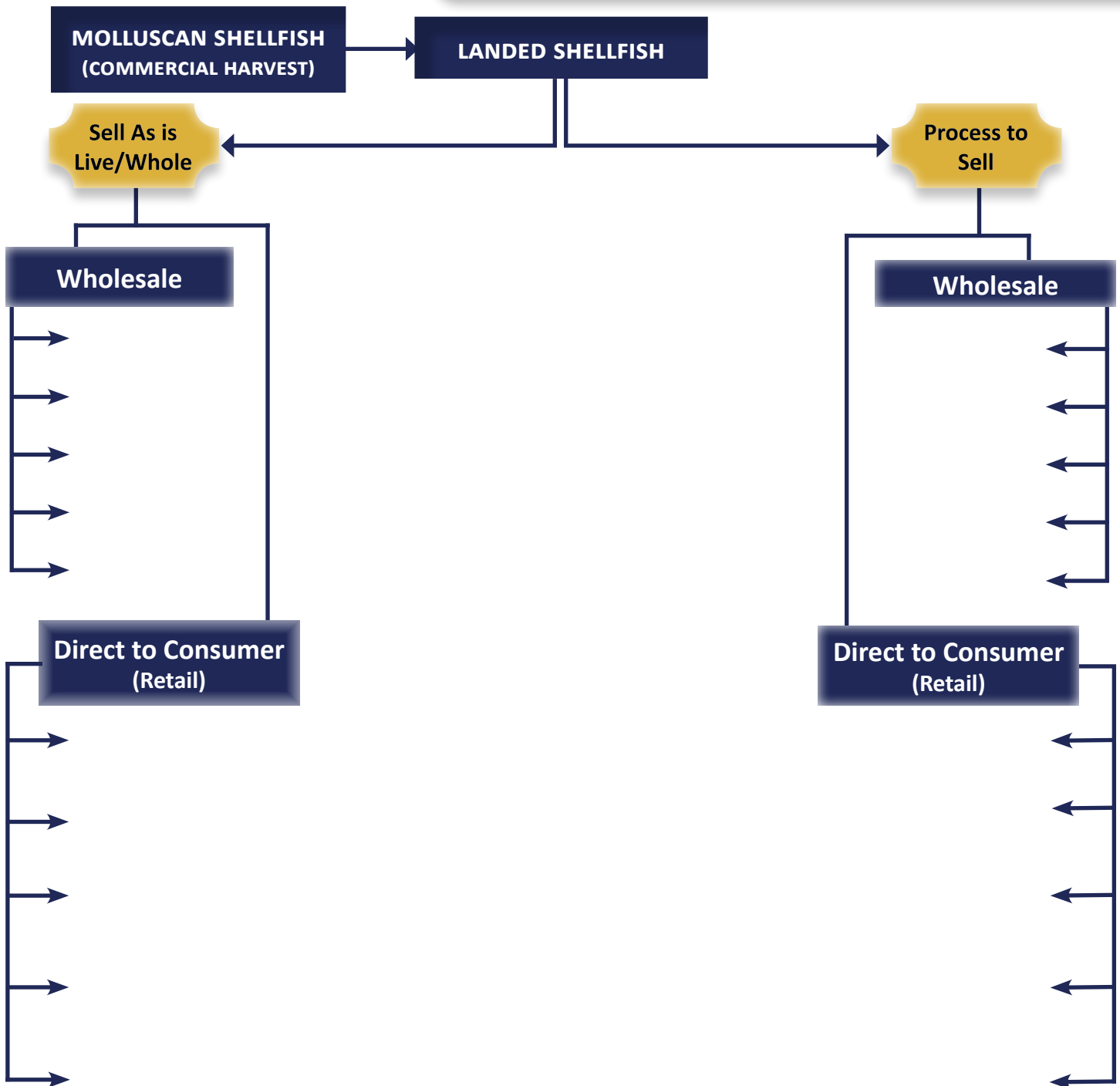
If you are interested in jumping to a regulatory guide specific to a particular buyer for the product you are selling, for example: live/whole shellfish to consumers at a farm or fish stand, you can simply click on the “Farm/Fish Stand” button under “sell as is live/whole” and you will be brought to the page of the guide that outlines all regulatory requirements for selling your shellfish to that buyer.

Returning to Flowchart and Table of Contents

Throughout the document you will see the “Flowchart” and “Table of Contents” buttons depicted below. Click on them to quickly navigate back to the flowchart or table of contents, respectively.

[Flowchart](#)
[Table of Contents](#)

Shellfish Marketing Regulatory Flow Chart



Additional links and resources are provided in the end user specific guides linked on this page.

Selling Live/Whole Molluscan Shellfish Wholesale in NY

This guide covers the sale of live/whole bivalve molluscan shellfish to wholesale buyers (processors, restaurants, retail stores, wholesale distributors, and institutions) in NY.

Harvesting Shellfish

1. Commercial baymen/growers must possess a [Shellfish Digger Permit](#) from the Department of Environmental Conservation (DEC), which allows the holder to harvest, cull, sort or tag clams, oysters, mussels, and scallops taken from certified or open waters for commercial purposes. Growers must also possess an [On/Off Bottom Culture Permit](#) from DEC to grow shellfish in NY.

1.1. Those harvesting and landing shellfish in NY must comply with [NY State DEC guidelines for safe handling of shellfish](#) and prevention of Vibrio contamination.

1.2. Commercial baymen holding a Shellfish Digger Permit, or commercial growers holding a Shellfish Digger Permit and On/Off Bottom Culture Permit can only sell to Nassau and Suffolk County dealers with a Class A or B permit through DEC.

1.3. You should also have to check with your landing city, town, or village to identify any additional local requirements or restrictions that might be in place.

Selling Live/Whole Shellfish

2. Commercial baymen/growers of shellfish in NY who wish to sell to dealers outside of Suffolk and Nassau counties and/or to businesses/individuals without a Class A or B shellfish permit must possess a [Class D Shellfish Digger/Shipper Permit](#) and meet the following requirements:

2.1. Have at least one [Seafood HACCP trained](#) individual or individual with relevant experience as described in the federal Seafood HACCP Regulation ([Title 21CFR123](#)).

2.2. Have a written Seafood HACCP plan compliant with the Seafood HACCP Regulation [Title 21CFR123](#). For more detailed information on HACCP, review NYS Seafood Guide #3 on Seafood HACCP.

» While there are consultants who will write HACCP plans, every operation must have a trained individual on site to implement and monitor the HACCP plan. A list of potential consultants is maintained by the [Seafood Network Information Center](#). The cost of having a consultant draft your HACCP plan will vary depending on the consultant and complexity of your plan. Local extension professionals are also available through [New York Sea Grant](#) and the [Cornell Food Venture Center](#) to provide guidance.

2.3. Provide a shipping invoice and dealer tags with required information in [6 NYCRR 42.11\(a\)\(3\)](#).

2.4. Have a facility that meets all of the requirements outlined in [6 NYCRR Part 42 Sanitary Control Over Shellfish](#).

2.5. Have your facility inspected by the DEC Shellfish Inspection Unit.

2.6. Submit monthly landing reports for all shellfish sold.

NOTE: if baymen/growers are interested in buying shellfish from other baymen/growers to sell with their own harvest they will also need a [Class A Shippers Permit](#), which permits purchase of shellfish from others.

HACCP Training

While there is no specific training required, the Seafood HACCP Alliance led by the Association of Food and Drug Officials manages a standardized curriculum recognized by US regulatory agencies. On average the training takes 16-20 hours and costs between \$150 and \$700. Course information can be found on the [Association of Food and Drug Officials](#) website. For more detailed information on HACCP, review NYS Seafood Guide #3 on Seafood HACCP.

Checklist for Live/Whole Wholesale Molluscan Shellfish

Processor

- » Selling shellfish directly to other seafood processors.

Restaurant

- » Selling shellfish directly to restaurants and other food service establishments where foods are prepared, portioned for consumption, and sold.

Retailer

- » Selling shellfish directly to seafood retail outlets.

Wholesaler

- » Selling shellfish directly to wholesale buyers or distributors.

Institution

- » Selling shellfish directly to institutions (schools, hospitals, senior living etc.).

☐ Shellfish Digger Permit

☐ Shellfish Culture Permit

☐ Understand guidelines for safe handling of shellfish in NY

☐ Check for local landing requirements or restrictions

☐ Digger Shipper Permit necessary? If, yes:

☐ Seafood HACCP training

☐ HACCP plan


☐ Dealer tags

☐ Facility meets sanitary control over shellfish requirements

☐ DEC inspection

Wholesale Sales

3. Baymen/growers can market their whole live shellfish to wholesale dealers without further restrictions as long as they possess the proper Digger/ Shipper permits required from DEC described in sections 1 and 2 and are in compliance with the requirements of maintaining those permits.

	PERISHABLE KEEP REFRIGERATED	Company Name: _____	Cert. #: _____
		Company Address: _____	
		City, State, Zip Code: _____	
		Original Shipper's Cert. No. if Other than Above: _____	
		Harvest Date: _____ Shipping Date: _____	
		Harvest Location: _____	
		Type of Shellfish: Little necks _____ Top necks _____ Mussels _____ Cherry stones _____ Chowders _____ Oysters _____	
		Product of: _____ USA _____ Canada _____ Farm Raised _____ Wild _____	
		Quantity of Shellfish: _____ Pounds _____ Count _____	
		This tag is required to be attached until container is empty OR is retagged and thereafter kept on file, in chronological order, for 90 days. Retailers: Date when last shellfish from this container was sold or served: _____	

PERISHABLE KEEP REFRIGERATED

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

Selling Processed Molluscan Shellfish Wholesale in NY

This guide covers the sale of processed bivalve molluscan shellfish to wholesale buyers (processors, restaurants, retail stores, wholesale distributors, and institutions) in NY.

Harvesting Shellfish

1. Commercial baymen/growers must possess a [Shellfish Digger Permit](#) from the Department of Environmental Conservation (DEC), which allows the holder to harvest, cull, sort or tag clams, oysters, mussels, and scallops taken from certified or open waters for commercial purposes. Growers must also possess an [On/Off Bottom Culture Permit](#) from DEC to grow shellfish in NY.

1.1. Those harvesting and landing shellfish in NY must comply with [NY State DEC guidelines for safe handling of shellfish](#) and prevention of Vibrio contamination.

1.2. Commercial baymen holding a Shellfish Digger Permit, or commercial growers holding a Shellfish Digger Permit and On/Off Bottom Culture Permit can only sell to Nassau and Suffolk County dealers with a Class A or B permit through DEC.

1.3. You should also check with your landing city, town, or village to identify any additional local requirements or restrictions that might be in place.

Selling Processed Shellfish

2. Commercial baymen/growers of shellfish in NY who wish to sell to dealers outside of Suffolk and Nassau counties and/or to businesses/individuals without a Class A or B shellfish permit must possess a [Class D Shellfish Digger/Shipper permit](#) and meet the following requirements:

2.1. Have at least one [Seafood HACCP trained](#) individual or individual with relevant experience as described in the federal Seafood HACCP Regulation ([Title 21CFR123](#)).

2.2. Have a written Seafood HACCP plan compliant with the Seafood HACCP Regulation [Title 21CFR123](#). For more detailed information on HACCP, review NYSG Seafood Guide #3 on Seafood HACCP.

» While there are consultants who will write HACCP plans, every operation must have a trained individual on site to implement and monitor the HACCP plan. A list of potential consultants is maintained by the [Seafood Network Information Center](#). The cost of having a consultant draft your HACCP plan will vary depending on the consultant and complexity of your plan. Local extension professionals are also available through [New York Sea Grant](#) and the [Cornell Food Venture Center](#) to provide guidance.

2.3. Provide a shipping invoice and dealer tags with required information in [6 NYCRR 42.11\(a\)\(3\)](#).

2.4. Have a facility that meets all of the requirements outlined in [6 NYCRR Part 42 Sanitary Control Over Shellfish](#).

2.5. Have your facility inspected by the DEC Shellfish Inspection Unit.

2.6. Submit monthly landing reports for all shellfish sold.

NOTE: if baymen/growers are interested in buying shellfish from other baymen/growers to sell with their own harvest they will also need a [Class A Shippers Permit](#), which permits purchase of shellfish from others.

HACCP Training

While there is no specific training required, the Seafood HACCP Alliance led by the Association of Food and Drug Officials manages a standardized curriculum recognized by US regulatory agencies. On average the training takes 16-20 hours and costs between \$150 and \$700. Course information can be found on the [Association of Food and Drug Officials](#) website.

Processor

- » Selling shellfish directly to other seafood processors.

Restaurant

- » Selling shellfish directly to restaurants and other food service establishments where foods are prepared, portioned for consumption, and sold.

Retailer

- » Selling shellfish directly to seafood retail outlets.

Wholesaler

- » Selling shellfish directly to wholesale buyers or distributors.

Institution

- » Selling shellfish directly to institutions (schools, hospitals, senior living etc.).

Wholesale Sales

3. Baymen/growers interested in processing and selling processed shellfish direct to other processors, restaurants, retail dealers, wholesale dealers or institutions must possess a [Class B Processor license](#) from the DEC. If only shucking bay scallops and selling in State, a [Class E Bay Scallop Shucker-Packer license](#) can be obtained instead.



Checklist for Processed Wholesale Molluscan Shellfish

- ☐ Shellfish Digger Permit
- ☐ Shellfish Culture Permit
- ☐ Understand guidelines for safe handling of shellfish in NY
- ☐ Check for local landing requirements or restriction
- ☐ Digger Shipper Permit necessary? If, yes:
- ☐ Seafood HACCP training
- ☐ HACCP plan
- ☐ Dealer tags
- ☐ Facility meets sanitary control over shellfish requirements
- ☐ DEC inspection
- ☐ Class B or Class E license

New York Sea Grant
provides Seafood HACCP
training and guidance.
Find more information in
NYSG Seafood Guide #3 on Seafood HACCP.



Selling Processed Molluscan Shellfish through E-Commerce

This guide covers the sale of processed bivalve molluscan shellfish through various online platforms in NY.

Harvesting Shellfish

1. Commercial baymen/growers must possess a [Shellfish Digger Permit](#) from the Department of Environmental Conservation (DEC), which allows the holder to harvest, cull, sort or tag clams, oysters, mussels, and scallops taken from certified or open waters for commercial purposes. Growers must also possess an [On/Off Bottom Culture Permit](#) from DEC to grow shellfish in NY.

1.1. Those harvesting and landing shellfish in NY must comply with [NY State DEC guidelines for safe handling of shellfish](#) and prevention of Vibrio contamination.

1.2. Commercial baymen holding a Shellfish Digger Permit, or commercial growers holding a Shellfish Digger Permit and On/Off Bottom Culture Permit can only sell to Nassau and Suffolk County dealers with a Class A or B permit through DEC.

1.3. You should also check with your landing city, town, or village to identify any additional local requirements or restrictions that might be in place.

Selling Processed Shellfish

2. Commercial baymen/growers of shellfish in NY who wish to sell to dealers outside of Suffolk and Nassau counties and/or to businesses/individuals without a Class A or B Shellfish Permit must possess a [Class D Shellfish Digger/Shipper permit](#) and meet the following requirements:

2.1. Have at least one [Seafood HACCP trained](#) individual or individual with relevant experience as described in the federal Seafood HACCP Regulation ([Title 21CFR123](#)).

2.2. Have a written Seafood HACCP plan compliant with the Seafood HACCP Regulation [Title 21CFR123](#). For more detailed information on HACCP, review NYSG Seafood Guide #3 on Seafood HACCP.

» While there are consultants who will write HACCP plans, every operation must have a trained individual on site to implement and monitor the HACCP plan. A list of potential consultants is maintained by the [Seafood Network Information Center](#). The cost of having a consultant draft your HACCP plan will vary depending on the consultant and complexity of your plan. Local extension professionals are also available through [New York Sea Grant](#) and the [Cornell Food Venture Center](#) to provide guidance.

2.3. Provide a shipping invoice and dealer tags with required information in [6 NYCRR 42.11\(a\)\(3\)](#).

2.4. Have a facility that meets all of the requirements outlined in [6 NYCRR Part 42 Sanitary Control Over Shellfish](#).

2.5. Have your facility inspected by the DEC Shellfish Inspection Unit.

2.6. Submit monthly landing reports for all shellfish sold.

NOTE: if baymen/growers are interested in buying shellfish from other baymen/growers to sell with their own harvest they will also need a [Class A Shippers Permit](#), which permits purchase of shellfish from others.

HACCP Training

While there is no specific training required, the Seafood HACCP Alliance led by the Association of Food and Drug Officials manages a standardized curriculum recognized by US regulatory agencies. On average the training takes 16-20 hours and costs between \$150 and \$700. Course information can be found on the [Association of Food and Drug Officials](#) website. For more detailed information on HACCP, review NYSG Seafood Guide #3 on Seafood HACCP.



E-Commerce

Selling products direct to consumers through online platforms.

E-Commerce

3. Baymen/growers interested in selling processed shellfish direct to consumers (Retail) must possess a [20-C Processing License](#) from the NY State Department of Agriculture and Markets (AgM) and a [Class B Processor License](#) from the DEC. If only shucking bay scallops and selling in State, a [Class E Bay Scallop Shucker-Packer License](#) can be obtained instead of the Class B Processor Permit. The following requirements must also be met when selling processed shellfish direct to consumers:

3.1. Compliance with current Good Manufacturing Practices (GMP's) in [Title 21CFR117 Subpart B](#). For more detailed information on GMP's, review NYSG Seafood Guide #4 on Good Manufacturing Practices.

3.2. Compliance with sanitation regulations in [1 NYCRR part 271](#).

3.3. Facility inspections by AgM and the DEC Shellfish Inspection Unit.

4. When selling pre-packaged seafood, it must meet the packaging and labeling requirements in [1 NYCRR 221](#). See NYSG Seafood Guide #1.

5. The Federal Trade Commission (FTC) also requires businesses marketing online to comply with federal laws [prohibiting unfair or deceptive advertising](#).

6. The FTC provides guidance on [how to handle data security](#) and the personal information of consumers using online services.

6.1. The FTC also provides [guidance to small businesses](#) on how they can maintain their cybersecurity.

7. If you are considering e-commerce sales check out several existing platforms that could assist you in getting online. This list of e-commerce platforms is not exhaustive and NYSG does not endorse any of the platforms linked: [Barn2Door](#) | [Cropolis](#) | [Farmigo](#) | [Food4All](#) | [Local Food Marketplace](#) | [Local Line](#) | [SaleFish](#) | [WIX](#) | [Square](#) | [WOO Commerce](#) | [Squarespace](#) | [Open Food Network](#) | [GrazeCart](#) | [Harvie](#) | [OurHarvest](#) | [WhatsGood](#) | [CSAware](#) | [Farmers Web](#) | [GrownBy](#) | [Harvest Hand](#) | [Local Orbit](#) | [Shopify](#)

Checklist for Processed Molluscan Shellfish in E-Commerce

- ☐ Shellfish Digger Permit
- ☐ Shellfish Culture Permit
- ☐ Understand guidelines for safe handling of shellfish in NY
- ☐ Check for local landing requirements or restrictions
- ☐ Digger Shipper Permit necessary
- ☐ Seafood HACCP training
- ☐ HACCP plan
- ☐ Dealer tags
- ☐ Facility meets sanitary control over shellfish requirements
- ☐ DEC inspection
- ☐ AgM inspection
- ☐ 20-C Processing License
- ☐ Class B or Class E License
- ☐ GMP requirements?
- ☐ Sanitation requirements?
- ☐ Appropriate food labels?
- ☐ Online sales platform?

Selling Live/Whole Molluscan Shellfish through E-Commerce

This guide covers the sale of live/whole bivalve molluscan shellfish through various online platforms in NY.

Harvesting Shellfish

1. Commercial baymen/growers must possess a [Shellfish Digger Permit](#) from the Department of Environmental Conservation (DEC), which allows the holder to harvest, cull, sort or tag clams, oysters, mussels, and scallops taken from certified or open waters for commercial purposes. Growers must also possess an [On/Off Bottom Culture Permit](#) from DEC to grow shellfish in NY.

1.1. Those harvesting and landing shellfish in NY must comply with [NY State DEC guidelines for safe handling of shellfish](#) and prevention of Vibrio contamination.

1.2. Commercial baymen holding a Shellfish Digger Permit, or commercial growers holding a Shellfish Digger Permit and On/Off Bottom Culture Permit can only sell to Nassau and Suffolk County dealers with a Class A or B Permit through DEC.

1.3. You should also check with your landing city, town, or village to identify any additional local requirements or restrictions that might be in place.

Selling Live/Whole Shellfish

2. Commercial baymen/growers of shellfish in NY who wish to sell to dealers outside of Suffolk and Nassau counties and/or to businesses/individuals without a Class A or B shellfish permit must possess a [Class D Shellfish Digger/Shipper permit](#) and meet the following requirements:

2.1. Have at least one [Seafood HACCP trained](#) individual or individual with relevant experience as described in the federal Seafood HACCP Regulation ([Title 21CFR123](#)).

2.2. Have a written Seafood HACCP plan compliant with the Seafood HACCP Regulation [Title 21CFR123](#). For more detailed information on HACCP, review NYSG Seafood Guide #3 on Seafood HACCP.

» While there are consultants who will write HACCP plans, every operation must have a trained individual on site to implement and monitor the HACCP plan. A list of potential consultants is maintained by the [Seafood Network Information Center](#). The cost of having a consultant draft your HACCP plan will vary depending on the consultant and complexity of your plan. Local extension professionals are also available through [New York Sea Grant](#) and the [Cornell Food Venture Center](#) to provide guidance.

2.3. Provide a shipping invoice and dealer tags with required information in [6 NYCRR 42.11\(a\)\(3\)](#).

2.4. Have a facility that meets all of the requirements outlined in [6 NYCRR Part 42 Sanitary Control Over Shellfish](#).

2.5. Have your facility inspected by the DEC Shellfish Inspection Unit.

2.6. Submit monthly landing reports for all shellfish sold.

NOTE: if baymen/growers are interested in buying shellfish from other baymen/growers to sell with their own harvest they will also need a [Class A Shippers Permit](#), which permits purchase of shellfish from others.

HACCP Training

While there is no specific training required, the Seafood HACCP Alliance led by the Association of Food and Drug Officials manages a standardized curriculum recognized by US regulatory agencies. On average the training takes 16-20 hours and costs between \$150 and \$700. Course information can be found on the [Association of Food and Drug Officials](#) website.

E-Commerce

Selling products direct to consumers through online platforms.

E-Commerce

3. When selling pre-packaged seafood, it must meet the packaging and labeling requirements in [1 NYCRR 221](#). See NYSG Seafood Guide #1.

4. The Federal Trade Commission (FTC) also requires businesses marketing online to comply with federal laws [prohibiting unfair or deceptive advertising](#).

5. The FTC provides guidance on [how to handle data security](#) and the personal information of consumers using online services.

5.1. The FTC also provides [guidance to small businesses](#) on how they can maintain their cybersecurity.

6. If you are considering e-commerce sales check out several existing platforms that could assist you in getting online. This list of e-commerce platforms is not exhaustive and NYSG does not endorse any of the platforms linked: [Barn2Door](#) | [Cropolis](#) | [Farmigo](#) | [Food4All](#) | [Local Food Marketplace](#) | [Local Line](#) | [SaleFish](#) | [WIX](#) | [Square](#) | [WOO Commerce](#) | [Squarespace](#) | [Open Food Network](#) | [GrazeCart](#) | [Harvie](#) | [OurHarvest](#) | [WhatsGood](#) | [CSAware](#) | [Farmers Web](#) | [GrownBy](#) | [Harvest Hand](#) | [Local Orbit](#) | [Shopify](#)

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training and guidance.
Find more information in
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Checklist for Live/Whole Molluscan Shellfish in E-Commerce

- ☐ Shellfish Digger Permit
- ☐ Shellfish Culture Permit
- ☐ Understand guidelines for safe handling of shellfish in NY
- ☐ Check for local landing requirements or restrictions
- ☐ Digger Shipper Permit necessary
- ☐ Seafood HACCP training
- ☐ HACCP plan
- ☐ Dealer tags
- ☐ Facility meets sanitary control over shellfish requirements
- ☐ DEC inspection
- ☐ Sanitation requirements
- ☐ Appropriate food labels
- ☐ Online sales platform



Photo Credit: Cornell Cooperative Extension
Suffolk County Marine Program

Selling Processed Molluscan Shellfish at Farm/Fish Stands

This guide covers the sale of live/whole bivalve molluscan shellfish at farm or fish stands in NY.

Harvesting Shellfish

1. Commercial baymen/growers must possess a [Shellfish Digger Permit](#) from the Department of Environmental Conservation (DEC), which allows the holder to harvest, cull, sort or tag clams, oysters, mussels, and scallops taken from certified or open waters for commercial purposes. Growers must also possess an [On/Off Bottom Culture Permit](#) from DEC to grow shellfish in NY.

1.1. Those harvesting and landing shellfish in NY must comply with [NY State DEC guidelines for safe handling of shellfish](#) and prevention of Vibrio contamination.

1.2. Commercial baymen holding a Shellfish Digger Permit, or commercial growers holding a Shellfish Digger Permit and On/Off Bottom Culture Permit can only sell to Nassau and Suffolk County dealers with a Class A or B Permit through DEC.

1.3. You should also check with your landing city, town, or village to identify any additional local requirements or restrictions that might be in place.

Selling Processed Shellfish

2. Commercial baymen/growers of shellfish in NY who wish to sell to dealers outside of Suffolk and Nassau counties and/or to businesses/individuals without a Class A or B Shellfish Permit must possess a [Class D Shellfish Digger/Shipper Permit](#) and meet the following requirements:

2.1. Have at least one [Seafood HACCP trained](#) individual or individual with relevant experience as described in the federal Seafood HACCP Regulation ([Title 21CFR123](#)).

2.2. Have a written Seafood HACCP plan compliant with the Seafood HACCP Regulation [Title 21CFR123](#). For more detailed information on HACCP, review NYSG Seafood Guide #3 on Seafood HACCP.

» While there are consultants who will write HACCP plans, every operation must have a trained individual on site to implement and monitor the HACCP plan. A list of potential consultants is maintained by the [Seafood Network Information Center](#). The cost of having a consultant draft your HACCP plan will vary depending on the consultant and complexity of your plan. Local extension professionals are also available through [New York Sea Grant](#) and the [Cornell Food Venture Center](#) to provide guidance.

2.3. Provide a shipping invoice and dealer tags with required information in [6 NYCRR 42.11\(a\)\(3\)](#).

2.4. Have a facility that meets all of the requirements outlined in [6 NYCRR Part 42 Sanitary Control Over Shellfish](#).

2.5. Have your facility inspected by the DEC Shellfish Inspection Unit.

2.6. Submit monthly landing reports for all shellfish sold.

NOTE: if baymen/growers are interested in buying shellfish from other baymen/growers to sell with their own harvest they will also need a [Class A Shippers Permit](#), which permits purchase of shellfish from others.

HACCP Training

While there is no specific training required, the Seafood HACCP Alliance led by the Association of Food and Drug Officials manages a standardized curriculum recognized by US regulatory agencies. On average the training takes 16-20 hours and costs between \$150 and \$700. Course information can be found on the [Association of Food and Drug Officials](#) website. For more detailed information on HACCP, review NYSG Seafood Guide #3 on Seafood HACCP.



Farm/Fish Stand

Selling direct to consumers at farmers markets or roadside stands.

Farm/Fish Stand Requirements

3. Baymen/growers interested in selling processed shellfish direct to consumers (Retail) must possess a [20-C Processing License](#) from the NY State Department of Agriculture and Markets (AgM) and a [Class B Processor License](#) from the DEC. If shucking bay scallops, a [Class E Bay Scallop Shucker-Packer License](#) is required. Processing cannot take place at farmers markets and following requirements must also be met:

3.1. Compliance with current good manufacturing practices in [Title 21CFR117 Subpart B](#). For more detailed information on GMP's, review NYSG Seafood Guide #4 on Good Manufacturing Practices.

3.2. Compliance with sanitation regulations in [1 NYCRR part 271](#).

3.3. Facility inspections by AgM and the DEC Shellfish Inspection Unit.

4. If selling prepared shellfish intended for on-site consumption you will need to meet the requirements of a temporary food service establishment.

5. When selling seafood products by weight, signage indicating price should be displayed and these products must be weighed on a [National Type Evaluation Program \(NTEP\)](#) certified scale, which has been inspected and sealed by a county Weights and Measures Inspector.

5.1. The Department of Weights and Measures should be notified when a new or new-to-you scale will be used or if the official seal has been removed or damaged for repairs.

5.2. Check with your county Weights and Measures Office to schedule an inspection: [Suffolk County](#) | [Nassau County](#) | [New York City](#)

6. While the Department of Agriculture and Markets (AgM) does not regulate markets they do regulate the foods sold at markets. For more detailed information on AgM requirements for farmers market sales refer to the AgM [guidance on sanitary regulations for New York State farmers market vendors](#).

7. Individual municipalities may have their own licensing/permitting requirements. You should reach out to the local municipality to inquire about any additional regulations. An overview of municipal rules specific to seafood sales is available on the New York Sea Grant Website.

8. Businesses that seek to set up a direct marketing operation on their farms must be aware that this change in land use might require additional permitting and authorization by your local zoning authority, city council, etc.

8.1. You can find a list of Counties in NY and their municipalities on the [NY State Website](#).

8.2. You can search laws by municipality in the [General Code Library](#).

Checklist for Farm/Fish Stands

- ☐ Shellfish Digger Permit
- ☐ Shellfish Culture Permit
- ☐ Understand guidelines for safe handling of shellfish in NY
- ☐ Check for local landing requirements or restrictions
- ☐ Digger Shipper Permit, if necessary
- ☐ Seafood HACCP training
- ☐ HACCP plan
- ☐ Dealer tags
- ☐ Facility meets sanitary control over shellfish requirements
- ☐ DEC and AgM inspection
- ☐ 20-C Processing License
- ☐ Class B or Class E License
- ☐ GMP requirements
- ☐ Sanitation requirements
- ☐ Appropriate price signage
- ☐ Certified & inspected scale

Selling Live/Whole Molluscan Shellfish at Farm/Fish Stands

This guide covers the sale of live/whole bivalve molluscan shellfish at farm or fish stands in NY.

Harvesting Shellfish

1. Commercial baymen/growers must possess a [Shellfish Digger Permit](#) from the Department of Environmental Conservation (DEC), which allows the holder to harvest, cull, sort or tag clams, oysters, mussels, and scallops taken from certified or open waters for commercial purposes. Growers must also possess an [On/Off Bottom Culture Permit](#) from DEC to grow shellfish in NY.

1.1. Those harvesting and landing shellfish in NY must comply with [NY State DEC guidelines for safe handling of shellfish](#) and prevention of Vibrio contamination.

1.2. Commercial baymen holding a shellfish digger permit, or commercial growers holding a Shellfish Digger Permit and On/Off Bottom Culture Permit can only sell to Nassau and Suffolk County dealers with a Class A or B Permit through DEC.

1.3. You should also check with your landing city, town, or village to identify any additional local requirements or restrictions that might be in place.

Selling Shellfish Live/Whole

2. Commercial baymen/growers of shellfish in NY who wish to sell to dealers outside of Suffolk and Nassau counties and/or to businesses/individuals without a Class A or B Shellfish Permit must possess a [Class D Shellfish Digger/Shipper Permit](#) and meet the following requirements:

2.1. Have at least one [Seafood HACCP trained](#) individual or individual with relevant experience as described in the federal Seafood HACCP Regulation ([Title 21CFR123](#)).

2.2. Have a written Seafood HACCP plan compliant with the Seafood HACCP Regulation [Title 21CFR123](#). For more detailed information on HACCP, review NYSG Seafood Guide #3 on Seafood HACCP.

» While there are consultants who will write HACCP plans, every operation must have a trained individual on site to implement and monitor the HACCP plan. A list of potential consultants is maintained by the [Seafood Network Information Center](#). The cost of having a consultant draft your HACCP plan will vary depending on the consultant and complexity of your plan. Local extension professionals are also available through [New York Sea Grant](#) and the [Cornell Food Venture Center](#) to provide guidance.

2.3. Provide a shipping invoice and dealer tags with required information in [6 NYCRR 42.11\(a\)\(3\)](#).

2.4. Have a facility that meets all of the requirements outlined in [6 NYCRR Part 42 Sanitary Control Over Shellfish](#).

2.5. Have your facility inspected by the DEC Shellfish Inspection Unit.

2.6. Submit monthly landing reports for all shellfish sold.

NOTE: if baymen/growers are interested in buying shellfish from other baymen/growers to sell with their own harvest they will also need a [Class A Shippers Permit](#), which permits purchase of shellfish from others.

HACCP Training

While there is no specific training required, the Seafood HACCP Alliance led by the Association of Food and Drug Officials manages a standardized curriculum recognized by US regulatory agencies. On average the training takes 16-20 hours and costs between \$150 and \$700. Course information can be found on the [Association of Food and Drug Officials](#) website.

Farm/Fish Stand

Selling direct to consumers at farmers markets or roadside stands.

Farm/Fish Stands

3. If selling prepared shellfish intended for on-site or immediate consumption you will also need to meet the requirements of a temporary food service establishment (see section 12).
4. When selling seafood products by weight, signage indicating price should be displayed and these products must be weighed on a [National Type Evaluation Program \(NTEP\)](#) certified scale, which has been inspected and sealed by a county Weights and Measures Inspector.
 - 4.1. The Department of Weights and Measures should be notified when a new or new-to-you scale will be used or if the official seal has been removed or damaged for repairs.
 - 4.2. Check with your County Weights and Measures office to schedule an inspection: [Suffolk County](#) | [Nassau County](#) | [New York City](#)
5. While the Department of Agriculture and Markets (AgM) does not regulate markets they do regulate the foods sold at markets. For more detailed information on AgM requirements for farmers market sales refer to the AgM [guidance on sanitary regulations for New York State farmers market vendors](#).
6. Individual municipalities may have their own licensing/permitting requirements. You should reach out to the local municipality to inquire about any additional regulations.
7. Businesses that seek to set up a direct marketing operation on their farms must be aware that this change in land use might require additional permitting and authorization by your local zoning authority, city council, etc.

7.1. You can find a list of Counties in NY and their municipalities on the [NY State Website](#).

7.2. You can search laws by municipality in the [General Code Library](#).

Checklist for Live/Whole Shellfish at Farm/Fish Stands

- ☐ Shellfish Digger Permit
- ☐ Shellfish Culture Permit
- ☐ Understand guidelines for safe handling of shellfish in NY
- ☐ Check for local landing requirements or restrictions
- ☐ Digger Shipper Permit, if necessary
- ☐ Seafood HACCP training
- ☐ HACCP plan
- ☐ Dealer tags
- ☐ Facility meets sanitary control over shellfish requirements
- ☐ DEC inspection
- ☐ Appropriate price signage
- ☐ Certified & inspected scale

New York Sea Grant provides Seafood HACCP training and guidance. Find more information in NYSG Seafood Guide #3 on Seafood HACCP.



Selling Molluscan Shellfish at Mobile Food Service Locations

This guide covers the sale of live/whole or processed bivalve molluscan shellfish from a Mobile Food Service establishment (food cart or truck).

Harvesting Shellfish

1. Commercial baymen/growers must possess a [Shellfish Digger Permit](#) from the Department of Environmental Conservation (DEC), which allows the holder to harvest, cull, sort or tag clams, oysters, mussels, and scallops taken from certified or open waters for commercial purposes. Growers must also possess an [On/Off Bottom Culture Permit](#) from DEC to grow shellfish in NY.

1.1. Those harvesting and landing shellfish in NY must comply with [NY State DEC guidelines for safe handling of shellfish](#) and prevention of Vibrio contamination.

1.2. Commercial baymen holding a Shellfish Digger Permit, or commercial growers holding a Shellfish Digger permit and On/Off Bottom Culture Permit can only sell to Nassau and Suffolk County dealers with a Class A or B Permit through DEC.

1.3. You should also check with your landing city, town, or village to identify any additional local requirements or restrictions that might be in place.

Selling Shellfish

2. Commercial baymen/growers of shellfish in NY who wish to sell to dealers outside of Suffolk and Nassau counties and/or to businesses/individuals without a Class A or B Shellfish Permit must possess a [Class D Shellfish Digger/Shipper Permit](#) and meet the following requirements:

2.1. Have at least one [Seafood HACCP trained](#) individual or individual with relevant experience as described in the federal Seafood HACCP Regulation ([Title 21CFR123](#)).

2.2. Have a written Seafood HACCP plan compliant with the Seafood HACCP Regulation [Title 21CFR123](#). For more detailed information on HACCP, review NYS Seafood Guide #3 on Seafood HACCP.

» While there are consultants who will write HACCP plans, every operation must have a trained individual on site to implement and monitor the HACCP plan. A list of potential consultants is maintained by the [Seafood Network Information Center](#). The cost of having a consultant draft your HACCP plan will vary depending on the consultant and complexity of your plan. Local extension professionals are also available through [New York Sea Grant](#) and the [Cornell Food Venture Center](#) to provide guidance.

2.3. Provide a shipping invoice and dealer tags with required information in [6 NYCRR 42.11\(a\)\(3\)](#).

2.4. Have a facility that meets all of the requirements outlined in [6 NYCRR Part 42 Sanitary Control Over Shellfish](#).

2.5. Have your facility inspected by the DEC Shellfish Inspection Unit.

2.6. Submit monthly landing reports for all shellfish sold.

NOTE: if baymen/growers are interested in buying shellfish from other baymen/growers to sell with their own harvest they will also need a [Class A Shippers Permit](#), which permits purchase of shellfish from others.

HACCP Training

While there is no specific training required, the Seafood HACCP Alliance led by the Association of Food and Drug Officials manages a standardized curriculum recognized by US regulatory agencies. On average the training takes 16-20 hours and costs between \$150 and \$700. Course information can be found on the [Association of Food and Drug Officials](#) website.

Mobile Food Service

Selling prepared foods direct to consumers through mobile food service establishments (push carts, food trucks etc.).

Mobile Food Service Requirements

3. Baymen/growers interested in selling shellfish (retail foodservice) must comply with the sanitation rules and regulations of the local Department of Health (DOH). Statewide sanitation rules and regulations can be found in [10NYCRR 14-4](#). You should also check with your local DOH to determine more stringent sanitary requirements specific to your county.

3.1. The [New York State Department of Health](#) provides links to the websites of each county's DOH.

3.2. Guidance on mobile food service for Suffolk County is available [here](#).

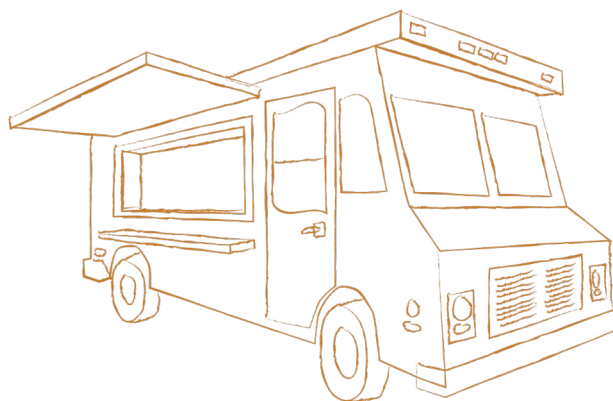
4. Food trucks, push carts, and mobile food establishments in some jurisdictions cannot sell ready-to-eat raw or undercooked shellfish. [Article 89 \[89.19\(f\)\(2\)\]](#) of the [NYC health code](#) prohibits the sale of raw seafood products from mobile food vendors in New York City. However, mobile food vendors in New York City may sell cooked or reheated seafood products provided they are manufactured, processed and prepared at a mobile food commissary or at another duly licensed and approved facility. NYC Health Code 89.19(f)(2).

New York Sea Grant provides Seafood HACCP training and guidance. Find more information in NYSG Seafood Guide #3 on Seafood HACCP.



Checklist for Mobile Food Service

- ☐ Shellfish Digger Permit
- ☐ Shellfish Culture Permit
- ☐ Understand guidelines for safe handling of shellfish in NY
- ☐ Check for local landing requirements or restrictions
- ☐ Digger Shipper Permit necessary? If, yes:
- ☐ Seafood HACCP training
- ☐ HACCP plan
- ☐ Dealer tags
- ☐ Facility meets sanitary control over shellfish requirements
- ☐ DEC inspection
- ☐ DOH sanitation rules compliance
- ☐ Check local restrictions



Selling Molluscan Shellfish at Temporary Food Service Locations

This guide covers the sale of live/whole and processed bivalve molluscan shellfish at temporary food service establishments (festival, fair, carnival brewery, winery etc.).

Harvesting Shellfish

1. Commercial baymen/growers must possess a [Shellfish Digger Permit](#) from the Department of Environmental Conservation (DEC), which allows the holder to harvest, cull, sort or tag clams, oysters, mussels, and scallops taken from certified or open waters for commercial purposes. Growers must also possess an [On/Off Bottom Culture Permit](#) from DEC to grow shellfish in NY.

1.1. Those harvesting and landing shellfish in NY must comply with [NY State DEC guidelines for safe handling of shellfish](#) and prevention of Vibrio contamination.

1.2. Commercial baymen holding a Shellfish Digger Permit, or commercial growers holding a Shellfish Digger Permit and On/Off Bottom Culture Permit can only sell to Nassau and Suffolk County dealers with a Class A or B Permit through DEC.

1.3. You should also check with your landing city, town, or village to identify any additional local requirements or restrictions that might be in place.

Selling Shellfish

2. Commercial baymen/growers of shellfish in NY who wish to sell to dealers outside of Suffolk and Nassau counties and/or to businesses/individuals without a Class A or B Shellfish Permit must possess a [Class D Shellfish Digger/Shipper Permit](#) and meet the following requirements:

2.1. Have at least one [Seafood HACCP trained](#) individual or individual with relevant experience as described in the federal Seafood HACCP Regulation ([Title 21CFR123](#)).

2.2. Have a written Seafood HACCP plan compliant with the Seafood HACCP Regulation [Title 21CFR123](#). For more detailed information on HACCP, review NYS Seafood Guide #3 on Seafood HACCP.

» While there are consultants who will write HACCP plans, every operation must have a trained individual on site to implement and monitor the HACCP plan. A list of potential consultants is maintained by the [Seafood Network Information Center](#). The cost of having a consultant draft your HACCP plan will vary depending on the consultant and complexity of your plan. Local extension professionals are also available through [New York Sea Grant](#) and the [Cornell Food Venture Center](#) to provide guidance.

2.3. Provide a shipping invoice and dealer tags with required information in [6 NYCRR 42.11\(a\)\(3\)](#).

2.4. Have a facility that meets all of the requirements outlined in [6 NYCRR Part 42 Sanitary Control Over Shellfish](#).

2.5. Have your facility inspected by the DEC Shellfish Inspection Unit.

2.6. Submit monthly landing reports for all shellfish sold.

NOTE: if baymen/growers are interested in buying shellfish from other baymen/growers to sell with their own harvest they will also need a [Class A Shippers Permit](#), which permits purchase of shellfish from others.

HACCP Training

While there is no specific training required, the Seafood HACCP Alliance led by the Association of Food and Drug Officials manages a standardized curriculum recognized by US regulatory agencies. On average the training takes 16-20 hours and costs between \$150 and \$700. Course information can be found on the [Association of Food and Drug Officials](#) website.

Temporary Food Service

Selling products direct to consumers for consumption periodically at businesses (wineries, breweries etc.) or temporary events such as fairs and festivals.

Temporary Food Service Requirements

3. Baymen/growers interested in selling shellfish at temporary food service locations/establishments (retail food service) must possess a [Class D Digger Shipper Permit](#) from the Department of Environmental Conservation and comply with the Department of Health (DOH) sanitation rules and regulations. Statewide rules and regulations for temporary food service can be found in [10NYCRR 14-2](#). You should also check with your [local DOH](#) to determine if there are more stringent requirements specific to your county.

3.1. Suffolk County has an [annual temporary food service permit for the sale of molluscan shellfish](#).

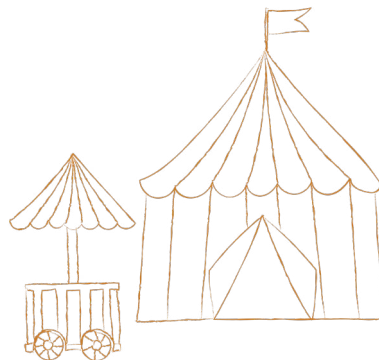
Additional information on requirements for temporary food service events in Suffolk County can be found [here](#).

4. Temporary food service establishments in New York can only sell ready-to-eat shellfish that require only limited preparation such as seasoning and cooking. The shellfish must also be prepared, transported, and served under approved conditions to reduce the risk of contamination and foodborne illness ([10 NYCRR 14-2.3\(c\)](#)).

Checklist for Temporary Food Service

- ☐ Shellfish Digger Permit
- ☐ Shellfish Culture Permit
- ☐ Understand guidelines for safe handling of shellfish in NY
- ☐ Check for local landing requirements or restrictions
- ☐ Digger Shipper Permit
- ☐ Seafood HACCP training
- ☐ HACCP plan
- ☐ Dealer tags
- ☐ Facility meets sanitary control over shellfish requirements
- ☐ DEC inspection
- ☐ DOH temporary food service rules compliance
 - ☐ Check for additional local restrictions
 - ☐ Suffolk County annual events permit (if applicable)

New York Sea Grant
provides Seafood HACCP
training and guidance.
Find more information in
NYSG Seafood Guide #3 on Seafood HACCP.



Selling Molluscan Shellfish Through CSFs

This guide covers the sale of live/whole and processed bivalve molluscan shellfish through Community Supported Fisheries (CSFs).

Harvesting Shellfish

1. Commercial baymen/growers must possess a [Shellfish Digger Permit](#) from the Department of Environmental Conservation (DEC), which allows the holder to harvest, cull, sort or tag clams, oysters, mussels, and scallops taken from certified or open waters for commercial purposes. Growers must also possess an [On/Off Bottom Culture Permit](#) from DEC to grow shellfish in NY.

1.1. Those harvesting and landing shellfish in NY must comply with [NY State DEC guidelines for safe handling of shellfish](#) and prevention of Vibrio contamination.

1.2. Commercial baymen holding a Shellfish Digger Permit, or commercial growers holding a Shellfish Digger Permit and On/Off Bottom Culture Permit can only sell to Nassau and Suffolk County dealers with a Class A or B Permit through DEC.

1.3. You should also check with your landing city, town, or village to identify any additional local requirements or restrictions that might be in place.

Selling Shellfish

2. Commercial baymen/growers of shellfish in NY who wish to sell to dealers outside of Suffolk and Nassau counties and/or to businesses/individuals without a Class A or B Shellfish Permit must possess a [Class D Shellfish Digger/Shipper Permit](#) and meet the following requirements:

2.1. Have at least one [Seafood HACCP trained](#) individual or individual with relevant experience as described in the federal Seafood HACCP Regulation ([Title 21CFR123](#)).

2.2. Have a written Seafood HACCP plan compliant with the Seafood HACCP Regulation [Title 21CFR123](#). For more detailed information on HACCP, review NYS Seafood Guide #3 on Seafood HACCP.

» While there are consultants who will write HACCP plans, every operation must have a trained individual on site to implement and monitor the HACCP plan. A list of potential consultants is maintained by the [Seafood Network Information Center](#). The cost of having a consultant draft your HACCP plan will vary depending on the consultant and complexity of your plan. Local extension professionals are also available through [New York Sea Grant](#) and the [Cornell Food Venture Center](#) to provide guidance.

2.3. Provide a shipping invoice and dealer tags with required information in [6 NYCRR 42.11\(a\)\(3\)](#).

2.4. Have a facility that meets all of the requirements outlined in [6 NYCRR Part 42 Sanitary Control Over Shellfish](#).

2.5. Have your facility inspected by the DEC Shellfish Inspection Unit.

2.6. Submit monthly landing reports for all shellfish sold.

NOTE: if baymen/growers are interested in buying shellfish from other baymen/growers to sell with their own harvest they will also need a [Class A Shippers Permit](#), which permits purchase of shellfish from others.

HACCP Training

While there is no specific training required, the Seafood HACCP Alliance led by the Association of Food and Drug Officials manages a standardized curriculum recognized by US regulatory agencies. On average the training takes 16-20 hours and costs between \$150 and \$700. Course information can be found on the [Association of Food and Drug Officials](#) website.

Community Supported Fishery

Advanced sales of a portion of catch/harvest direct to consumers.

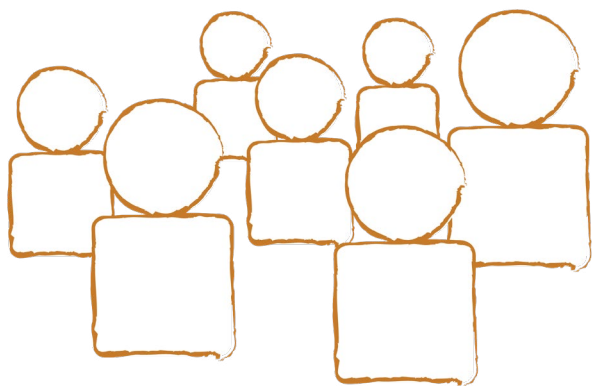
CSF Requirements

3. Baymen/growers interested in selling processed shellfish direct to consumers (Retail) must possess a [20-C Processing License](#) from the NY State Department of Agriculture and Markets (AgM) and a [Class B Processor License](#) from the Department of Environmental Conservation (DEC). If shucking bay scallops, a [Class E Bay Scallop Shucker-Packer License](#) is required. The following requirements must also be met:

3.1. Compliance with current good manufacturing practices in [Title 21CFR117 Subpart B](#). For more detailed information on GMP's, review NYSG Seafood Guide #4 on Good Manufacturing Practices.

3.3. Compliance with sanitation regulations in [1 NYCRR part 271](#).

3.4. Facility inspections by AgM and the DEC Shellfish Inspection Unit.



Checklist for selling Shellfish through CSFs

- ☐ Shellfish Digger Permit
- ☐ Shellfish Culture Permit
- ☐ Understand guidelines for safe handling of shellfish in NY
- ☐ Check for local landing requirements or restrictions
- ☐ Digger Shipper Permit, if necessary
- ☐ Seafood HACCP training
- ☐ HACCP plan
- ☐ Dealer tags
- ☐ Facility meets sanitary control over shellfish requirements
- ☐ DEC and AgM inspection
- ☐ 20-C Processing License
- ☐ Class B or Class E License
- ☐ GMP requirements
- ☐ Sanitation requirements

New York Sea Grant
provides Seafood HACCP
training and guidance.
Find more information in
NYSG Seafood Guide #3 on Seafood HACCP.



Additional Resources

Regulatory

Resource	Link
National Shellfish Sanitation Program	issc.org/nssp-guide
GMP Regulation	bit.ly/GMPRegulation
New York State (NYS) Laws	nysenate.gov/legislation/laws/CONSOLIDATED
NYS Codes, Rules, and Regulations	regs.health.ny.gov
NYS Department of Agriculture and Markets (AgM)	agriculture.ny.gov/food-safety
NYS AgM Laws and Regulations	agriculture.ny.gov/laws-regulations
NYS Department of Environmental Conservation (DEC)	www.dec.ny.gov/outdoor/345.html
NYS DEC Laws and Regulations	dec.ny.gov/regulations/regulations.html
Seafood HACCP FAQ's	bit.ly/SeafoodHACCPFAQ
Seafood HACCP Regulation	bit.ly/SeafoodHACCPRegulation

Academic/Educational

Resource	Link
Cornell Cooperative Extension (CCE) Suffolk County	ccesuffolk.org/marine
Cornell Food Venture Center	cfvc.foodscience.cals.cornell.edu
Institute for Food Safety at Cornell	instituteforfoodsafety.cornell.edu
New York Sea Grant	seagrantsunysb.edu/seafood
Seafood Network Information Center	seafood.oregonstate.edu
Stony Brook Small Business Development Center	stonybrook.edu/sbdc

Marketing

Resource	Link
CCE Suffolk Local F.I.S.H. Program	localfish.org
Choose Long Island	chooseli.org
Fishermen's Direct Marketing Manual	bit.ly/MarketingManual
Local Catch	localcatch.org
Market Your Catch	marketyourcatch.msi.ucsb.edu
Seafood Network Information Center	bit.ly/SNICSeafoodMarketing

New York Sea Grant is a joint program of Cornell University, the State University of New York, and NOAA. Learn more at www.nyseagrant.org.