



Mark 10:45

Good Shepherd Consulting Services, LLC

P.O. Box 2358

Richmond Hill, GA 31324

March 15, 2019

Members of Georgia Legislature

Re: opposition to SB182 & HB501

Dear Senators,

I am writing to you in opposition to the proposed Oyster Mariculture Act legislation that is before you.

Both SB 182 AND HB 501 have so much overreach in them that if passed it will set the oyster farming industry back 20-25 years. How do I know this? I have experience with the GA Shellfish Program and regulating the shellfish Industry in GA.

DNR/CRD means well, but they are a conservation agency and they do a great job at just that. They do not know food safety or marketing a farmer's product like other agencies and therefore they are proposing the most conservative approach to helping oyster farmers.

Let me prove this to you by looking at the legislation section 27-4-188 in SB 182/ HB 501. There is no definition in this legislation for a "farmer" of shellfish. Now look in HB 565 section 27-4-266 "farmer means an individual who harvests shellfish on specified leased areas under the supervision of a master harvester or harvester". Therefore SB 182/HB 501 can no longer be called the "Georgia Mariculture Development Act" because it does not even define who a farmer is in the act. Furthermore, if passed this legislation requires a harvester to work for a master harvester and that product must go to a certified dealer who will be the Master Harvester dictated by this legislation. So this does not open up the possibility for a harvester to sell his product to any other certified dealer other than the master harvester. Do you really think a master harvester is going to give permission to one of his agents or harvesters to take product for commercial sales to another certified dealer instead of bringing it to him/her (The master harvester)? So this is a fundamental set back to the legislation. Think about it "farmer" is not even defined in SB 182/HB 501. Go ahead and ask them and you will get the following lame explanation from DNR about including "farmers" in the bill. 27-4-197 (d) "the department may issue permission to uncertified firms to take and possess shellfish for Mariculture purposes" Disgraceful to farmers of all commodities.

This leads to my next issue with this legislation and it is perhaps bigger than the previous issue. Accountability. There is no recourse, no advisory board, and no input from industry into Mariculture

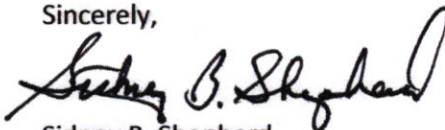
growth or policy making. Only DNR/CRD as they report to the Board of Natural Resources. As I said before DNR/CRD is a conservation agency. Not including a Mariculture Advisory Panel in your legislation is doing a grave dis-service to the Industry and Academia. Do you really think you will get someone from UGA MAREX to oppose your current legislation? No, they would be cutting their own funding. Why can't there be legislation that requires an Advisory Panel that reports to Chairpersons of Game, Fish, and Parks Committee in the House and Senate Natural Resources and Environment Committee in the Senate a list of recommended legislation annually to improve GA Mariculture Industry? Why don't you ask them to explain their problem with this? You will again get some lame excuse that their agency is an executive agency whose board reports directly to the Governor. Do you think a shellfish farmer down here on the coast has a snowball chance in hell getting DNR/CRD to listen to his concerns? There needs to be an advisory panel that can have a say for the shellfish industry.

Other issues with the legislation SB182/HB501 include this. When revising this legislation you have not accounted for any of the old language that was needed back in 1935 but is no longer needed in the Act. For example we are all concerned about food safety and public health with oyster farming. It is true that DNR/CRD and GA AG share responsibilities in running a shellfish program sufficient to be evaluated by the US FDA. However, since when is it necessary for a state agency to write a law that requires another state agency to do something? Section 27-4-197 (b),(c), & (d) should be removed from the legislation because these are all things already required by GA AG in the Nssp and are covered in their regulations which have already adopted the National requirements.

There are other issues with this overreach of legislation as someone very familiar with the GA Shellfish Program. Just to mention them quickly: A limited entry lottery system with preference to harvesters that are certified, a \$20,000.00 performance bond, and a submission of an approved closed season operational plan. These are all ways that DNR/CRD have added words and language to this legislation that ensures they limit the growth, expansion, and entry of farming oysters (Mariculture) in Georgia.

Thank you for an opportunity to be heard and I hope you will at least require this bill to be worked on before any passage. The industry wants to be a part of the change without feeling bullied by DNR/CRD. Some of DNR/CRD are my best friends so I have nothing to gain or lose here by writing you this letter. Industry and I would rather see something that works and opens up oyster farming in GA like in our close neighboring states, however, I can assure you that investors will take their money to other states rather than invest it here in oyster/clam farms that require all the proposed hoops SB182/HB501 include. I am asking you to wait and require DNR/CRD to work with industry rather than pass legislation that ends oyster farming in GA.

Sincerely,



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