

**Proposal Subject:** Shellfish Sanitation Program Records

**Specific NSSP Guide Reference:** Section II. Model Ordinance Chapter I. Shellfish Sanitation Program Requirements for the Authority @.01 Administration C. Records

- Text of Proposal/ Requested Action**
- A. Scope. The Authority shall establish a statewide shellfish safety and sanitation program to regulate:
- (1) The classification of shellfish growing areas;
  - (2) The harvesting of shellfish;
  - (3) Shellfish processing procedures and facilities;
  - (4) Product labeling;
  - (5) Storage, handling and packing;
  - (6) Shellfish shipment in interstate commerce;
  - (7) Shellfish dealers; and
  - (8) Bivalve aquaculture.
- B. State Laws and Regulations. The Authority shall have laws and regulations which provide an adequate legal basis for the safety and sanitary control of all program elements including but not limited to the elements outlined in @.01 A.
- C. Records. The Authority shall maintain records to demonstrate the effective administration of a statewide shellfish safety and sanitation program. These records shall be maintained in a central file and made available **physically and/or electronically** to any interested person upon request, consistent with appropriate state and federal law.
- (1) Electronically means in a common electronic file format for text, spreadsheet, portable document format (PDF), and geographic (map) information.**
  - (2) Records to be made available electronically include:**
    - (a) Outbreak Growing Area Summary Report (Chapter II. @.01 H. (3))**
    - (b) Growing Area Investigation Report (Chapter II. @.02 B.)**
    - (c) Growing Area Risk Assessment (Chapter II. @.02 D. (1) and (2) (a) (i))**
    - (d) Growing Area Management Plan – Human Pathogens (Chapter II. @.02 D. (2) (d) (i) (iii) and (3) (b) (iii))**
    - (e) Growing Area Management Plan – Toxic Substances (Chapter II @.02 D.)**
    - (f) Sanitary Survey and Supporting Documentation (Chapter IV. @.01 A. (3))**
    - (g) Pollution Sources (Chapter IV. @.01 A. (4))**
    - (h) Growing Area List and Maps (Chapter IV. @.01 A. (5))**
    - (i) Shoreline Survey (Chapter IV. @.01 D.)**
    - (j) Growing Area Classification (Chapter IV. @.03)**
    - (k) Growing Area Management Plan - Conditional Area (Chapter IV. @.03 C. (2))**
    - (l) Marine Biotxin Contingency Plans (Chapter IV. @.04 A. (1) and E.)**
    - (m) Shellfish Aquaculture Records (Chapter VI. @.01)**
- D. Shared Responsibilities. If more than one agency is involved in the administration of the statewide shellfish safety and sanitation program, memoranda of agreement shall be developed between the agencies to define each agency's responsibilities.
- E. Administrative Procedures. The Authority shall have administrative procedures sufficient to:
- (1) Regulate shellfish harvesting, sale, or shipment; and
  - (2) Ensure that all shellfish shipped in interstate commerce originate from a dealer located within the state from which the shellstock are harvested or landed, unless

- the Authority has a memorandum of understanding with the Authority in another State to allow dealers from its state to purchase the shellstock.
- (3) Detain, condemn, seize, and embargo shellfish.
  - (4) Assure compliance with Shellfish Plant Inspection Standardization.
- F. Epidemiologically Implicated Outbreaks of Shellfish-Related Illness. The Authority shall have procedures for investigating incidents of shellfish borne disease.
- G. Commingling.
- (1) Except for any shellstock included in the Authority's commingling plan, the Authority shall not permit the commingling of shellstock.
  - (2) If the Authority permits shellstock commingling, the Authority shall develop a commingling management plan. The plan shall:
    - (a) Minimize the commingling dates of harvest and growing areas;
    - (b) Define a primary dealer;
    - (c) Limit the practice of commingling to primary dealers;
    - (d) Limit commingling to shellstock harvested from specific growing areas within the State as identified by the Authority and purchased directly from harvesters; and
    - (e) Define how the commingled shellstock will be identified.

**Public Health Significance:** N/A

**Cost Information (if available):** N/A

**Action by 2009 Task Force III** Recommended adoption of Proposal 09-301 as amended.

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    - ~~(d) Growing Area Management Plan Human Pathogens (Chapter II. @.02 D.~~~~

- ~~(2) (d) (i) (iii) and (3) (b) (iii)~~
- ~~(e) Growing Area Management Plan Toxic Substances (Chapter II @.02 D.)~~
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**Action by 2009 General Assembly** Adopted recommendation of Task Force III on Proposal 09-301.

**Action by USFDA 02/16/2010** Concurred with Conference action on Proposal 09-301.