

## **OYSTERS – Container Rules**

### **What is being considered?**

The Department is considering modifying the rule for filling certain oyster containers. Specifically, the Department is considering no longer allowing certain oyster containers to be filled past the brim of the container. This would standardize the rule for all containers.

### **Why is this change necessary?**

Currently oysters in the wild fishery must be put into a container (“containerized”) after they are harvested. There are three legal types of containers, commonly known as metal oyster tubs, clam crates, and orange baskets (although some are other colors such as green or purple). Metal oyster tubs and clam crates both contain one Maryland oyster bushel, whereas orange baskets are roughly 10% smaller. This has at times led to confusion.

Harvesters are not allowed to fill metal oyster tubs or clam crates past the top of those containers. Harvesters have been allowed to exceed the rim of the orange baskets because that container is volumetrically less than a Maryland oyster bushel. If a Maryland oyster bushel were unloaded into an orange basket, on average the oysters would exceed the top of the basket by between one to two inches. In industry practice, harvesters are filling the baskets well above the rim by many inches and even to the point of creating a distinct “cone” on top of the basket. This is legal, since the regulation does not prohibit the overfilling of orange baskets, but also leads to concerns regarding exceeding catch limits and potential overharvest. There is also consistent confusion due to there being different rules for different containers (some of which may be “overfilled” and some of which may not exceed the rim of the container). The Department believes that standardizing the rules for the containers will address both the confusion and the potential for overharvest and lead to greater consistency in measuring catch and enforcement of catch limits.

### **Who will this affect?**

Commercial wild oyster harvesters and oyster buyers.

### **When would this be effective?**

The Department projects that this change could be effective in the spring/summer of 2024. However, the exact date cannot be determined. The Department will follow our normal proposal procedures if this concept moves forward.

### **Has this change been discussed with stakeholders?**

No.