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Selling Fish to Restaurants and the Public: A Fisher's Guide

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Selling Fish to Restaurants and the Public: A Fisher's Guide

Rhode Island Sea Grant Law Fellow Program
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In the typical seafood distribution system, fishers sell their catch to licensed wholesale fish dealers, who process it and sell it on to retailers, such as supermarkets and restaurants. These retailers then sell the fish to consumers. Fishermen are increasingly interested in changing this system by selling directly to restaurants and consumers in whole or filleted form. Such “direct sales” can result in higher earnings for fishers and connect consumers more directly to local seafood.

This guide is intended to help fishers understand the requirements for selling fish directly to consumers or restaurants. It describes each regulatory agency that is involved and provides information about the licenses that fishermen have to obtain. This guide is limited in several important ways. First, *this guide does not address sales of seafood other than finfish*. In particular, this guide does not apply to sale of shellfish, which is subject to heightened regulations to protect public health.¹ Second, *this guide does not address commercial fisheries licensing*. Instead, the word “fisher” as used in this guide includes only those persons or entities who are properly licensed to fish for and land finfish for commercial sale. Finally, *this guide is not legal advice*. Fishers considering direct sales may wish to seek legal counsel and can consult with the relevant state and federal agencies to ensure compliance with all obligations. Helpful documents and contact information are provided at the end of this document.

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1 Why and How are Direct Sales Regulated?

Direct sale of fish for food is tightly regulated and permits are required by the state and federal governments for two reasons:

1. Fisheries managers require dealers to be licensed to ensure that catch is properly recorded for fisheries management purposes. Dealer licenses are required by the Rhode Island Department of Environmental Management (RIDEM) and may be required by the Greater Atlantic Regional Fisheries Office (GARFO) of the National Oceanic and Atmospheric Administration (NOAA).
2. Health regulators also require food businesses to be licensed to ensure that they are operated in ways that do not create foodborne disease risks. Food business requirements include licensing by the Rhode Island Department of Health (RIDOH) and food processing business registration with the Federal Food and Drug Administration (FDA).

Fishers cannot sell their catch legally without obtaining all of the required licenses from each state and federal agency and complying with all of the associated operational and recordkeeping requirements. Fishers considering direct sales can benefit by contacting these agencies early on, as agency staff can help navigate the requirements and options for licensing and compliance.

2 Fish Dealer Licensing

Commercial fishers wishing to sell their catch to the public must obtain one or more fish dealer licenses. State and federal fisheries managers use these licenses to ensure that all landed fish are recorded. To comply, fishers must record a transaction to themselves as dealer prior to selling fish on to the public.

As described below and in Table 1, all purchases from a fisher in Rhode Island require a RIDEM dealer license. Purchases from federally-permitted vessels also require a dealer license issued by GARFO. Thus, fishers with federal fishing permits will need both state and federal dealer licenses to legally sell fish to consumers or others.

Table 1. Key questions and provisions for fish dealer permitting.

	If yes...	If no...
Are you planning to sell fish to consumers or the public?	<p>Are you planning to sell any species in addition to finfish?</p> <p>If yes: RIDEM Multipurpose Dealer’s License required. Key elements:</p> <ul style="list-style-type: none"> • Can sell any marine species • Must have records accessible on land • Must have computer for data entry and reporting (SAFIS) • \$300 license fee per year <p>If no: RIDEM Finfish Dealer’s License required</p> <ul style="list-style-type: none"> • Can sell only finfish • Must have records accessible on land • Must have computer for data entry and reporting (SAFIS) • \$200 license fee per year 	No state dealer permit required
Are you planning to sell fish from a vessel with a federal fishing permit?	<p>RIDEM Dealer’s License required (see above).</p> <p>GARFO Fish Dealer Permits required. Key elements:</p> <ul style="list-style-type: none"> • Must have computer for data entry and reporting (SAFIS) • Permits and reporting requirements apply to particular species (Fig. 1). If you are you planning to sell highly migratory species, additional permits may be required. Contact the Greater Atlantic Permit Office at (978) 282-8438 for more information. • No cost for GARFO dealer permits, but must be renewed annually 	No federal dealer permit required

2.1 RIDEM Dealer Licensing

As the agency responsible for marine fisheries management in Rhode Island, RIDEM must track how many fish are landed in the state.² To ensure that all fish are recorded, commercial fishers cannot sell fish landed in Rhode Island to anyone other than a dealer licensed by RIDEM.³ Dealers, in turn, are responsible for tracking fish that are landed and reporting them to the state for use in fisheries management.⁴

All commercial fishers are eligible to obtain a dealer's license from RIDEM. RIDEM issues two types of dealer's licenses specific to the sale of finfish: a Finfish Dealer's License and a Multipurpose Dealer's License.⁵ The finfish license costs \$200 per year and allows purchase and sale only of finfish species,⁶ while the multipurpose license costs \$300 per year and allows the holder to buy and sell all marine fish species (including, e.g., lobsters).⁷ Applicants for a dealer's license must demonstrate that they have a fixed place of business where records can be maintained and made available for inspection.⁸ This may include an office building, a home, or simply a filing cabinet in a location that is available during normal business hours; however, it cannot be a vessel.⁹ Additionally, RIDEM dealers must have access to a computer in order to keep track of their transactions and report data.¹⁰

2.2 GARFO Dealer Licensing

A separate dealer permit from GARFO is required to purchase or sell fish landed by vessels with a federal fishing permit.¹¹ GARFO dealer permits are issued for particular species, which are listed on the permit application; applicants can select each species for which they wish to be permitted.¹² Purchase and sale of highly migratory species, such as tunas, require additional permits and reporting requirements.¹³ There is no fee for a GARFO dealer permit, but they must be renewed annually.

2.3 Dealer Reporting

Once licensed, both federal and state dealers are subject to reporting requirements. Federal and state reporting are both conducted using the electronic Standard Atlantic Fisheries Information System (SAFIS) using a single login.¹⁴

Dealers must record specific information for each transaction. Some information is the same for both state and federal dealer reporting, such as the amount of each species landed and the price of the sale.¹⁵ Other information is required for federal, but not state, dealers—such as the vessel name and the vessel trip report (VTR) number for each transaction.¹⁶ Dealers must report all required information to RIDEM biweekly and to GARFO weekly.

3 Food Business Licensing

The RIDOH Center for Food Protection works to ensure food safety by licensing food businesses.¹⁷ A RIDOH food business license is needed to sell fish directly to anyone other than a licensed wholesale food processor. This means that a fisher cannot sell to restaurants or consumers without obtaining a wholesale food processor license from RIDOH.¹⁸ A food business license is needed regardless of whether the fish is alive or dead and whether it is sold whole or filleted.¹⁹

Food business licensing can be complex. RIDOH issues several types of food business licenses, and different license types authorize different activities and mandate different requirements, many of which are incorporated from regulations issued by the federal Food and Drug Administration (FDA).²⁰ This section outlines the types of food business licensing and registration, but it cannot provide highly specific guidance because requirements depend on the particular business activities proposed in each case. **RIDOH staff can help fishers to satisfy the food safety requirements in their individual circumstances, such as by assisting with development of operations plans and facility design.** Fishers can benefit by contacting RIDOH for assistance at an early stage.

Table 2. Key questions and provisions in food business licensing.

	If yes...	If no...
Are you working with a licensed food processor?	RIDOH Retail Food Peddler License required. Key elements: <ul style="list-style-type: none"> • Allows sale only to consumers, not restaurants • RIDOH must approve operational plan • \$100 license fee per year 	RIDOH Food Processor Wholesale License required. Key elements: <ul style="list-style-type: none"> • Allows wholesale sales and retail sales from the processing facility • RIDOH must approve operational plan • RIDOH must approve facility • Required HACCP compliance by trained person • HACCP training available at URI • \$300 license fee per year FDA registration required. Key elements: <ul style="list-style-type: none"> • Must renew every two years • No cost <p>Are you planning to sell food at the dock or in a neighborhood as well as at your processing facility?</p> <p>If yes: Retail Food Peddler License required.</p> <ul style="list-style-type: none"> • \$100 license fee, but free to licensed processors • Must include activities in approved operational plan <p>If no: No additional license needed.</p>

3.1 Selling Directly to Consumers or Restaurants

Fishers who wish to sell fish directly to consumers or restaurants must:

1. obtain a Food Processor Wholesale License from RIDOH; and
2. register with the FDA.

If sales are to occur to consumers at the dock or other locations other than the processing facility, the fisher must additionally:

3. obtain a Retail Food Peddler License from RIDOH.

This section discusses how to comply with each of these three requirements.

3.1.1 Wholesale Food Processor License

Fishers who want to sell their catch directly to restaurants or consumers must obtain a Food Processor Wholesale License from RIDOH.²¹ A Food Processor Wholesale License costs \$300 annually.²² Licensed wholesale processors may sell finfish wholesale to other businesses, such as restaurants. In addition, they may sell directly to consumers at retail, provided that retail sales are made at the processing facility.²³ Sales at other locations require a Retail Food Peddler License, which is described below.

Fishers need a Food Processor Wholesale License to conduct any type of direct sales. Specifically, it is required whether the fish is to be sold whole or filleted, whether sold alive or dead, and whether the fisher plans on selling only to consumers or also to restaurants or other businesses. The reason for this requirement is that wholesale processors are subject to requirements to ensure safety and to enable foodborne illnesses to be traced back to their sources.²⁴ RIDOH requires that retailers obtain all of their food from a RIDOH-licensed source (an “approved source”) to ensure that these food safety protections are observed.²⁵

Fishers must comply with a range of requirements to obtain a Food Processor Wholesale License. Key requirements are listed on the application form and in guidance (see “Helpful Resources” below), but in practice consultation with RIDOH staff will be needed to navigate these requirements successfully. This section briefly describes the three requirements that are most likely to be challenging for fishers, including operational plans, facility approval, and HACCP.

1. All food businesses, including wholesale processors, are required to submit an operational plan prior to licensing. RIDOH has not set out mandatory requirements for all operational plans, as they are different for every business. In general, however, operational plans include information such as where and how fish will be kept, stored, processed, or transported; anticipated volume of fish to be prepared or sold; the number of employees; and proposed training for persons in charge of seafood.²⁶ Depending on the type of business and proposed activities, operational plans can be complex or relatively simple.²⁷ RIDOH staff will assist fishers in developing operational plans.
2. Wholesale food processors cannot sell products unless RIDOH approves their processing facility.²⁸ An approved facility must meet requirements that include (but are not limited to)

hot and cold water, sewage disposal, handwashing sinks, toilet facilities, ventilation, and refrigeration.²⁹ Due to these requirements, an approved facility is typically land-based.³⁰ Additional state and local approvals may also be required in some cases.³¹

3. Fish processors must comply with the Hazard Analysis Critical Control Point (HACCP) rule to obtain a license.³² The HACCP rule does not apply to fishing vessels heading and gutting fish onboard, but any other facilities and activities that involve handling or storing fish are subject to the rule.³³ HACCP includes analysis to identify any food safety hazards that are reasonably likely to occur in an operation and identifies preventative measures to control those hazards.³⁴ If the HACCP analysis reveals that one or more food safety hazards are reasonably likely to occur, a written HACCP plan will be required.³⁵ A HACCP Plan will include each specific location where the fish is processed and each kind of fish being processed.³⁶ It will also include a description of the food safety hazards reasonably likely to occur, the critical control points for each of the identified foods, monitoring, corrective actions, a recordkeeping system, and verification to ensure the effectiveness of the plan.³⁷ *The HACCP plan must be written and implemented by a person who has completed HACCP training.*³⁸ Resources for HACCP training are detailed in the box below.

Resources for Seafood HACCP Training in Rhode Island

Writing a HACCP Plan can be complicated, so any individual responsible for completing, reassessing, or modifying a HACCP plan must successfully complete HACCP training.³⁹ The Seafood HACCP Alliance has developed a HACCP training course for fish and fishery products, which is administered by the Association of Food and Drug Officials (AFDO).⁴⁰ The course provides guidance on how to develop an individualized HACCP Plan and includes a hands-on portion where students practice creating HACCP plans based on standardized models.⁴¹

The Basic Seafood HACCP Course can be taken in one of two ways: (1) a 2.5- to 3-day, in-person training course, or (2) an online course followed by a one-day, in-person course.⁴² Rhode Island Sea Grant supports the full in-person course, as well as the in-person portion of the two-stage seafood HACCP course, both of which are held at the University of Rhode Island.⁴³ Courses are also available from other sources, including at GARFO offices.⁴⁴ The cost of HACCP training varies, but will cost a minimum of \$200 to \$250 in 2018.⁴⁵ After successful completion of the full training program, the individual will receive a certificate of completion to show that they meet FDA Seafood HACCP regulation training requirements.⁴⁶

3.1.2 FDA Registration

FDA registration is required in addition to RIDOH licensing for direct sales of finfish. FDA registration is intended to support FDA's efforts to identify the sources of foodborne illness and to quickly stop disease outbreaks when they occur.⁴⁷ Registration with FDA is free and must be renewed every other year.⁴⁸

Fishers who operate a processing facility as part of RIDOH licensing requirements must register with FDA.⁴⁹ This registration is required even if a fisher sells fish whole because FDA regulations define “processing” to include activities such as storage and handling.⁵⁰ It is important to note, however, that fishing vessels are not facilities subject to registration unless they process fish onboard—and heading and gutting fish onboard for storage is not processing.⁵¹ As a result, most Rhode Island fishers will not need to register with FDA unless they begin selling fish directly to the public.

3.1.3 Retail Food Peddler License

A licensed wholesale food processor needs a second license – the Retail Food Peddler License – to sell fish from locations other than the processing facility.⁵² A Retail Food Peddler License allows fishers to sell fish at remote locations, such as at the dock or farmer’s markets.⁵³ The Retail Food Peddler License costs \$100 per year,⁵⁴ but is free to licensed food processors.⁵⁵ To obtain a food peddler’s license, a fisher must complete an operational plan. In this situation, RIDOH may consider the retail plan as part of the food processor licensing process. No additional HACCP or facility requirements apply to retail food peddlers, but sanitation and safe food handling practices must be in place.

3.2 Selling to Consumers Without a Wholesale License

Fishers who cannot or do not wish to meet all of the requirements to become a licensed wholesale food processor may be able to sell fish to consumers directly by working with a licensed wholesale food processor. While this option may reduce or eliminate the economic advantages of direct sale for the fisher in many cases, fishers nonetheless may wish to consider its feasibility.

In this system, the fisher would contract with a licensed wholesale processor, which could be an existing business or a new entity, such as a seafood cooperative. The licensed processor would ensure compliance with food safety requirements and conduct any filleting or other desired processing. The fisher would then receive the fish from the processor and sell it under a Retail Food Peddler License.⁵⁶ A Retail Food Peddler License would allow fishers to sell their catch to consumers but not to restaurants, which can source fish only from wholesale food processors.

Retail Food Peddler licensing involves less complex requirements than processor licensing, but some important requirements still apply. Notably, retail peddlers must create a RIDOH-approved operational plan. The operational plan will likely be simpler than for processors, but it will spell out important food safety protections, such as where fish will be stored if it is not sold on the same day it is received from the processor. Retail peddlers are not subject to facility or HACCP requirements.⁵⁷

4 Conclusion

Fishers interested in selling fish to restaurants or consumers must obtain several licenses to ensure that fish are properly recorded and to protect public health. All fishers would need to obtain a fish dealer's license from RIDEM and, if landing federal species, from GARFO. A Food Processor Wholesale License from RIDOH and FDA registration (in some cases) are needed for sales to restaurants, and a Retail Food Peddler license is required for retail sales from a remote location, such as at the dock or at a farmer's market.

While RIDEM and GARFO authorization is feasible for fishers, fishers may not wish to comply with RIDOH wholesale food processor licensing requirements. In particular, facility approval and HACCP compliance may be difficult for fishers without access to a commercial kitchen. Fishers may be able to overcome these challenges by working with an existing facility (such as Hope and Main in Warren, RI) and taking advantage of HACCP training opportunities. Alternatively, fishers can consider developing a seafood cooperative to serve as a licensed food processor, allowing individual fishers to sell to consumers with only a retail food peddler license.

5 Helpful Resources

RIDEM Fish Dealer Permitting

- Application:
<http://www.dem.ri.gov/programs/bpoladm/manserv/hfb/boating/pdfs/mardealr.pdf>
- Phone: (401) 222-6647

GARFO Fish Dealer Permitting

- Website: <https://www.greateratlantic.fisheries.noaa.gov/aps/permits/dealer/index.html>
- Fact Sheet:
<https://www.greateratlantic.fisheries.noaa.gov/aps/dealer/fedseafooddealerreportrequirements.pdf>
- Application form:
<https://www.greateratlantic.fisheries.noaa.gov/aps/permits/forms/inidlrtrappl.pdf>
- Phone: (978) 282-8438

RIDOH Food Business Permitting

- Website: <http://www.health.ri.gov/licenses/detail.php?id=254>
- Guidance:
 - Food Processors:
<http://www.health.ri.gov/publications/guidance/FoodProcessing.pdf>
 - AFDO Basic Seafood HACCP Training: <http://www.afdo.org/page-1186196>
- Applications:
 - Food Processor Wholesale:
<http://www.health.ri.gov/applications/FoodProcessorRetailWholesale.pdf>
 - Retail Food Peddler: <http://www.health.ri.gov/applications/FoodRetailPeddler.pdf>
- Phone: (401) 222-2750

FDA Registration

- Website for Registration:
<https://www.fda.gov/Food/GuidanceRegulation/FoodFacilityRegistration/default.htm>
- Fact Sheet:
<https://www.fda.gov/downloads/Food/GuidanceRegulation/FoodFacilityRegistration/UCM624772.pdf>
- Detailed guidance:
<https://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/ucm331957.htm>
- Phone: (800) 216-7331 or (240) 247-8804

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- ¹ A guide to the direct sale of shellfish in Rhode Island is available. *See* Nicole Leporacci et al., *MARKETING YOUR SHELLFISH: A RESOURCE FOR SHELLFISH HARVESTERS AND GROWERS IN RHODE ISLAND* (2017), <http://dem.ri.gov/riseafood/documents/rishellfishmktguide012017.pdf>.
- ² 250 R.I. CODE R. 90-00-2.1.
- ³ 250 R.I. CODE R. 90-00-2.7.11.
- ⁴ 250 R.I. CODE R. 90-00-7.7.
- ⁵ 250 R.I. CODE R. 90-00-2.7. Applicants will be asked to specify which dealer’s license they wish to obtain, and to specify whether they are an individual, partnership, or corporation. The forms can be mailed or delivered to the Office of Boat Registration and Licensing. The application can be found here: <http://www.dem.ri.gov/programs/bpoladm/manserv/hfb/boating/pdfs/mardealr.pdf>. Additional licenses are available for lobster and shellfish sales, but are not covered here.
- ⁶ 250 R.I. CODE R. 90-00-2.7(c).
- ⁷ 250 R.I. CODE R. 90-00-2.7.11(b).
- ⁸ 250 R.I. CODE R. 90-00-1.7.11(a)(4).
- ⁹ *Id.*; 250 R.I. CODE R. 90-00-2.7.11(A)(4).
- ¹⁰ *Id.*
- ¹¹ 50 C.F.R. §§ 648.6, 697.6, 648.14(c).
- ¹² GARFO, INITIAL DEALER PERMIT INFORMATION 2 (2019), <https://www.greateratlantic.fisheries.noaa.gov/aps/permits/forms/inidrlrtrappl.pdf>.
- ¹³ *Id.* at 1.
- ¹⁴ *Id.*; GARFO, FEDERALLY PERMITTED SEAFOOD DEALER REPORTING REQUIREMENTS (2014) (noting reporting methods).
- ¹⁵ 250 R.I. CODE R. 90-00-7.7.
- ¹⁶ Statement by Walter Anoushian, Port Agent, NOAA Fisheries (Dec. 18, 2018). A separate dealer transaction is needed for each fishing trip, and multipage VTRs are reported using the first VTR number for the trip. *Id.*
- ¹⁷ R.I. GEN. LAWS § 21-27-10(a); RIDOH, CENTER FOR FOOD PROTECTION, http://health.ri.gov/programs/detail.php?pgm_id=134 (last visited Nov. 7, 2018).
- ¹⁸ R.I. GEN. LAWS § 21-27-10(a).
- ¹⁹ R.I. GEN. LAWS § 21-27-10(a); 216 R.I. Code R. 50-10-4.5 (“No person shall operate as a wholesale seafood dealer, retail seafood dealer or wholesale seafood truck without a valid permit issued by RIDOH.”)
- ²⁰ Procedures for the Safe and Sanitary Processing and Importing of Fish and Fishery Products, 60 Fed. Reg. 65,100 (December 18, 1995) (codified at 21 C.F.R. Part 123).
- ²¹ A wholesale seafood processor includes any person who: handles, stores, prepares, heads, eviscerates, shucks, freezes, manufactures, preserves, packages, labels, or ships raw fish for sale to someone other than the consumer. 216 R.I. CODE R. 50-10-4.2.
- ²² R.I. GEN. LAWS § 23-1-54.
- ²³ Statement by Catherine White, Supervising Environmental Health Food Specialist, RIDOH (July 26, 2018).
- ²⁴ Statement by Catherine White, Supervising Environmental Health Food Specialist, RIDOH (July 26, 2018).
- ²⁵ FDA, FOOD CODE §§ 3-201.11, 3-201.14 (2013), *incorporated by reference* 216 R.I. CODE R. 50-10-1.2. *See also* RIDOH, APPROVED SOURCE (May 2017), <http://health.ri.gov/publications/guidance/FoodProtectionApprovedSource.pdf> (“Food must be approved. That means it must come from a source that meets the law, such as a licensed facility”).

²⁶ 216 R.I. CODE R. 50-10-1.71.

²⁷ Statement by Catherine White, Supervising Environmental Health Food Specialist, RIDOH (July 26, 2018).

²⁸ 21 C.F.R. §§ 110.20, 117.20, RIDOH, APPLICATION AND INSTRUCTIONS FOR FOOD BUSINESS 2 (Oct. 5, 2018) (noting requirement to submit facility lease with application).

²⁹ 21 C.F.R. § 110.37.

³⁰ A vessel may be an approved facility if it meets the requirements, but only larger freezer-processor vessels typically can meet all requirements. Statement by Catherine White, Supervising Environmental Health Food Specialist, RIDOH (July 26, 2018).

³¹ See RIDOH, License Information for New Food Establishments,

<http://www.health.ri.gov/food/for/newfoodestablishments/>.

³² 21 C.F.R. § 123.6.

³³ Processing includes “handling, storing, preparing, heading, eviscerating, shucking, freezing, changing into different market forms, manufacturing, preserving, packing, labeling, dockside unloading, or holding” fish. *Id.* § 123.3(k)(1). Fishing and related activities, such as heading and gutting fish for storage onboard, are excluded, as are retail operations. *Id.* § 123.3(k)(2). However, activities such as storage of fish until sale or filleting are not exempt where conducted as part of a wholesale operation. FDA, Guidance for Industry: HACCP Regulation for Fish and Fishery Products; Questions and Answers for Guidance to Facilitate the Implementation of a HACCP System in Seafood Processing § I(26) (1999),

<https://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/Seafood/ucm176892.htm>. (discussing examples of certain activities related to fishing).

³⁴ 21 C.F.R. § 123.6(a).

³⁵ 21 C.F.R. § 123.6(b).

³⁶ 21 C.F.R. § 123.6(b)(1)-(2).

³⁷ 21 C.F.R. § 123.6(c)(7).

³⁸ 21 C.F.R. § 123.10(c).

³⁹ 21 C.F.R. § 123.10(b).

⁴⁰ AFDO, Seafood HACCP, <http://www.afdo.org/seafoodhaccp>.

⁴¹ Seafood HACCP Alliance, Online Training Course, Segment Two Training Session with an Instructor, <http://seafoodhaccp.cornell.edu/Intro/06.html>.

⁴² AFDO, Basic Seafood HACCP Course, <http://www.afdo.org/page-1186196>

⁴³ See University of Rhode Island Food Safety Education Website, <https://web.uri.edu/foodsafety/>; AFDO, Upcoming Courses, <http://www.afdo.org/page-1186192> (showing upcoming courses, including at URI).

⁴⁴ AFDO, Upcoming Courses, <http://www.afdo.org/page-1186192>.

⁴⁵ See *id.*

⁴⁶ AFDO, Basic Seafood HACCP Course, <http://www.afdo.org/page-1186196>.

⁴⁷ FDA, REGISTRATION OF FOOD FACILITIES: WHAT YOU NEED TO KNOW ABOUT THE FDA REGULATION: GUIDANCE FOR INDUSTRY: SMALL ENTITY COMPLIANCE GUIDE 4 (2018).

⁴⁸ *Id.*

⁴⁹ 21 C.F.R. § 1.225.

⁵⁰ *Id.* § 1.226(f) (“For the purposes of this section, “processing” means handling, storing, preparing, shucking, changing into different market forms, manufacturing, preserving, packing, labeling, dockside unloading, holding, or heading, eviscerating, or freezing other than solely to prepare fish for holding on board a harvest vessel”).

⁵¹ *Id.*

⁵² See RIDOH, CENTER FOR FOOD PROTECTION POLICY AND STANDARD OPERATING PROCEDURES: LICENSE CATEGORIES § 1.4.9.2 (“The retail food processor license covers the food manufacturing activity at a set location. If the retail food processor sells at another venue, an addition [*sic*] license is needed for the separate location.”).

⁵³ RIDOH, FOOD PROCESSING: GUIDANCE FOR RHODE ISLAND STATE AND FEDERAL REGULATORY REQUIREMENTS 4 (2015), <http://health.ri.gov/publications/guidance/FoodProcessing.pdf> (Retail Food Peddler License “[a]llows for the movement of product from an approved source (licensed retail or wholesale facility) for direct sale to the consumer at another site.”).

⁵⁴ 216 R.I. CODE R. 10-05-2.11.

⁵⁵ R.I. GEN. LAWS § 21-27-10(f).

⁵⁶ RIDOH, CENTER FOR FOOD PROTECTION POLICY AND STANDARD OPERATING PROCEDURES: LICENSE CATEGORIES § 1.4.8.6 (“A vendor that sells fish . . . to the consumer and is not conducting any processing activities is a retail peddler.”).

⁵⁷ 21 C.F.R. § 123.3(k)(2) (excluding retail establishments from definition of “processing” triggering HACCP).