




**ISSC Task Force II
2019 Proposal Inventory**

13-200	Dauphin Island Vibrio Participants Reducing the Risk of Vibrio Illnesses
15-226	ISSC Executive Office <i>Vibrio parahaemolyticus</i> (<i>V.p.</i>) Illness Response Guidance Document
17-201	ISSC Executive Office Notice of Recalls and Closures on ISSC Website
17-204	US Food & Drug Administration Control of Harvest In-field Compliance Criteria
17-206	ISSC Executive Office Illnesses Associated with <i>V.p.</i>
17-207	Louisiana Oyster Task Force <i>V.v.</i> Control Plan
17-209	Louisiana Oyster Task Force Shellstock Time to Temperature Controls
17-220	US Food & Drug Administration Hand Sanitizer
17-225	Atlantic Cape Fisheries, Inc. (Chris Shriver, Daniel Cohen) Clarification of Surf Clams and Ocean Quahogs Exemption from Time/Temperature Requirements when “intended for thermal processing”.
19-200	Northwest Indian Fisheries Commission, Port Gamble Tribe (David Fyfe, Tamara Gage) Impact of Water Quality in Wet Storage
19-201	ISSC Executive Office Definition of Certification Number
19-202	ISSC Executive Office Definition of Restricted Shellstock
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19-206	Texas Department of State Health Services (Kirk Wiles) NSSP Plant and Shipping Evaluation Criteria
19-207	US Food & Drug Administration (FDA) Plant and Shipping Element Evaluation Criteria
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19-210	ISSC Illness Outbreak Guidance Committee Illness Investigation Response for Multi-Source Cases
19-211	US Food & Drug Administration (FDA) Frequency of <i>Vibrio vulnificus</i> Control Plan evaluation.
19-212	US Food & Drug Administration (FDA) Restricted use language <i>Vibrio vulnificus</i> Control Plan

19-213	US Food & Drug Administration (FDA) Restricted use language <i>Vibrio parahaemolyticus</i> Control Plan
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19-215	US Food & Drug Administration (FDA) Ingredients Used in Shellstock during Wet Storage
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19-217	ISSC Executive Office Time to Temperature Controls Clarification
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19-219	Catalina Sea Ranch, LLC (CSR) Update the Protocol for the Landing of Shellfish from Federal Waters
19-220	New York State Department of Environmental Conservation, Connecticut Department of Agriculture (Susan Ritchie, David Carey, Kristin DeRosia-Banick, Alissa Dragan) Shipping Temperatures
19-221	New York State Department of Environmental Conservation, Connecticut Department of Agriculture (Susan Ritchie, David Carey, Kristin DeRosia-Banick, Alissa Dragan) Transportation Records
19-222	New York State Department of Environmental Conservation, Connecticut Department of Agriculture (Susan Ritchie, Alissa Dragan) Shellstock Identification
19-223	ISSC Executive Office Restricted Shellstock
19-224	US Food & Drug Administration (FDA) Restricted use tag language General Requirements for Dealers.
19-225	ISSC Executive Office Add Depuration Processor Certification
19-226	Colorado Dept. of Public Health and Environment (Jon Strauss) Deletion of requirement for a suitable holder for toilet paper roll
19-227	US Food & Drug Administration (FDA) Proper Use of Devices to Prevent Backflow and Back Siphonage
19-228	ISSC Executive Office Harvest of Restricted Shellstock In Federal Waters
19-229	ISSC Executive Office Restricted Shellstock From Federal Waters
19-230	US Food & Drug Administration (FDA) Shellstock Shipping facility requirements.
19-231	Utah Department of Agriculture and Food , Colorado Department of Public Health & Env'm (Blake Millet, Jon Strauss) Addition of shipping CCP
19-232	ISSC Executive Office Public Health Explanation of Depuration
19-233	Catalina Sea Ranch, LLC (CSR) Update the Protocol for Marine Biotxin Control
19-234	ISSC Executive Office Alternative Pre-harvest Screening
19-235	Surfside Foods (Tom Dameron) Shellstock Receiving and Shipping


19-236	ISSC Executive Office Aquaculture Operational Plan for Birds and/or Mammals
19-237	ISSC Executive Office Dealer Receiving Critical Control Points
19-238	ISSC Executive Office Definition of Processed Shellfish

	<p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<input type="checkbox"/> Growing Area <input checked="" type="checkbox"/> Harvesting/Handling/Distribution <input type="checkbox"/> Administrative
Affiliation	Interstate Shellfish Sanitation Conference (ISSC)	
Address Line 1	209 Dawson Road	
Address Line 2	Suite 1	
City, State, Zip	Columbia, SC 29223-1740	
Phone	803-788-7559	
Fax	803-788-7576	
Email	issc@issc.org	
Proposal Subject	Reducing the Risk of Vibrio Illnesses	
Specific NSSP Guide Reference	NSSP Guide for the Control of Molluscan Shellfish	
Text of Proposal/ Requested Action	<p>A Vibrio workshop was held in Dauphin Island, Alabama in November 2012 to discuss possible solutions for addressing illness risks. State Shellfish Control Authority representatives, Vibrio researchers, and the USFDA participated in the two-day workshop. The participants identified several topics (listed below) that are related to Vibrio controls. These topics should be addressed by the collective participants of the ISSC. The purpose of this proposal is to request the ISSC Executive Board work collaboratively with the USFDA to address the information gaps that are obstacles to identifying effective control strategies for reducing the risk of illness associated with Vibrioses.</p> <p>Requested Action Items:</p> <ol style="list-style-type: none"> 1. Rewrite Chapter II. Risk Assessment <i>V.p.</i> (section 05). 2. Incorporate salinity (and other environment factors?) into <i>V.v.</i> and <i>V.p.</i> risk calculators. 3. Develop protocol for validating the effectiveness of non-labeling PHPs. 4. Develop protocol for ensuring that growing/harvest/handling (production) practices do not increase risk of Vibrio illness. 5. Request FDA to develop sampling protocol for closing versus reopening growing areas after outbreaks including the development of resources to sustain the present capabilities. 6. Develop new labeling/tagging system for oysters produced under conditions achieve equivalent levels as validated PHP (for labeling), including validation protocol. 7. ISSC request FDA to reexamine risk assessments and risk calculators (<i>V.p.</i> and <i>V.v.</i>). 8. ISSC request FDA to reexamine illness and landings data to determine observed risk per serving. 9. Develop the process for using local data to refine calculators to more accurately reflect risk in the region or state. 10. Determine how best to estimate national consumption patterns for molluscan bivalves. Mega study. 12. ISSC request FDA technical assistance for enhancing state vibrio programs (data management, laboratory support, think tank, BMPs, evaluation of effectiveness of new controls, statistical support) . 13. States request FDA assistance with developing approved method(s) to temper clams. 14. Draft proposal for acceptance of laboratory methods validated by other accrediting bodies. 	

Public Health Significance	The ISSC continues to struggle with identifying practical cost effective strategies for reducing the risk of Vibrio illnesses associated with the consumption of molluscan shellfish. This proposal identifies information needs that are obstacles to the development of control strategies.
Cost Information	
Research Needs Information Proposed (specific research need/problem to be addressed)	<ol style="list-style-type: none"> 1. Is total <i>V.v.</i> a valid indicator of risk? 2. Are there differential effects of validated PHP on virulent subpopulations? 3. How do environmental factors affect levels of virulent subpopulations? 4. Compile collection of <i>V.v.</i> for future virulence research. 5. Do other species react to controls the same as <i>V.v.</i> and <i>V.p.</i>? 6. Determine relative virulence of <i>V.p.</i> subpopulations. 7. What are Vibrio (total and virulent) levels at harvest (in oysters and clams)? 8. How much Vibrio (total and virulent) growth results from the current time/temperature controls (in oysters and clams)? <p>Priorities:</p> <ol style="list-style-type: none"> 1. What information is needed to supply more tools to the “toolbox”? 2. What regional information is needed to refine risk assessments and risk calculator tools for implementation of effective control plans? 3. What is the significance of salinity to Vibrio levels in shellfish? 4. Is there a salinity/temperature matrix that determines Vibrio levels? 5. What are the key virulence factors (or combination thereof) for <i>V.v.</i> and <i>V.p.</i>? 6. Need to know dose response of different Vibrio strains and populations 7. What are the regional differences in pathogenic strains of <i>V.v.</i> and <i>V.p.</i>? 8. What is the percentage of pathogenic strains of Vibrio in growing waters? 9. Should the “viable but not culturable” state in pathogenic Vibrios be a concern?
Explain the relationship between proposed research need and program change recommended in the proposal	
Estimated cost	
Proposed sources of funding	
Time frame anticipated	
<i>For Research Guidance Committee Use Only</i>	<p>Relative priority rank in terms of resolving research need</p> <p><input type="checkbox"/> Immediate <input type="checkbox"/> Required <input type="checkbox"/> Valuable <input type="checkbox"/> Important <input type="checkbox"/> Other</p>
Action by 2013 Task Force II	<p>Recommended referral of Proposal 13-200 to an appropriate committee as determined by the Conference Chairman with instructions to the committee as follows:</p> <ol style="list-style-type: none"> 1. Request that FDA reexamine its risk assessments and risk calculators (<i>V.p.</i>) and (<i>V.v.</i>) and present the results to ISSC, including the factors and methodology used to calculate risk per serving. 2. Develop a process for using local data including regional or state illness and landings information, to more accurately reflect risk in a region or state. 3. Determine how best to estimate consumption patterns, including collection data regarding the number of shellfish consumed per serving, through market

	<p>research, end-point consumer data, or other information gathering methods.</p> <ol style="list-style-type: none"> 4. Evaluate existing NSSP regulations to reduce risk of Vibrio illness caused by improper handling, storing, or transportation of shellstock and the effectiveness of existing enforcement mechanisms. 5. Provide recommendations to ISSC based on the results of the above study and evaluation.
<p>Action by 2013 General Assembly</p>	<p>Adopted recommendation of 2013 Task Force II on Proposal 13-200.</p>
<p>Action by FDA May 5, 2014</p>	<p>FDA concurred with Conference action on Proposal 13-200 with the following comments and recommendations.</p> <p>FDA concurs with ISSC referral of Proposal 13-200 to Committee. As appropriate, FDA will provide support to the Committee via participation of Agency Vibrio research and risk assessment experts to assist in addressing Committee charges as set forth in Proposal 13-200. The Agency will look to the Conference to advance recommendations made by the Committee for purposes of implementing appropriate controls to reduce the Vibrio risk. Results of ISSC actions in response to Proposal 13-204 will be integral to answering key questions associated with the Committee's charges.</p>
<p>Action by 2015 Vibrio Management Committee</p>	<p>Recommended the following action on Proposal 13-200:</p> <p>That the ISSC recognize the new <i>V.v.</i> and <i>V.p.</i> calculators as a tool available to calculate the actual risk and assess the effectiveness of state controls.</p> <p>Continue to monitor the activities addressed in items 2 & 3 and report annually to the VMC regarding progress.</p> <p>That a workgroup be formed to evaluate the effectiveness of existing NSSP regulations to reduce risk of Vibrio illnesses caused by improper handling, storing, or transportation of shellstock; to identify areas within the NSSP needing improvement; and make recommendations to the ISSC. The workgroup will consist of FDA, state and industry representatives.</p>
<p>Action by 2015 Task Force II</p>	<p>Recommended adoption of VMC recommendations 2. And 3. with referral of Proposal 13-200 to an appropriate committee with a recommendation that States be allowed to pilot the new <i>V.v.</i> and <i>V.p.</i> calculators and to provide input to the FDA and report back to VMC prior to the next ISSC meeting.</p>
<p>Action by 2015 General Assembly</p>	<p>Adopted recommendation of Task Force II on Proposal 13-200.</p>
<p>Action by FDA January 11, 2016</p>	<p>Concurred with Conference action on Proposal 13-200.</p>
<p>Action by 2017 Vibrio Management Committee</p>	<ol style="list-style-type: none"> a. Monitor the development of processes for using local data including regional or state illnesses and landings information, to more accurately reflect risk in a region or state. <p>Recommendation: The VMC recommended the Conference support and promote the collection of production data and recommends in every case possible the data be provided in product form.</p> <ol style="list-style-type: none"> b. Monitor activities to estimate consumption patterns, including collection of data regarding the number of shellfish consumed per serving, through market research,

	<p>end-point consumer data, or other information gathering methods.</p> <p>Recommendations:</p> <ol style="list-style-type: none"> 1. The VMC recommended that the ISSC continue to identify funding to collect data regarding shellfish consumption patterns to include serving size and product form and also distribution patterns. 2. VMC recommended the Conference identify funding to conduct pilots in each region of the country to gather information on consumption patterns, including collection of data regarding the number of shellfish consumed per serving. <p>c. Evaluate the effectiveness of existing NSSP guidelines in reducing the risk of Vibrio illness caused by improper handling, storing or transportation of shellstock and effectiveness of existing enforcement mechanisms.</p> <p>Recommendation: VMC recommended no action. Rationale: This charge is part of VMC ongoing mission.</p>
Action by 2017 Task Force II	Recommended adoption of Vibrio Management Committee recommendations on Proposal 13-200 as submitted.
Action by 2017 General Assembly	Adopted the recommendation of Task Force II on Proposal 13-200.
Action by FDA February 7, 2018	Concurred with Conference action on Proposal 13-200.

	Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting	<input type="checkbox"/> Growing Area <input checked="" type="checkbox"/> Harvesting/Handling/Distribution <input type="checkbox"/> Administrative
Submitter	Executive Office	
Affiliation	Interstate Shellfish Sanitation Conference (ISSC)	
Address Line 1	209 Dawson Road	
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Phone	803-788-7559	
Fax	803-788-7576	
Email	issc@issc.org	
Proposal Subject	V.p. Illness Response Guidance Document	
Specific NSSP Guide Reference	Section IV. Guidance Documents Chapter V. Illness Outbreaks and Recall Guidance	
Text of Proposal/ Requested Action	<p>Add new section:</p> <p><u>.03 V.p. Illness Response Guidance Document</u></p> <p><u>I. Introduction</u></p> <p><u>Chapter II @.02 Shellfish Related Illnesses Associated with <i>Vibrio parahaemolyticus</i> (V.p.) is intended to address three (3) distinct V.p. illness situations as follows:</u></p> <p><u>A. Traditional sporadic cases from a State in which single cases occur that most often do not involve a single growing area and occur weeks or months apart. The occurrences of these types of illnesses have historically been considered as an acceptable risk in the National Shellfish Sanitation Program (NSSP) and have not involved closures or recalls.</u></p> <p><u>B. Frequent sporadic cases which often begin when water temperatures reach a level which supports reproduction of V.p. to levels which can cause illness. The illness risk usually persists until the environmental conditions no longer support V.p. levels of illness causing potential. This illness situation involves clusters of sporadic cases in multiple individual growing areas or may be limited to a single growing area when the environmental conditions are favorable for the persistence of illness causing levels of V.p.</u></p> <p><u>C. A true outbreak with multiple cases with multiple harvest areas and varying routes of transportation indicates a more widespread contamination of a growing area. The outbreak may be characterized by a high attack rate. In this situation, a single growing area is usually involved with multiple cases of illness occurring from a single harvest day or from a relatively short harvest time frame.</u></p> <p><u>The strains of V.p. associated with these different illness situations are not the same. The attack rates are very different and the reported illnesses reflect the differences in attack rates. Although strain identification is time consuming, knowing the strain aids the Shellfish Control Authority in addressing the problem.</u></p> <p><u>II. Illness Investigation</u></p>	

When the investigation outlined in Section @.01 A. indicates the illness(es) are associated with the naturally occurring pathogen *Vibrio parahaemolyticus* (V.p.), the Authority shall determine the number of laboratory confirmed cases epidemiologically associated with the implicated area and actions taken by the Authority will be based on the number of cases and the span of time.

The Shellfish Control Authority is encouraged to coordinate the investigation and response with other appropriate State entities and the US Food and Drug Administration (FDA) to facilitate and streamline the reporting process to promote prompt and appropriate regulatory responses to illness.

III. Risk per Serving Determinations

In determining a risk per serving, the Shellfish Control Authority should use a recognized serving size and credible landing data. The period of time for evaluating the risk per serving should be consistent with the time of harvest of the shellfish that was associated with the illness (es) and should not exceed thirty (30) days

IV. Regulatory Response

When a case(s) is reported, the State Shellfish Control Authority will determine the number of cases and the time period between the harvest dates of reported cases and the extent of the implicated area.

When determining the number of illnesses in the thirty (30) day period, the harvest date will be used. When an illness occurs, the Shellfish Control Authority will determine the number of cases that have occurred during the previous thirty (30) days. Every subsequent harvest associated with a new reported case will require a review of the previous thirty (30) days.

A. Should the number of cases and the period of time result in a risk that is less than one (1) per 100,000 servings or involves at least two (2) but not more than four (4) cases in which no two of these were from a single harvest day from an implicated area, the State Shellfish Control Authority will evaluate and attempt to ensure compliance, where appropriate, with the existing Vibrio Management Plan. Regulatory response to multiple illnesses occurring from a single harvest day from an implicated area are addressed in IV. B and IV. C.

B. Should the number of cases and the period of time result in a risk that exceeds one (1) illness per 100,000 servings or if the number of cases within a thirty (30) day period from the implicated area is more than four (4) but less than ten (10) or if two (2) or more but less than four (4) cases occur from a single harvest day from the implicated area, the Shellfish Control Authority is required to:

- (1) Determine the extent of the implicated area; and
- (2) Immediately place the implicated portion(s) of the harvest area(s) in the closed status; and
- (3) As soon as determined by the Authority, transmit to the FDA and receiving

States information identifying the dealers shipping the implicated shellfish

The notification is intended to facilitate the reporting of other illnesses that may have occurred associated with the implicated harvest area. Although the State is not required to report this information to the Interstate Shellfish Sanitation Conference (ISSC), if requested, the ISSC will assist the States with notification.

C. Should the number of cases exceed ten (10) within a thirty (30) day period or four (4) or more cases occurred from a single harvest day from the implicated area, the Shellfish Control Authority is required to:

- (1) Determine the extent of the implicated area; and
- (2) Immediately place the implicated portion(s) of the harvest area(s) in the closed status; and
- (3) Promptly initiate a voluntary industry recall consistent with the Recall Enforcement Policy, Title 21 CFR Part 7 unless the Authority determines that a recall is not required where the implicated product is no longer available on the market or when the Authority determines that a recall would not be effective in preventing additional illnesses. The recall shall include all implicated products; and
- (4) Issue a consumer advisory for all shellfish (or species implicated in the illness). The consumer advisory shall be in the form of a news release and will be shared with the State Shellfish Control Authorities in all states receiving the implicated shellfish.

V. Closure Periods

A. When the risk exceeds one (1) illness per 100,000 servings within a thirty (30) day period or cases exceed four (4) but not more than ten (10) cases over a thirty (30) day period from the implicated area or two (2) or more cases but less than four (4) cases occur from a single harvest date from the implicated area the Shellfish Control Authority will close the implicated growing area. The area will remain closed for a minimum of fourteen (14) days.

B. When the number of cases exceeds ten (10) illnesses within thirty (30) days or four (4) cases occur from a single harvest date from the implicated area the Shellfish Control Authority will close the implicated growing area. The area will remain closed for a minimum of twenty-one (21) days.

VI. Reopening of Closed Areas


Prior to reopening an area closed as a result of the number of cases exceeding ten (10) illnesses within thirty (30) days or four (4) cases from a single harvest date from the implicated area, the Authority shall:

A. Collect and analyze samples to ensure that tdh does not exceed 10/g and trh does not exceed 10/g or other such values as determined appropriate by the Authority based on studies.


B. Ensure that environmental conditions have returned to levels not associated with *V.p.* cases.

	<p><u>C. Implicated areas that have been closed when the risk exceeds one (1) illness per 100,000 servings within a thirty (30) day period or cases exceed four (4) but not more than ten (10) cases over a thirty (30) day period from the implicated area or two (2) or more cases but less than four (4) cases occur from a single harvest date from the implicated area do not require sampling or review of environmental conditions prior to reopening.</u></p> <p><u>VII. Harvesting From Closed Areas</u></p> <p><u>Shellfish harvesting may occur in an area closed as a result of <i>V.p.</i> illnesses when the Authority implements one or more of the following controls:</u></p> <p><u>A. Post-harvest processing using a process that has been validated to achieve a two (2) log reduction in the levels of total <i>Vibrio parahaemolyticus</i> for Gulf and Atlantic Coast oysters and/or hard clams and a three (3) log reduction for Pacific Coast oysters and/or hard clams;</u></p> <p><u>B. Restricting oyster and/or hard clam harvest to product that is labeled for shucking by a certified dealer, or other means to allow the hazard to be addressed by further processing;</u></p> <p><u>C. Other control measures that based on appropriate scientific studies are designed to ensure that the risk of <i>V.p.</i> illness is no longer reasonably likely to occur, as approved by the Authority.</u></p> <p><u>VIII. Laboratory</u></p> <p><u>All laboratory analyses shall be performed by a laboratory found to conform or provisionally conform by the FDA Shellfish Laboratory Evaluation Office or FDA certified State Shellfish Laboratory Evaluation Officer in accordance with the requirements established under the NSSP.</u></p> <p><u>IX. Approved Laboratory Methods</u></p> <p><u>Methods for the analyses of shellfish and shellfish growing or harvest waters shall be:</u></p> <p><u>The Approved NSSP Methods validated for use in the National Shellfish Sanitation Program under Procedure XVI. of the Constitution, Bylaws and Procedures of the ISSC and/or cited in the NSSP Guide for the Control of Molluscan Shellfish Section IV Guidance Documents Chapter II. Growing Areas .11 Approved National Shellfish Sanitation Program Laboratory Tests.</u></p>
Public Health Significance	The purpose of this document is to provide guidance to States in implementing the requirements of Chapter II. @.02 Shellfish Related Illnesses Associated with <i>Vibrio parahaemolyticus</i> (V.p.).
Cost Information	
Action by 2015 Task Force II	Recommended referral of Proposal 15-226 to an appropriate committee as determined by the Conference Chair with instruction to remove this section from the NSSP Guide as interim guidance.
Action by 2015 General Assembly	Adopted recommendation of Task Force II on Proposal 15-226.

Action by FDA January 11, 2016	Concurred with Conference action on Proposal 15-226.
Action by 2017 Vibrio Management Committee	The Vibrio Management Committee recommended that the Conference Chairperson appoint an appropriate workgroup to amend the <i>Vibrio parahaemolyticus</i> Illness Response guidance document to submit to the Executive Board as interim approval following the Biennial Meeting.
Action by 2017 Task Force II	Recommended adoption of Vibrio Management Committee recommendation on Proposal 15-226.
Action by 2017 General Assembly	Adopted the recommendation of Task Force II on Proposal 15-226.
Action by FDA February 7, 2018	Concurred with Conference action on Proposal 15-226.

 <p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<input type="checkbox"/> Growing Area <input checked="" type="checkbox"/> Harvesting/Handling/Distribution <input type="checkbox"/> Administrative
Submitter	ISSC Executive Office
Affiliation	Interstate Shellfish Sanitation Conference
Address Line 1	209 Dawson Road
Address Line 2	Suite 1
City, State, Zip	Columbia, SC 29223-1740
Phone	803-788-7559
Fax	803-788-7576
Email	issc@issc.org
Proposal Subject	Notices of Illness Outbreaks, Recalls and Closures
Specific NSSP Guide Reference	NSSP Guide for the Control of Molluscan Shellfish Section II. Chapter II. Risk Assessment and Risk Management @.01 Outbreaks of Shellfish-Related Illnesses
Text of Proposal/ Requested Action	<p>@.01 Outbreaks of Shellfish-Related Illness</p> <p>B. When the Authority has determined an epidemiological association between an illness outbreak and shellfish consumption, the Authority shall:</p> <ol style="list-style-type: none"> (1) <u>Notify the FDA Regional Shellfish Specialist that a shellfish related outbreak has occurred.</u> (2) Conduct an investigation of the illness outbreak within 24 hours to determine whether the illness is growing area related or is the result of post-harvest contamination or mishandling. (23) Determine whether to initiate a voluntary recall by firms. If a firm(s) is requested by the Authority to recall, the firm will use procedures consistent with the Recall Enforcement Policy, Title 21 Code of Federal Regulations (CFR) Part 7. The recall shall include all implicated products. <p>C. When the investigation outlined in Model Ordinance Chapter II. @.04 B. does not indicate a post-harvest contamination problem, or illegal harvesting from a closed area, the Authority shall:</p> <ol style="list-style-type: none"> (1) Immediately place the implicated portion(s) of the harvest area(s) in the closed status; (2) Notify receiving states, the ISSC and the FDA Regional Shellfish Specialist that a potential health risk is associated with shellfish harvested from the implicated growing area; (3) As soon as determined by the Authority, transmit to the FDA and receiving states information identifying the dealers shipping the implicated shellfish; and (34) Promptly initiate recall procedures consistent with the Recall Enforcement Policy, Title 21 CFR Part 7. The recall shall include all implicated products. <u>(4) Transmit to the ISSC and FDA information identifying the dealers shipping the implicated shellfish.</u> <u>(5) The ISSC will notify States and FDA Specialists of growing area closures and recalls. In the case of recalls, ISSC will notify States with information identifying dealers shipping the implicated shellfish. Closure and recall notices (not to include dealers) will be posted on the ISSC website. ISSC will maintain an inventory of closure and recall information.</u>

	<p>D. When the investigation outlined in Model Ordinance Chapter II. @.04 B. demonstrates that the illnesses are related to post- harvesting contamination or mishandling, growing area closure is not required. However, the Authority shall:</p> <ol style="list-style-type: none"> (1) Notify receiving states, the ISSC and the FDA Regional Shellfish Specialist of the problem; and (2) Initiate a voluntary recall by firms. If a firm or firms is requested by the Authority to recall, the firm will use procedures consistent with the Recall Enforcement Policy, Title 21 CFR Part 7. The recall shall include all implicated products. <u>(3) Transmit to the ISSC and FDA information identifying the dealers shipping the implicated shellfish.</u> <u>(4) The ISSC will notify States and FDA Specialists of growing area closures and recalls. In the case of recalls, ISSC will notify States with information identifying dealers shipping the implicated shellfish. Closure and recall notices (not to include dealers) will be posted on the ISSC website. ISSC will maintain an inventory of closure and recall information.</u>
Public Health Significance	<p>The proposed language in Section B. would ensure that FDA is immediately aware of shellfish related outbreaks. The proposed language changes in Section C. would more clearly outline the responsibility associated with notification to FDA and States. Currently notification requirements are not included for recalls associated with post-harvest contamination. Additionally, there are no requirements for notification to States that are not identified as a State receiving recalled product. It is important that all States be notified of recalls. In many cases the complete list of States cannot be determined by identifying the initial dealers. The proposed change would also establish an inventory of closures and recalls. Without an inventory it is difficult to assess program trends.</p>
Cost Information	
Action by 2017 Task Force II	<p>Recommended adoption of Proposal 17-201 with recommendations to the ISSC Executive Board to appoint a committee to develop guidance which details recall and closure information sharing.</p>
Action by 2017 General Assembly	<p>Adopted the recommendation of Task Force II on Proposal 17-201.</p>
Action by FDA February 7, 2018	<p>Concurred with Conference action on Proposal 17-201.</p>

	<p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<input type="checkbox"/> Growing Area <input checked="" type="checkbox"/> Harvesting/Handling/Distribution <input type="checkbox"/> Administrative
Submitter	US Food & Drug Administration (FDA)	
Affiliation	US Food & Drug Administration (FDA)	
Address Line 1	5001 Campus Drive	
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Phone	240-402-1401	
Fax	301-436-2601	
Email	Melissa.Abbott@fda.hhs.gov	
Proposal Subject	Add in-field Compliance Criteria for Control of Harvest Element	
Specific NSSP Guide Reference	Section II. Model Ordinance - Chapter I@03B.3	
Text of Proposal/ Requested Action	<p>3. Patrol <u>Control of Harvest</u> (Change “Patrol Element” to “Control of Harvest Element” in Chapter I@03B.3 Section.)</p> <p style="margin-left: 40px;">a. Requirements for evaluation</p> <p>(new) <u>i. In-field (Harvester) Compliance Criteria</u></p> <p style="margin-left: 40px;"><u>i. Each harvester shall have a valid license, and a special license if necessary, in his possession while engaged in shellstock harvesting activities.</u></p> <p style="margin-left: 40px;"><u>95% of harvesters have valid license Critical</u></p> <p style="margin-left: 40px;"><u>ii. Each harvester shall obtain Authority approved training at an interval to be determined by the Authority not to exceed five (5) years. The training shall include required harvest, handling, and transportation practices as determined by the Authority. A harvester shall be allowed ninety (90) days following initial licensing to obtain the required education.</u></p> <p style="margin-left: 40px;"><u>A harvester shall obtain proof of completion of the required training. Proof of training obtained by the harvester shall be presented to the Authority prior to certification, recertification, or licensing. At a minimum, one (1) individual involved in the shellfish operations shall obtain the required training. The harvester shall maintain record of the completed training.</u></p> <p style="margin-left: 40px;"><u>100% of licensed harvesters have required training within specified time.Critical</u></p> <p style="margin-left: 40px;"><u>iii. Harvesters. Any harvester who engages in shellfish packing as defined in this Ordinance shall: Be a dealer; or Pack shellstock for a dealer.</u></p> <p style="margin-left: 40px;"><u>95% of harvesters engaging in shellfish packing meet this requirementCritical</u></p> <p style="margin-left: 40px;"><u>iv. Non-Vessel Harvesting. Harvesters shall assure shellstock are harvested, handled, and transported to prevent contamination, deterioration, and decomposition.</u></p>	

95% of the non-vessel harvesters meet this requirement Key

v. Vessels. The operator shall assure that all vessels used to harvest and transport shellstock are properly constructed, operated, and maintained to prevent contamination, deterioration, and decomposition of the shellstock.

95% of the harvest vessels meet this requirement Key

Cats, dogs, and other animals shall not be allowed on vessels.

95% of the harvest vessels meet this requirement Key

Human sewage shall not be discharged overboard from a vessel used in the harvesting of shellstock, or from vessels which buy shellstock while the vessels are in growing areas.

100% of harvest vessels meet this requirement Critical

As required by the Authority, in consultation with FDA, an approved marine sanitation device (MSD), portable toilet or other sewage disposal receptacle shall be provided on the vessel to contain human sewage.

95% of the harvest vessels meet this requirement Critical

vi. Shellstock Washing. The harvester shall be primarily responsible for washing shellstock.

If shellstock washing is not feasible at the time of harvest, the dealer shall assume this responsibility. Water used for shellstock washing shall be obtained from: A potable water source; or a growing area in the: Approved classification; or in the open status of the conditionally approved classification.

If the harvester or dealer elects to use tanks or a recirculating water system to wash shellstock, the shellstock washing activity shall be constructed, operated, and maintained in accordance with Chapter XI. 02 A. (3) and Chapter XIII. 02 A. (3).

95% of the harvesters meet this requirement Critical

vii. Shellstock Identification. Each harvester shall affix a tag that meets Chapter VIII.02.F to each container of shellstock which shall be in place while the shellstock is being transported to a dealer.


95% of the harvesters meet this requirement Critical

viii. Bulk tagging of a lot of shellstock during transport from harvest area to the dealer facilities meets the requirements of Chapter VIII.02.F(7).

95% of the harvesters utilizing bulk tagging meet this requirement Critical


ix. Shellstock Temperature Control. All harvesters shall comply with the

	<p><u>applicable time to temperature requirements of a State V.v. and V.p. Control Plans outlined in Chapter II. @.06 and @.07; or Chapter VIII. @.02 Shellstock Time to Temperature Controls A. (3). All harvesters shall provide trip records to the initial dealer demonstrating compliance with the time to temperature requirements.</u></p> <p><u>95% of the harvesters meet these requirements</u> <u>Critical</u></p> <p>j. The following procedures will be implemented when an FDA evaluation identifies deficiencies with the above patrol <u>Control of Harvest</u> evaluation criteria.</p> <p>i. The overall Patrol Program <u>Control of Harvest</u> element will be assigned one of the following designations:</p> <p>(a) Conformance: The program is in compliance with all of the criteria listed above.</p> <p>(b) Conformance with Deficiencies: The program only has minor deficiencies associated with a key compliance item.</p> <p>(c) Non-Conformance: The program has:</p> <p>i. at least one (1) critical deficiency;</p> <p>ii. two (2) <u>four (4)</u> or more key deficiencies; or</p> <p>iii. a repeat [Key] deficiency from the previous evaluation.</p> <p>(d) Major Non-Conformance: The program has multiple deficiencies, key or critical, that suggests the program has become ineffective to control harvest in harvest restricted waters.</p> <p>ii.</p>
Public Health Significance	Adds in-field compliance criteria to address Control of Harvest Element evaluation activities related to NSSP MO Chapter VIII Requirements for Harvesters. Proposal will bring in the in-field compliance criteria which is similar to plant compliance criteria which have administrative and in-field components.
Cost Information	NA
Action by 2017 Task Force II	Recommended referral of Proposal 17-204 to an appropriate committee as determined by the Conference Chair with instructions that this proposal be assigned to the appropriate multiple committees.
Action by 2017 General Assembly	Adopted the recommendation of Task Force II on Proposal 17-204.
Action by FDA February 7, 2018	Concurred with Conference action on Proposal 17-204.

	Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting	<input type="checkbox"/> Growing Area <input checked="" type="checkbox"/> Harvesting/Handling/Distribution <input type="checkbox"/> Administrative
Submitter	US Food & Drug Administration (FDA)	
Affiliation	US Food & Drug Administration (FDA)	
Address Line 1	5001 Campus Drive	
Address Line 2	CPK1, HFS-325	
City, State, Zip	College Park, MD 20740	
Phone	240-402-1401	
Fax	301-436-2601	
Email	Melissa.Abbott@fda.hhs.gov	
Proposal Subject	Shellfish Illness Response Associated with <i>Vibrio parahaemolyticus</i> (V.p.)	
Specific NSSP Guide Reference	Section II. Model Ordinance Chapter II. Risk Assessment and Risk Management @.02 Shellfish Related Illnesses Associated with V.p.	
Text of Proposal/ Requested Action	<p><u>A.</u> When the investigation outlined shellfish are implicated in Section @.01 A. indicates the illness(es) are associated with the naturally occurring pathogen <i>Vibrio parahaemolyticus</i> (V.p.), the Authority shall determine the number of laboratory confirmed cases epidemiologically associated with the implicated area and actions taken by the Authority will be based on the number of cases and the span of time as follows <u>whether an epidemiological association exists between the illness(es) and shellfish consumption by reviewing:-</u></p> <p style="margin-left: 20px;">(1) <u>Each consumer's food history;</u></p> <p style="margin-left: 20px;">(2) <u>Shellfish handling practices by the consumer and/or retailer.</u></p> <p><u>B.</u> <u>When the Authority has determined an epidemiological association between V.p. illness(es) and shellfish, including illnesses described as sporadic, the Authority shall determine the number of laboratory confirmed cases epidemiologically associated with the implicated area and actions taken by the Authority will be based on the number of cases and span of time as follows:</u></p> <p style="margin-left: 20px;">(1) When sporadic cases do not exceed a risk of one (1) illness per 100,000 servings or involves at least two (2) but not more than four (4) cases occurring within a thirty (30)<u>seven (7)</u> day period from an implicated area in which no two (2) cases occurred from a single harvest day, the Authority shall determine the extent of the implicated area. The Authority will make reasonable attempts to ensure and evaluate compliance with the existing State <u>Vibrio Control Management Plan. If at least two (2) cases occur from a single harvest day, the Authority shall refer to @.02 B. (3).</u></p> <p style="margin-left: 20px;">(2) When the risk exceeds one (1) illness per 100,000 servings within a thirty (30) day period or when cases exceed four (4)<u>two (2)</u> but not more than ten (10)<u>four (4)</u> over a thirty (30) day time <u>greater than seven (7) but less than thirty (30) days,</u> from the implicated area or two (2) or more cases but less than four (4) cases occur from a single harvest day from the implicated area, the Authority shall:</p> <p style="margin-left: 40px;">(a) Determine the extent of the implicated area; and</p> <p style="margin-left: 40px;">(b) Immediately place the implicated portion(s) of the harvest area(s) in the closed status; and</p> <p style="margin-left: 40px;">(c) As soon as determined by the Authority, transmit to the FDA and receiving States information identifying the dealers shipping the implicated shellfish.</p> <p style="margin-left: 20px;">(3) When the number of cases exceeds ten (10)<u>(four (4))</u> illnesses within a</p>	

	<p>thirty (30) day period or two (2) illnesses within a seven (7) day period from the implicated area or four (4) or more cases occurred from a single harvest date from the implicated area. The Authority shall:</p> <ul style="list-style-type: none"> (a) Determine the extent of the implicated area; and (b) Immediately place the implicated portion(s) of the harvest area(s) in the closed status; and (c) <u>As soon as determined by the Authority, transmit to the ISSC, FDA, and receiving States information identifying the dealers shipping the implicated shellfish.</u> (ed) Promptly initiate a voluntary industry recall consistent with the Recall Enforcement Policy, Title 21 CFR Part 7 unless the Authority determines that a recall is not required where the implicated product is no longer available on the market or when the Authority determines that a recall would not be effective in preventing additional illnesses. The recall shall include all implicated products. (de) Issue a consumer advisory for all shellfish (or species implicated in the illness). <p>(4) When a growing area has been closed as a result of <i>V.p.</i> cases, the Authority shall keep the area closed for the following periods of time to determine if additional illnesses have occurred: The area will remain closed for a minimum of fourteen (14) days, when the risk exceeds one (1) illness per 100,000 servings within a thirty (30) day period or cases exceed four (4) but not more than ten (10) cases over a thirty (30) day period from the implicated area or two (2) or more cases but less than four (4) cases occur from a single harvest date from the implicated area.</p> <ul style="list-style-type: none"> (a) <u>The area will remain closed for a minimum of twenty one (21) days when the number of cases exceeds ten (10) illnesses within thirty (30) days or four (4) cases occur from a single harvest date from the implicated area</u> <p>(5) Prior to reopening an area closed as a result of the number of cases exceeding ten (10) <u>four (4)</u> illnesses within thirty (30) days or four (4) <u>two (2) within seven (7) days or two (2)</u> cases from a single harvest date from the implicated area, the Authority shall:</p> <ul style="list-style-type: none"> (a) Collect and analyze samples to ensure that tdh does not exceed 10/g and trh does not exceed 10/g; or other such values as determined appropriate by the Authority based on studies; or (b) Ensure that environmental conditions have returned to levels not associated with <i>V.p.</i> cases. <p>(6) Shellfish harvesting may occur in an area closed as a result of <i>V.p.</i> illnesses when the Authority implements one or more of the following controls:</p> <ul style="list-style-type: none"> (a) Post-harvest processing using a process that has been validated to achieve a two (2) log reduction in the levels of total <i>Vibrio parahaemolyticus</i> for Gulf and Atlantic Coast oysters and/or hard clams and a three (3) log reduction for Pacific Coast oysters and/or hard clams; (b) Restricting oyster and/or hard clam harvest to product that is labeled for shucking by a certified dealer, or other means to allow the hazard to be addressed by further processing; (c) Other control measures that based on appropriate scientific studies are designed to ensure that the risk of <i>V.p.</i> illness is no longer reasonably likely to occur, as approved by the Authority.
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	<p><u>(7) Molluscan shellfish recalled as a result of <i>V.p.</i> illnesses may be reconditioned as described in Chapter II. @.01 J.</u></p>
<p>Public Health Significance</p>	<p>The national trend with regard to Vp illnesses has not improved over the past several years. This proposal intends to improve the effectiveness of response to Vp illnesses. This proposal retains the tiered approach for response to Vp illnesses, but requires closure of implicated areas and recall for situations where multiple illnesses occur over a short period of time, suggesting a higher risk situation.</p> <p>The requirement to close for a minimum of fourteen (14) days and to collect and analyze water samples prior to re-opening is expected to decrease the numbers of <i>V.p.</i> illnesses occurring from particularly high risk growing areas.</p> <p>A reference to @ .01 J has been added for clarification.</p>
<p>Cost Information</p>	
<p>Action by 2017 Task Force II</p>	<p>Recommended referral of Proposal 17-206 to an appropriate committee as determined by the Conference Chair.</p>
<p>Action by 2017 General Assembly</p>	<p>Adopted the recommendation of Task Force II on Proposal 17-206.</p>
<p>Action by FDA February 7, 2018</p>	<p>Concurred with Conference action on Proposal 17-206.</p>

	Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting	<input type="checkbox"/> Growing Area <input checked="" type="checkbox"/> Harvesting/Handling/Distribution <input type="checkbox"/> Administrative									
Submitter	John A. Tesvich										
Affiliation	Louisiana Oyster Task Force										
Address Line 1	2021 Lakeshore Drive Suite 300										
Address Line 2											
City, State, Zip	New Orleans, LA 70122										
Phone	504-912-2750										
Fax	504-564-2733										
Email	jatesvich@yahoo.com										
Proposal Subject	V. <i>vulnificus</i> Control Plan										
Specific NSSP Guide Reference	Section II. Model Ordinance Chapter II. Risk Assessment and Risk Management Requirements for the Authority @.06 <i>Vibrio vulnificus</i> Control Plan (Effective January 1, 2012) E. Control Plan (1)										
Text of Proposal/ Requested Action	<p>Add Section @.06 E. (1) (c)</p> <p><u>(c) A state has the option to implement a <i>Vibrio vulnificus</i> Control Plan that includes time-temperature harvesting controls when Average Monthly Maximum water temperatures are below 70°F. If the state implements this option, shellstock intended for raw consumption shall comply with the matrix below:</u></p> <table border="1" style="margin-left: auto; margin-right: auto; border-collapse: collapse; text-align: center;"> <thead> <tr> <th style="padding: 5px;"><u>Action Level</u></th> <th style="padding: 5px;"><u>Water Temperature</u></th> <th style="padding: 5px;"><u>Maximum hours from Exposure to Temperature Control</u></th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;"><u>Level 1</u></td> <td style="padding: 5px;"><u><65°F</u></td> <td style="padding: 5px;"><u>36 hours</u></td> </tr> <tr> <td style="padding: 5px;"><u>Level 2</u></td> <td style="padding: 5px;"><u>65°F - 70°F (18°C – 23°C)</u></td> <td style="padding: 5px;"><u>14 hours</u></td> </tr> </tbody> </table>		<u>Action Level</u>	<u>Water Temperature</u>	<u>Maximum hours from Exposure to Temperature Control</u>	<u>Level 1</u>	<u><65°F</u>	<u>36 hours</u>	<u>Level 2</u>	<u>65°F - 70°F (18°C – 23°C)</u>	<u>14 hours</u>
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<u>Level 1</u>	<u><65°F</u>	<u>36 hours</u>									
<u>Level 2</u>	<u>65°F - 70°F (18°C – 23°C)</u>	<u>14 hours</u>									
Public Health Significance	In the Gulf there has been no significant risk of V.v. illness during the coldest months, Dec-Feb. This will allow a state with a <i>Vibrio vulnificus</i> Control Plan to more effectively tailor a comprehensive harvesting time-temp control plan without a 70 degree F average maximum water temperature limit.										
Cost Information	No expected increase in cost.										
Action by 2017 Task Force II	Recommended referral of Proposal 17-207 to an appropriate committee as determined by the Conference Chair.										
Action by 2017 General Assembly	Adopted the recommendation of Task Force II on Proposal 17-207.										
Action by FDA February 7, 2018	Concurred with Conference action on Proposal 17-207.										




**Proposal for Task Force Consideration
at the ISSC 2019 Biennial Meeting**

- Growing Area
- Harvesting/Handling/Distribution
- Administrative

Submitter	John A. Tesvich																															
Affiliation	Louisiana Oyster Task Force																															
Address Line 1	2021 Lakeshore Drive Suite 300																															
Address Line 2																																
City, State, Zip	New Orleans, LA 70122																															
Phone	504-912-2750																															
Fax	504-564-1733																															
Email	jatesvich@yahoo.com																															
Proposal Subject	Shellstock Time to Temperature Controls																															
Specific NSSP Guide Reference	Section II Model Ordinance Chapter VIII. Control of Shellfish Harvesting @.02 Shellstock Time to Temperature Controls.																															
Text of Proposal/ Requested Action	<p>A. Each shellfish producing State shall establish time to temperature requirements for the harvesting of all shellstock to ensure that harvesters shall comply with one of the following:</p> <ol style="list-style-type: none"> (1) The State <i>Vibrio vulnificus</i> Control Plan as outlined in Chapter II. @.06; or (2) The State <i>Vibrio parahaemolyticus</i> Plan as outlined in Chapter II. @.07; or (3) All other shellstock shall comply with <u>one of</u> the <u>matrix matrices</u> below: <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 15%;">Action Level</th> <th style="width: 45%;">Average Monthly Maximum Air Temperature</th> <th style="width: 40%;">Maximum Hours from Exposure to Receipt at a Dealer's Facility</th> </tr> </thead> <tbody> <tr> <td>Level 1</td> <td><50 °F (10 °C)</td> <td>36 hours</td> </tr> <tr> <td>Level 2</td> <td>50 °F - 60 °F (10 °C - 15 °C)</td> <td>24 hours</td> </tr> <tr> <td>Level 3</td> <td>>60 °F - 80 °F (15 °C - 27 °C)</td> <td>18 hours</td> </tr> <tr> <td>Level 4</td> <td>>80 °F (≥27 °C)</td> <td>12 hours</td> </tr> </tbody> </table> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 15%;"><u>Action Level</u></th> <th style="width: 45%;"><u>Water Temperature</u></th> <th style="width: 40%;"><u>Maximum Hours from Exposure to Temperature Control</u></th> </tr> </thead> <tbody> <tr> <td><u>Level 1</u></td> <td><u><65 °F</u></td> <td><u>36 hours</u></td> </tr> <tr> <td><u>Level 2</u></td> <td><u>65 °F - 74 °F (18 °C - 23 °C)</u></td> <td><u>14 hours</u></td> </tr> <tr> <td><u>Level 3</u></td> <td><u>>74 °F - 84 °F (>23 °C - 28 °C)</u></td> <td><u>12 hours</u></td> </tr> <tr> <td><u>Level 4</u></td> <td><u>> 84 °F (>28 °C)</u></td> <td><u>10 hours</u></td> </tr> </tbody> </table>		Action Level	Average Monthly Maximum Air Temperature	Maximum Hours from Exposure to Receipt at a Dealer's Facility	Level 1	<50 °F (10 °C)	36 hours	Level 2	50 °F - 60 °F (10 °C - 15 °C)	24 hours	Level 3	>60 °F - 80 °F (15 °C - 27 °C)	18 hours	Level 4	>80 °F (≥27 °C)	12 hours	<u>Action Level</u>	<u>Water Temperature</u>	<u>Maximum Hours from Exposure to Temperature Control</u>	<u>Level 1</u>	<u><65 °F</u>	<u>36 hours</u>	<u>Level 2</u>	<u>65 °F - 74 °F (18 °C - 23 °C)</u>	<u>14 hours</u>	<u>Level 3</u>	<u>>74 °F - 84 °F (>23 °C - 28 °C)</u>	<u>12 hours</u>	<u>Level 4</u>	<u>> 84 °F (>28 °C)</u>	<u>10 hours</u>
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Public Health Significance	No adverse public health significance. Gulf states have had no significant historical bacterial based risk during cold water months Dec-Feb. This will allow states the option to have the harvest time to temperature controls based on Average Monthly Maximum water temperature instead of only Average Monthly Maximum Air Temperature, (as it was prior to 2012)																															
Cost Information	None																															
Action by 2017 Task Force II	Recommended referral of Proposal 17-209 to an appropriate committee as determined by the Conference Chair.																															
Action by 2017 General Assembly	Adopted the recommendation of Task Force II on Proposal 17-209.																															

Proposal No. 17-209

Action by FDA February 7, 2018	Concurred with Conference action on Proposal 17-209.
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 <p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<input type="checkbox"/> Growing Area <input checked="" type="checkbox"/> Harvesting/Handling/Distribution <input type="checkbox"/> Administrative
Submitter	US Food & Drug Administration (FDA)
Affiliation	US Food & Drug Administration (FDA)
Address Line 1	5001 Campus Drive
Address Line 2	CPK1, HFS-325
City, State, Zip	College Park, MD 20740
Phone	240-402-1401
Fax	301-436-2601
Email	Melissa.Abbott@fda.hhs.gov
Proposal Subject	Hand Sanitizer
Specific NSSP Guide Reference	Section II. Model Ordinance Chapter XI. .02 D. (4); Section II. Model Ordinance Chapter XII. .02 D. (1) (c); Section II. Model Ordinance Chapter XIII. .02 D. (1) (b); Section II. Model Ordinance Chapter XIV. .02 D. (1) (b); and Section II. Model Ordinance Chapter XV. .02 D. (3)
Text of Proposal/ Requested Action	<p>Chapter XI. Shucking and Packing .02 Sanitation D. Maintenance of Hand Washing, Hand Sanitizing and Toilet Facilities.</p> <ul style="list-style-type: none"> (1) Hand washing facilities... (2) Hand washing facilities... (3) The dealer shall... (4) The dealer shall provide at each hand washing facility: <ul style="list-style-type: none"> (a) Supply of hand cleansing soap or detergent; [K] <u>(b) Supply of hand sanitizer; [K]</u> (c) Conveniently located supply of single service towels in a suitable dispenser or a hand drying device that provides heated air; [O] (d) Easily cleanable waste receptacle; and [O] (e) Hand washing signs in a language understood by the employees; [O] (5) Sewage [C] and liquid... (6) The dealer shall provide... <p>Chapter XII. Repacking of Shucked Shellfish .02 Sanitation. D. Maintenance of Hand Washing, Hand Sanitizing and Toilet Facilities.</p> <ul style="list-style-type: none"> (1) Hand washing facilities with warm water at a minimum temperature of 100 °F (37.8 °C) dispensed from a hot and cold mixing or combination faucet shall be provided. [S^{K/O}] <ul style="list-style-type: none"> (a) Hand washing facilities... (b) The dealer shall... (c) The dealer shall provide at each hand washing facility: <ul style="list-style-type: none"> (i) Supply of hand cleansing soap or detergent; [K] <u>(ii) Supply of hand sanitizer; [K]</u> (iii) Conveniently located supply of single service towels in a suitable dispenser or a hand drying device that provides heated air; [O] (iv) Easily cleanable waste receptacle; and [O] (v) Hand washing signs in a language understood by the employees; [O] (2) Sewage [C] and liquid... (3) The dealer shall...

Chapter XIII. Shellstock Shipping .02 Sanitation.

D. Maintenance of Hand Washing, Hand Sanitizing and Toilet Facilities.

- (1) Hand washing facilities with warm water at a minimum temperature of 100 °F (37.8 °C) dispensed from a hot and cold mixing or combination faucet shall be provided. [S^{K/O}]
 - (a) Handwashing facilities shall...
 - (b) The dealer shall provide at each handwashing facility:
 - (i) Supply of hand cleansing soap or detergent; [K]
 - (ii) Supply of hand sanitizer; [K]
 - (iii) Conveniently located supply of single service towels in a suitable dispenser or a hand drying device that provides heated air; [O]
 - (iv~~ii~~) Easily cleanable waste receptacle; and [O]
 - (~~iv~~) Handwashing signs in a language understood by the employees; [O]
- (2) Sewage [K] and liquid...
- (3) The dealer shall...

Chapter XIV. Reshipping .02 Sanitation.

D. Maintenance of Hand Washing, Hand Sanitizing and Toilet Facilities.


- (1) Hand washing facilities with warm water at a minimum temperature of 100 °F (37.8 °C) dispensed from a hot and cold mixing or combination faucet shall be provided. [S^{K/O}]
 - (a) Handwashing facilities shall...
 - (b) The dealer shall provide at each handwashing facility:
 - (i) Supply of hand cleansing soap or detergent; [K]
 - (ii) Supply of hand sanitizer; [K]
 - (iii) Conveniently located supply of single service towels in a suitable dispenser or a hand drying device that provides heated air; [O]
 - (iv~~ii~~) Easily cleanable waste receptacle; and [O]
 - (~~iv~~) Handwashing signs in a language understood by the employees; [O]
- (2) Liquid disposable wastes...
- (3) The dealer shall...

Chapter XV. Depuration .02 Sanitation


D. Maintenance of Hand Washing, Hand Sanitizing and Toilet Facilities

- (1) Hand washing facilities...
- (2) Hand washing facilities...
- (3) The dealer shall provide at each hand washing facility;
 - (a) Supply of hand cleansing soap or detergent; [K]
 - (b) Supply of hand sanitizer; [K]
 - (~~c~~b) Conveniently located supply of single service towels in a suitable dispenser or a hand drying device that provides heated air; [O]
 - (~~d~~e) Easily cleanable waste receptacle; and [O]
 - (~~e~~d) Hand washing signs in a language understood by the employees; [O]
- (4) Sewage [C] and liquid...


<p>Public Health Significance</p>	<p>Current Model Ordinance language in Chapters XI-XV .02 C. Prevention of Cross Contamination, requires that employees wash their hands thoroughly with soap and water and sanitize their hands in an adequate handwashing facility. Currently D. Maintenance of Hand Washing, Hand Sanitizing and Toilet Facilities addresses an adequate supply of hand cleaning soap or detergent, but does not address an adequate supply of hand sanitizer. Adding the new language in will make current language more consistent and enforceable by State inspectors.</p>
<p>Cost Information</p>	<p>Minimal cost.</p>
<p>Action by 2017 Task Force II</p>	<p>Recommended referral of Proposal 17-220 to an appropriate committee as determined by the Conference Chair.</p>
<p>Action by 2017 General Assembly</p>	<p>Adopted the recommendation of Task Force II on Proposal 17-220.</p>
<p>Action by FDA February 7, 2018</p>	<p>Concurred with Conference action on Proposal 17-220.</p>


 <p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative</p>
2. Submitter	Chris Shriver, GM and Daniel Cohen, President
3. Affiliation	Atlantic Capes Fisheries, Inc.
4. Address Line 1	16 Broadcommon Road
5. Address Line 2	
6. City, State, Zip	Bristol, Rhode Island 02809
7. Phone	401-253-3030
8. Fax	401-253-9207
9. Email	cshriver@atlanticcapes.com and dcohen@atlanticcapes.com
10. Proposal Subject	Clarification of Surf Clams and Ocean Quahogs Exemption from Time/Temperature Requirements when “intended for thermal processing”.
11. Specific NSSP Guide Reference	Section II. Model Ordinance Chapter VIII. Control of Shellfish Harvesting @.02 Shellstock Time to Temperature Controls G. Section IV. Guidance Documents Chapter II. Handling, Processing, and Distributing B.
12. Text of Proposal/ Requested Action	<p>Section II. Model Ordinance Chapter VIII. Control of Shellfish Harvesting @.02 Shellstock Time to Temperature Controls</p> <p>G. Ocean Quahogs (<i>Arctica islandia</i>) and surf clams (<i>Spisula solidissima</i>) are exempt from this temperature control plan when these products are intended for thermal processing, <u>which includes when a Processor represents, labels, or intends for the products to be cooked prior to consumption pursuant to the Processor’s HACCP Plan as defined in FDA 21 CFR Part 123 Seafood HACCP regulations. For clarity, if Surf Clams or Ocean Quahogs are distributed live with the intention they could eaten raw, those Surf Clams and Ocean Quahogs are not exempt from this temperature control plan.</u></p> <p>Section IV. Guidance Documents Chapter III. Handling, Processing and Distributing</p> <p>B. Ocean Quahogs (<i>Arctica islandia</i>) and Surf Clams (<i>Spisula solidissima</i>) are excluded from the time to temperature controls of State Vibrio Control Plans or the matrix outlined in Chapter VIII. @.02 A. (1) (2) and (3). This exclusion applies only when these products are intended for thermal processing, <u>which includes when a Processor represents, labels, or intends for the product to be cooked prior to consumption pursuant to the Processor’s HACCP Plan as defined in FDA 21 CFR Part 123 Seafood HACCP regulations.</u> Authorities may exclude other species when intended for thermal processing. <u>For clarity, if Surf Clams or Ocean Quahogs are distributed live with the intention they could eaten raw, those Surf Clams and Ocean Quahogs are not exempt from this temperature control plan.</u></p>
13. Public Health Significance	There is no adverse public health significance by this clarification of the meaning of the exemption for surf Clams and Ocean Quahogs “intended for thermal processing”. There will be no change from current practices, which include HACCP process controls adopted by each Processor. The additional wording


	<p>merely clarifies a misinterpretation that the definition of “<i>intended for thermal processing</i>” is limited to low acid canning of 21 CFR 113.3(o). The Surf Clam and Ocean Quahog processors have been shucking surf clams and selling them in the uncooked state (both as fresh clam meats and frozen clam meats) for decades to customers with the intention that all of their customers will fully cook the Surf Clam meats and Ocean Quahogs prior to consumption. Thermal processing and cooked is not limited to only low aid canning, but also includes other forms of cooking and thermal processing as defined in the NSSP MO in Definitions (B) (94). Intended use guidance and controls are already established, this proposal simply clarifies and documents current practices, and aligns with common use of Surf Clams and Ocean Quahogs. As per FDA 21 CFR Part 123 Seafood HACCP regulations the Surf Clam and Ocean Quahog processors shall identify the intended use of their products. Additionally the Surf Clam and Ocean Quahog processors shall be required, consistent with their HACCP Plans, to issue annual HACCP Compliance Letters to all their customers which also identify the intended use of their products.</p>
<p>14. Cost Information</p>	<p>None. There will be no additional cost to industry, public, or the regulators by this clarification.</p>
<p>Action by 2017 Task Force II</p>	<p>Recommended referral of Proposal 17-225 to an appropriate committee as determined by the Conference Chair. Task Force Member Joe Jewell (Mississippi) requested the record reflect he abstained from the vote.</p>
<p>Action by 2017 General Assembly</p>	<p>Adopted the recommendation of Task Force II on Proposal 17-225.</p>
<p>Action by FDA February 7, 2018</p>	<p>Concurred with Conference action on Proposal 17-225.</p>

 <p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative</p>
2. Submitter	David Fyfe ¹ & Tamara Gage ²
3. Affiliation	Northwest Indian Fisheries Commission ¹ & Port Gamble Tribe ²
4. Address Line 1	19472 Powder Hill Place NE ¹
5. Address Line 2	Suite 210
6. City, State, Zip	Poulsbo, WA 98370
7. Phone	360-878-1350
8. Fax	360-297-3413
9. Email	dfyfe@nwifc.org
10. Proposal Subject	Impact of water quality in wet storage
11. Specific NSSP Guide Reference	Not Applicable
12. Text of Proposal/ Requested Action	<p>There are very specific conditions associated with moving shellfish from one body of water to another for the purposes of relay or depuration. These processes 1. Always move shellfish into water that is considered better quality, from a health standpoint, and 2. Are specifically designed to reduce bacterial loads resulting from human contamination i.e. coliforms</p> <p>For decades now, public health concerns have increasingly focused on vibrios, which are naturally occurring, and less predictable. Wet storage, which is not designed to reduce bacterial load, is given little attention, provided that the shellfish move between Approved growing areas. Vibrios, however, could be at a higher concentration in the originating waters or where the wet storage occurs, so with time, vibrio levels may increase or decrease while in wet storage.</p> <p>With public health in mind, it is probably safe to assume that when shellfish are exposed to higher bacterial levels, their uptake is relatively quick and when bacterial levels are low, ‘purging’ is relatively slow. This is because uptake simply involves filtration and reduction involves emptying of the gut.</p> <p>When a vibrio illness occurs due to the consumption of shellfish that have been wet stored, both bodies of water are noted on the associated tags and thereby become associated with a vibrio problem, if not directly implicated. Shellfish which have been raised in waters with no recorded vibrio illnesses, could be wet stored in a growing area that has a history of vibrio illnesses, now implicating the former and possibly resulting in stricter harvesting and handling standards. In an extreme case, that growing area could be considered the sole source of an illness, if wet storage only occurred for a few days.</p> <p>This proposal asks that a committee be charged with examining this situation for the purposes of providing guidance as to how much weight should be given to the relative history of vibrios in both the growing area and the wet storage area, when implicating one or both, after an illness.</p>
13. Public Health Significance	Individual subjectivity could result in low risk areas being implicated and/or high risk areas being cleared, based on perception as to how long shellfish must remain in a wet storage area in order to significantly uptake or purge vibrios. Guidance resulting from Committee deliberations, possibly including a recommendation for a

	multisource determination in certain circumstances, is requested.
14. Cost Information	


	<p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative</p>
2. Submitter	ISSC Executive Office	
3. Affiliation	Interstate Shellfish Sanitation Conference	
4. Address Line 1	209 Dawson Road	
5. Address Line 2	Suite 1	
6. City, State, Zip	Columbia, SC 29223	
7. Phone	(803) 788-7559	
8. Fax	(803) 788-7576	
9. Email	issc@issc.org	
10. Proposal Subject	Definition of Certification Number	
11. Specific NSSP Guide Reference	Section I. Purpose and Definitions B. Definition of Terms	
12. Text of Proposal/ Requested Action	<p>(17) Certification Number means the unique identification number issued by the Authority to each dealer for each location. Each certification number shall consist of a one (1) to five (5) digit Arabic number preceded by the two letter State abbreviation and followed by a two (2) letter abbreviation for the type of activity or activities the dealer is qualified to perform in accordance with <u>Chapter X. .04 B. The certification type will be followed by applicable permit designation as indicated in Chapter I. @.02 E.1. this Ordinance using the following terms:</u></p> <ul style="list-style-type: none"> (a) Shellstock shipper (SS); (b) Shucker packer (SP); (c) Repacker (RP); (d) Reshipper (RS); and (e) <u>(a) Depuration processor (DP).</u> 	
13. Public Health Significance	The new language creates consistencies with Proposal 19-204 and includes both certification type and permit designations.	
14. Cost Information		


	<p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative</p>
2. Submitter	ISSC Executive Office	
3. Affiliation	Interstate Shellfish Sanitation Conference	
4. Address Line 1	209 Dawson Road	
5. Address Line 2	Suite 1	
6. City, State, Zip	Columbia, SC 29223	
7. Phone	(803) 788-7559	
8. Fax	(803) 788-7576	
9. Email	issc@issc.org	
10. Proposal Subject	Definition of Restricted Shellstock	
11. Specific NSSP Guide Reference	Section I. Purpose and Definitions B. Definition of Terms	
12. Text of Proposal/ Requested Action	<p>(105) Restricted Use Shellstock means shellstock that is harvested from growing areas classified as approved or conditionally approved in the open status and under conditions that do not allow the sale of the shellstock for direct marketing for raw consumption. Restricted use shellstock is identified with a tag indicating that the shellstock is intended for <u>has restrictions requiring</u> further processing <u>or testing</u> prior to distribution. to retail or food service.</p> <p>NOTE: Should this change be adopted, it may be necessary to make modifications to Section II. Guidance Documents Chapter II. Growing Areas .06 Protocol for the Landing of Shellfish from Federal Waters.</p>	
13. Public Health Significance	<p>In 2017, the US FDA submitted Proposals 17-116 and 17-119 for the purpose of integrating shellfish harvested from Federal waters into the National Shellfish Sanitation Program (NSSP). The ISSC voting delegates voted to appoint a committee to evaluate aquaculture activities in Federal waters. Since the meeting in 2017, it has become apparent that the implications of Proposals 17-116 and 17-119 are not limited to aquaculture activities. A Federal Waters Subcommittee has met and identified numerous concerns associated with integrating shellfish from Federal waters into the NSSP that were not addressed in Proposals 17-116 and 17-119. The Subcommittee is continuing to discuss necessary NSSP changes for consideration at the 2019 ISSC Biennial Meeting. As Executive Director, I am submitting several proposals that I expect the Federal Waters Committee to modify. These proposals include 19-202, 19-203, 19-214, 19-223, 19-228, and 19-229. The purpose of these proposals is to meet the notification requirements for proposals. These proposals have not been reviewed and approved by the Federal Waters Subcommittee or the Federal Waters Committee. They address topics and possible solutions that have been discussed to this point.</p>	
14. Cost Information		

 <p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative</p>
2. Submitter	ISSC Executive Office
3. Affiliation	Interstate Shellfish Sanitation Conference
4. Address Line 1	209 Dawson Road
5. Address Line 2	Suite 1
6. City, State, Zip	Columbia, SC 29223
7. Phone	(803) 788-7559
8. Fax	(803) 788-7576
9. Email	issc@issc.org
10. Proposal Subject	Foreign Country and Federal Waters Authority
11. Specific NSSP Guide Reference	Section II, Model Ordinance Chapter I. Shellfish Sanitation Program Requirements for the Authority
12. Text of Proposal/ Requested Action	<p>@.01 Administration</p> <p>A. Scope.</p> <p>(1) The Authority shall establish a statewide shellfish safety and sanitation program to regulate:</p> <ul style="list-style-type: none"> (a) The classification of shellfish growing areas; (b) The harvesting of shellfish; (c) Shellfish processing procedures and facilities; (d) Product labeling; (e) Storage, handling and packing; (f) Shellfish shipment in interstate commerce; (g) Shellfish dealers; and (h) Bivalve aquaculture <p>(2) <u>All foreign countries shipping shellfish into the United States will have a memorandum of understanding or an equivalency agreement with the United States.</u></p> <p>(3) <u>The regulatory responsibility for growing area and harvest control in federal waters will be the responsibility of the FDA and NOAA.</u></p> <p>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. <u>Federal Agencies shall have laws and regulations which provide an adequate legal basis for the safety and sanitary control of growing area and harvest control.</u></p> <p>C. Records. The Authority...</p> <p>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. <u>In the case of Federal Waters, if more than one agency is involved in the administration of the shellfish safety and sanitation program, memoranda of agreement shall be developed between the agencies to define each agency's responsibilities</u></p>


	<p><u>E.</u> Administrative Procedures.</p> <p>(1) The Authority shall have administrative procedures sufficient to:</p> <ul style="list-style-type: none"> (a) Regulate shellfish harvesting, sale, and shipment; (b) 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; (c) Detain, condemn, seize, and embargo shellfish; and <u>(d) Assure compliance with Shellfish Plant Inspection Standardization</u> <p>(2) <u>In the case of Federal Waters, the FDA and NOAA shall have administrative procedures sufficient to regulate growing areas and harvest control.</u></p> <p>NOTE: Should this change be adopted, it may be necessary to make modifications to Section II. Guidance Documents Chapter II. Growing Areas .06 Protocol for the Landing of Shellfish from Federal Waters.</p>
<p>13. Public Health Significance</p>	<p>In 2017, the US FDA submitted Proposals 17-116 and 17-119 for the purpose of integrating shellfish harvested from Federal waters into the National Shellfish Sanitation Program (NSSP). The ISSC voting delegates voted to appoint a committee to evaluate aquaculture activities in Federal waters. Since the meeting in 2017, it has become apparent that the implications of Proposals 17-116 and 17-119 are not limited to aquaculture activities. A Federal Waters Subcommittee has met and identified numerous concerns associated with integrating shellfish from Federal waters into the NSSP that were not addressed in Proposals 17-116 and 17-119. The Subcommittee is continuing to discuss necessary NSSP changes for consideration at the 2019 ISSC Biennial Meeting. As Executive Director, I am submitting several proposals that I expect the Federal Waters Committee to modify. These proposals include 19-202, 19-203, 19-214, 19-223, 19-228, and 19-229. The purpose of these proposals is to meet the notification requirements for proposals. These proposals have not been reviewed and approved by the Federal Waters Subcommittee or the Federal Waters Committee. They address topics and possible solutions that have been discussed to this point.</p>
<p>14. Cost Information</p>	


 <p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input type="checkbox"/> Harvesting/Handling/Distribution c. <input checked="" type="checkbox"/> Administrative</p>												
2. Submitter	ISSC Executive Office												
3. Affiliation	Interstate Shellfish Sanitation Conference												
4. Address Line 1	209 Dawson Road												
5. Address Line 2	Suite 1												
6. City, State, Zip	Columbia, SC 29223												
7. Phone	(803) 788-7559												
8. Fax	(803) 788-7576												
9. Email	issc@issc.org												
10. Proposal Subject	ICSSL Certification Type												
11. Specific NSSP Guide Reference	Section II. Model Ordinance Chapter I. Shellfish Sanitation Program for the Authority @.02 E. 1.												
12. Text of Proposal/ Requested Action	<p>E. Interstate Certified Shellfish Shippers List (ICSSL).</p> <p>(1) When the Authority certifies a person to become a dealer, the Authority shall notify the FDA for the purpose of having the dealer listed in the ICSSL. The Authority shall include <u>the certification type and</u> any permit designation to be included in the ICSSL. The notice shall be in the format of FDA Form 3038.</p> <p>Designations:</p> <table border="1" data-bbox="570 1003 1382 1213"> <thead> <tr> <th>Certification</th> <th>Permit</th> </tr> </thead> <tbody> <tr> <td>SP – Shucker Packer</td> <td>PHP – Post-Harvest Processing</td> </tr> <tr> <td>RP – Repacker</td> <td>AQ – Aquaculture</td> </tr> <tr> <td>SS – Shellstock Shipper</td> <td>WS – Wet Storage</td> </tr> <tr> <td>RS – Reshipper</td> <td></td> </tr> <tr> <td>DP – Depuration</td> <td></td> </tr> </tbody> </table> <p>(2) The Authority shall notify the FDA for the purpose of having the dealer removed from the ICSSL whenever a dealer's certificate or permit is:</p> <p>(a) Suspended; or (b) Revoked.</p>	Certification	Permit	SP – Shucker Packer	PHP – Post-Harvest Processing	RP – Repacker	AQ – Aquaculture	SS – Shellstock Shipper	WS – Wet Storage	RS – Reshipper		DP – Depuration	
Certification	Permit												
SP – Shucker Packer	PHP – Post-Harvest Processing												
RP – Repacker	AQ – Aquaculture												
SS – Shellstock Shipper	WS – Wet Storage												
RS – Reshipper													
DP – Depuration													
13. Public Health Significance	This language is intended to address an omission. Authorities currently include certification type when submitting 3038 forms.												
14. Cost Information													

 <p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative</p>
2. Submitter	ISSC Executive Office
3. Affiliation	Interstate Shellfish Sanitation Conference
4. Address Line 1	209 Dawson Road
5. Address Line 2	Suite 1
6. City, State, Zip	Columbia, SC 29223
7. Phone	(803) 788-7559
8. Fax	(803) 788-7576
9. Email	issc@issc.org
10. Proposal Subject	Dealer Inspection Requirements for States
11. Specific NSSP Guide Reference	Section II Model Ordinance Chapter I Shellfish Sanitation Program for the Authority @.02 F.
12. Text of Proposal/ Requested Action	<p>F. Inspections.</p> <p>(1) After any person is certified, the Authority shall make unannounced inspections of the dealer's facilities:</p> <p>(a) During periods of activity; and</p> <p>(b) At the following minimum frequencies:</p> <p>(i) Within thirty (30) days of beginning activities if the dealer was certified on the basis of a pre-operational inspection;</p> <p>(ii) At least monthly for dealer facilities certified as depuration processors;</p> <p>(iii) At least quarterly for dealer's activities certified as shucker-packer or repacker; and</p> <p>(iv) At least semiannually for other dealer activities.</p> <p><u>(2) The Authority shall provide a copy of the completed inspection form to the person in-charge at the dealer's operation at the time of inspection. The inspection form shall contain a listing of deficiencies by area in the operation and inspection item with corresponding citations to this Model Ordinance.</u></p> <p><u>(2)(3) The plant inspection shall be conducted by the State Shellfish Standardization Inspector using the appropriate inspection form.</u></p>
13. Public Health Significance	<p>Model Ordinance Chapter I @.02 A. states that certification inspections can only be conducted by a State Shellfish Standardization Inspector using the appropriate inspection form. Chapter I @.02 F., which addresses routine inspections, does not state that routine inspections must be conducted by a standardized inspector. This was probably an unintentional omission. This proposal is intended to create consistency within the program.</p>
14. Cost Information	

 <p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative</p>
2. Submitter	Kirk Wiles
3. Affiliation	Department of State Health Services
4. Address Line 1	Mail Code 1987
5. Address Line 2	PO Box 149347
6. City, State, Zip	Austin, Texas, 78754-9347
7. Phone	512-834-6757
8. Fax	512-834-6762
9. Email	kirk.wiles@dshs.texas.gov
10. Proposal Subject	NSSP Plant and Shipping Evaluation Criteria
11. Specific NSSP Guide Reference	<p>Section II. Chapter I Shellfish Sanitation Program for the Authority @.02 Dealer Certification</p> <p>Section II. Chapter I Shellfish Sanitation Program for the Authority @.03 Evaluation of Shellfish Sanitation Program Elements</p>
12. Text of Proposal/ Requested Action	<p>Request that the NSSP Evaluation Committee consider changes to the Evaluation of Shellfish Sanitation Program Elements related to plants. It is requested that the committee review the Cooperative Milk Program State Evaluation process and consider incorporating pertinent aspects into the Shellfish Plant Program element evaluation of state programs.</p> <p>The committee should specifically consider changes to include but are not limited to:</p> <ul style="list-style-type: none"> • Developing a numerical score for plant inspections. • Using the numerical score to provide an average score for plants during the FDA In-Field Evaluation. This would be a better reflection of the true status of the plants that considers high performing plants as well as low performing plants. • Evaluating a state on model ordinance requirements of the authority to establish an authority performance rating. • Separating plant performance from authority and establish a plant performance rating based on a numerical average score of plants. <p>The current plant element state evaluation is primarily dependent on In-Field Plant criteria. The current designations are in most cases dependent upon plant performance based upon a one-day evaluation by FDA. The criteria is based on plant failures with no credit toward plants that are high performing.</p> <p>The Authorities have model ordinance requirements in the plant element. State performance should be evaluated on those requirements. Authority performance and industry performance should be evaluated separately.</p>
13. Public Health Significance	<p>Changing the focus of the plant element evaluation away from plant performance would ensure that states are following model ordinance requirements that protect public health. Using the current In-Field evaluation process represents a one-day snap shot of industry performance. It is not reflective of whether the authority is meeting requirement of the model ordinance. Separating industry performance from the performance</p>

	of the authority will encourage long term improvement in state implementation of model ordinance plant element requirements.
14. Cost Information	No cost increases.

	<p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative</p>
2. Submitter	US Food & Drug Administration (FDA)	
3. Affiliation	US Food & Drug Administration (FDA)	
4. Address Line 1	5001 Campus Drive	
5. Address Line 2	CPK1, HFS-325	
6. City, State, Zip	College Park, MD 20740	
7. Phone	240-402-1401	
8. Fax	301-436-2601	
9. Email	Melissa.Abbott@fda.hhs.gov	
10. Proposal Subject	Plant and Shipping Element Evaluation Criteria	
11. Specific NSSP Guide Reference	Model Ordinance Chapter I. Shellfish Sanitation Program Requirements for the Authority @.03 B. 4.	
12. Text of Proposal/ Requested Action	<p>We have been using the plant and shipping evaluation criteria for approximately 10 years and have identified some areas that need review. FDA requests that the NSSP Evaluation Criteria Committee be charged with reviewing the criteria, especially with respect to these areas of concern:</p> <ul style="list-style-type: none"> (1) In-field Plant Criteria (2) Compliance Schedules (3) Follow-Up for Compliance Schedules (4) Conformance Designations 	
13. Public Health Significance	<p>Many states have expressed concerns to FDA and the ISSC Executive Office surrounding the Plant and Shipping evaluation criteria. In addition, FDA has identified its own concerns with the implementation of the criteria.</p>	
14. Cost Information	No additional cost	

 <p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative</p>
2. Submitter	ISSC Illness Outbreak Guidance Committee
3. Affiliation	Interstate Shellfish Sanitation Conference
4. Address Line 1	209 Dawson Road
5. Address Line 2	Suite 1
6. City, State, Zip	Columbia, SC 29223
7. Phone	(803) 788-7559
8. Fax	(803) 788-7576
9. Email	issc@issc.org
10. Proposal Subject	Illness Outbreak Response
11. Specific NSSP Guide Reference	Section II. Model Ordinance Chapter II. Risk Assessment and Risk Management
12. Text of Proposal/ Requested Action	<p>@.01 Outbreaks of Shellfish-Related Illness</p> <p>A. When shellfish are implicated in an illness outbreak involving two (2) or more persons not from the same household (or one (1) or more persons in the case of shellfish toxicity poisoning associated with marine biotoxins), the Authority <u>determination of shall determine</u> whether an epidemiological association exists between the illness and the shellfish consumption <u>will be made by the state or local epidemiologist in the state in which the outbreak occurs.</u> <u>The determination will be made</u> by reviewing:</p> <ul style="list-style-type: none"> (1) Each consumer's fFood history; (2) Shellfish handling practices by the consumer and/or retailer; (3)(2) Whether the disease has the potential or is known to be transmitted by shellfish; and (4)(3) Whether the symptoms and incubation period of the illnesses are consistent with the suspected etiologic agent. <p>NOTE: For additional guidance refer to the International Association of Milk, Food, and Environmental Sanitarians' <i>Procedures to Investigate Food Borne Illness</i>.</p> <p>B. When the <u>state or local epidemiologist in the state in which the outbreak occurs</u> Authority has determined an epidemiological association between an illness outbreak and shellfish consumption, the <u>appropriate Authority</u> Authorities shall:</p> <ul style="list-style-type: none"> (1) Notify the FDA Shellfish Specialist that a shellfish related outbreak has occurred. (2) Conduct an investigation of the illness outbreak wWithin twenty-four (24) hours to determine whether the illness is growing area related or is the result of post-harvest contamination, or <u>mishandling, or illegal harvesting from a closed area. The determination of post-harvest contamination may involve multiple authorities in multiple states. The determination of the illness being growing area related will be</u>

conducted by the source state.

~~Determine whether to initiate a voluntary recall by firms. If a firm(s) is requested by the Authority to recall, the firm will use procedures consistent with the Recall Enforcement Policy, Title 21 Code of Federal Regulations (CFR) Part 7. The recall shall include all implicated products.~~

C. When the Authorities determine that the outbreak is not the result~~investigation outlined in Model Ordinance Chapter II. @.04 B. does not indicate~~ a post-harvest contamination problem, or illegal harvesting from a closed area, the Authority shall:

- (1) Immediately place the implicated portion(s) of the harvest area(s) in the closed status;
- (2) Notify the ISSC and the FDA Shellfish Specialist that a potential health risk is associated with shellfish harvested from the implicated growing area;
- (3) Promptly initiate recall procedures consistent with the Recall Enforcement Policy, Title 21 CFR Part 7, when a recall is deemed appropriate by the Authority. The recall shall include all implicated products.
- (4) Transmit to the ISSC and FDA information identifying the dealers shipping the implicated shellfish.
- (5) The ISSC will notify States and FDA Shellfish Specialists of growing area closures and recalls. In the case of recalls, ISSC will notify States with information identifying dealers shipping the implicated shellfish. Closure and recall notices (not to include dealers) will be posted on the ISSC website. ISSC will maintain an inventory of closure and recall information.


D. When the appropriate Authorities determine~~investigation outlined in Model Ordinance Chapter II. @.04 B. demonstrates~~ that the illnesses are related to post- harvesting contamination or mishandling, growing area closure is not required. However, the Authority in the state where the post-harvest contamination, mishandling or illegal harvesting from a closed area shall:

- (1) Notify the ISSC and the FDA Shellfish Specialist of the problem; and
- (2) ~~Initiate a voluntary recall by firms. If a firm or firms is requested by the Authority to recall, the firm will use~~ Promptly initiate recall procedures consistent with the Recall Enforcement Policy, Title 21 CFR Part 7 when a recall is deemed appropriate by the Authority. The recall shall include all implicated products.
- (3) Transmit to the ISSC and FDA information identifying the dealers shipping the implicated shellfish.
- (4) The ISSC will notify States and FDA Shellfish Specialists of growing area closures and recalls. In the case of recalls, ISSC will notify States with information identifying dealers shipping the implicated shellfish. Closure and recall notices (not to include dealers) will be posted on the ISSC website. ISSC will maintain an inventory of closure and recall

	<p>information.</p> <p>E. When the <u>Authority can not complete the determination outlined in Chapter II @.01 B investigation outlined in Model Ordinance Chapter II. @.04 B. cannot be completed</u> within 24 hours, the Authority <u>in the source state</u> shall:</p> <ol style="list-style-type: none"> (1) <u>Immediately place the implicated portion(s) of the harvest area(s) in a precautionary closed status. Follow the closure procedure outlined in Chapter II @.01 C.; and if the investigation does not indicate a growing area problem, the area may be immediately reopened and product recall terminated.</u> (2) <u>Should the Authorities later determine that the illnesses are related to post harvest contamination, or mishandling, or harvesting from a closed area, the suspected growing area can be reopened.</u> (+) (3) <u>Promptly initiate recall procedures consistent with the Recall Enforcement Policy, Title 21 CFR Part 7, when a recall is deemed appropriate by the Authority. The recall shall include all implicated products</u> <p>F. Upon closing an implicated area for problems other than naturally occurring pathogens and/or biotoxins, the Authority shall review the growing area classification and determine if a growing area classification problem exists. The review shall include at a minimum:</p> <ol style="list-style-type: none"> (1) A review of the growing area classification file records; (2) A field review of existing pollution sources; (3) A review of actual and potential intermittent pollution sources, such as vessel waste discharge and wastewater discharge from treatment plant collection systems; and (4) Examination of water quality subsequent to the illness outbreak. <p>G.F. Upon closing an implicated portion(s) of the harvest area(s) for naturally occurring pathogens and/or biotoxins, the Authority:</p> <ol style="list-style-type: none"> (1) Shall follow an existing marine biotoxin contingency/<u>management</u> plan, if appropriate. (2) Shall collect and analyze samples relevant to the investigation, if appropriate. (3) Shall keep the area closed until it has been determined that levels of naturally occurring pathogens and/or biotoxins are not a public health concern. (4) May limit the closure to specific shellfish species when FDA concurs that the threat of illness is species specific. <p><u>H.G.</u> When the growing area is determined the problem, the Authority shall:</p> <ol style="list-style-type: none"> (1) Place the growing area in the closed status until: <ol style="list-style-type: none"> (a) <u>The Authority verifies that the area is properly classified by conducting a review of the growing area to include:</u> <ol style="list-style-type: none"> (i) , using <u>(i) current data, in compliance with the NSSP Model Ordinance; or</u> <u>(ii) A field review of existing pollution sources;</u> <u>(iii) A review of actual and potential intermittent pollution sources, such as vessel waste discharge and wastewater discharge from treatment</u>
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	<p><u>plant collection systems. If the review indicates that a previously unknown pollution source exists, the area shall be reclassified. If the previously unknown pollution source can be corrected, the closure period should shall be extended to allow for natural depuration following correction of the pollution source; and</u></p> <p>(i) <u>(iv) Examination of water quality subsequent to the illness outbreak.</u></p> <p>(b) Shellfish from the growing area are confirmed as the cause of illness but it <u>It</u> has been determined that the event which caused the contamination no longer exists <u>and sufficient time has elapsed for natural depuration;</u></p> <p>(2) Keep the area closed for a minimum of 21 days if the illness is consistent with viral etiology; and</p> <p>(3) Develop a written report summarizing the findings of the investigation and actions taken.</p> <p><u>I.H.</u> Whenever an Authority or dealer initiates a recall of shellfish products because of public health concerns, the Authority will monitor the progress and success of the recall. The Authority will immediately notify the FDA, ISSC and the Authorities in other States involved in the recall. The Authority shall submit periodic recall status reports to the FDA Shellfish Specialist consistent with the Recall Enforcement Policy Title 21 CFR Part 7, Subpart C, Section 7.53 (b) (1- 6) until such time that the Authority deems the recall to be completed. Each Authority involved in a recall will implement actions to ensure removal of recalled product from the market, issue public warnings if necessary to protect public health and provide periodic reports to the Authority in the State of product origin regarding recall efforts within their State until such time that the Authority in the State of product origin deems the recall to be completed. FDA will decide whether to audit or issue public warnings after consultation with the Authority/Authorities and after taking into account the scope of the product distribution and other related factors. If the FDA determines that the Authority in any State involved in the recall fails to implement effective actions to protect public health, the FDA may classify, publish and audit the recall, including issuance of public warnings when appropriate.</p> <p><u>J.I.</u> Molluscan shellfish product that is recalled as a result of an illness outbreak associated with <i>V.v.</i> or <i>V.p.</i> may be reconditioned. Validated reconditioning processes include subjecting product to validated post-harvest processing (PHP) or placing product into approved, conditionally approved, conditionally restricted, or restricted growing areas for an appropriate period of time, not less than fourteen (14) days, with appropriate controls and documentation to be determined by the Authority.</p>
<p>13. Public Health Significance</p>	<p>Following outbreaks in Maryland and Washington, the states requested clarification regarding the requirements of Chapter II. @.01 “Outbreaks from Shellfish Related</p>


	Illness”. In response, the ISSC Executive Board directed the establishment of a committee to provide clarification. The committee was also tasked to develop proposals to revise Chapter II language to provide requirement clarification. The committee was also requested to address appropriate outbreak response to multi-source outbreaks.
14. Cost Information	

	<p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative</p>
2. Submitter	ISSC Illness Outbreak Guidance Committee	
3. Affiliation	Interstate Shellfish Sanitation Conference	
4. Address Line 1	209 Dawson Road	
5. Address Line 2	Suite 1	
6. City, State, Zip	Columbia, SC 29223	
7. Phone	(803) 788-7559	
8. Fax	(803) 788-7576	
9. Email	issc@issc.org	
10. Proposal Subject	Illness Outbreak Response	
11. Specific Nssp Guide Reference	Section II. Model Ordinance Chapter II. Risk Assessment and Risk Management	
12. Text of Proposal/ Requested Action	<p>@.02 Shellfish Related Illnesses Associated with <i>Vibrio parahaemolyticus</i> (V.p.)</p> <p>A. When the investigation outlined in Section @.01 A. indicates the illness(es) are associated with the naturally occurring pathogen <i>Vibrio parahaemolyticus</i> (V.p.), the Authority shall determine the number of laboratory confirmed cases epidemiologically associated with the implicated area. <u>States will not be expected to close growing areas based on V.p. cases that are reported more than sixty (60) days after harvest.</u> and a Actions taken by the Authority will be based on the number of cases and the span of time as follows.</p> <p>(1) When sporadic cases do not exceed a risk of one (1) illness per 100,000 servings or involves at least two (2) but not more than four (4) cases occurring within a thirty (30) day period from an implicated area in which no two (2) cases occurred from a single harvest day, the Authority shall determine the extent of the implicated area. The Authority will make reasonable attempts to ensure compliance with the existing Vibrio Management Plan.</p> <p>(2) When the risk exceeds one (1) illness per 100,000 servings within a thirty (30) day period or when cases exceed four (4) but not more than ten (10) over a thirty (30) day period from the implicated area or two (2) or more cases but less than four (4) cases occur from a single harvest day from the implicated area, the Authority shall:</p> <p>(a) Determine the extent of the implicated area; and</p> <p>(b) Immediately place the implicated portion(s) of the harvest area(s) in the closed status; and</p> <p>(c) As soon as determined by the Authority, transmit to the FDA and receiving States information identifying the dealers shipping the implicated shellfish.</p> <p>(3) When the number of cases exceeds ten (10) illnesses within a thirty (30) day period from the implicated area or four (4) or</p>	


	<p>more cases occurred from a single harvest date from the implicated area, The Authority shall:</p> <ul style="list-style-type: none"> (a) Determine the extent of the implicated area; and (b) Immediately place the implicated portion(s) of the harvest area(s) in the closed status; and (c) Promptly initiate a voluntary industry recall consistent with the Recall Enforcement Policy, Title 21 CFR Part 7 unless the Authority determines that a recall is not required where the implicated product is no longer available on the market or when the Authority determines that a recall would not be effective in preventing additional illnesses. The recall shall include all implicated products. (d) Issue a consumer advisory for all shellfish (or species implicated in the illness). <p><u>(4) When the number of cases and the span of time reach the thresholds outlined above, prior to implementing the controls above, the Authority shall conduct an investigation of the illnesses within seventy-two (72) hours of reaching any one of the thresholds of Chapter II @.02 . 1, 2 or 3 to determine whether the illness is growing area related or is the result of post-harvest contamination or mishandling such as time temperature abuse.</u></p> <p><u>(5) When the investigation outlined in Model Ordinance Chapter II. @.02 A.4. demonstrates that the illnesses are related to post- harvesting contamination or mishandling, growing area closure is not required. However, the Authority shall:</u></p> <ul style="list-style-type: none"> <u>(a) Notify the ISSC and the FDA Shellfish Specialist of the problem; and</u> <u>(b) Determine the appropriateness of initiating a voluntary recall by firms. If a firm or firms is requested by the Authority to recall, the firm will use procedures consistent with the Recall Enforcement Policy, Title 21 CFR Part 7. The recall shall include all implicated products.</u> <u>(c) Transmit to the ISSC and FDA information identifying the dealers shipping the implicated shellfish; Should closures and recalls be necessary the ISSC will notify States and FDA Shellfish Specialists of growing area closures and recalls. In the case of recalls, ISSC will notify States with information identifying dealers shipping the implicated shellfish. Closure and recall notices (not to include dealers) will be posted on the ISSC website. ISSC will maintain an inventory of closure and recall information.</u> <p><u>(6) When the investigation outlined in Model Ordinance Chapter II. @.02 A.4. does not indicate a post-harvest contamination problem, or illegal harvesting from a closed area, the Authority shall:</u></p>
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	<p>(a) <u>Follow the procedures outlined in Chapter II @.02 A. 1, 2 and 3.</u></p> <p>(b) <u>Immediately place the implicated portion(s) of the harvest area(s) in the closed status;</u></p> <p>(c) <u>Notify the ISSC and the FDA Shellfish Specialist that a potential health risk is associated with shellfish harvested from the implicated growing area;</u></p> <p>(d) <u>Promptly initiate recall procedures consistent with the Recall Enforcement Policy, Title 21 CFR Part 7. The recall shall include all implicated products.</u></p> <p>(e) <u>Transmit to the ISSC and FDA information identifying the dealers shipping the implicated shellfish.</u></p> <p>(f) <u>The ISSC will notify States and FDA Shellfish Specialists of growing area closures and recalls. In the case of recalls, ISSC will notify States with information identifying dealers shipping the implicated shellfish. Closure and recall notices (not to include dealers) will be posted on the ISSC website. ISSC will maintain an inventory of closure and recall information.</u></p> <p>(7) <u>When the State Authority investigating the laboratory confirmed <i>V.p.</i> cases does not provide information to identify a single growing area and multiple growing areas are implicated, the State Authorities in the states with implicated growing areas shall evaluate to determine if the illness should be attributed to the implicated area(s). Evaluations may include but are not limited to:</u></p> <p>(a) <u>Vibrio levels in the growing area around the time and date of harvest</u></p> <p>(b) <u>Comparison of other single source illnesses attributed to a growing area(s) involved in a multiple source outbreak. The purpose of this comparison would be to determine if a common growing area can be identified.</u></p> <p>(c) <u>Environmental conditions which could increase the risk of <i>V.p.</i> at the time of harvest. This could include conditions such as water temperature, air temperature and tidal stage.</u></p> <p>(d) <u>Genetic typing the implicates a common growing area or rules out implicated growing areas</u></p> <p>(8) <u>If conditions in (7) identify higher risk for <i>Vibrio parahaemolyticus</i> then the Shellfish Authority shall take actions outlined in A, above.</u></p> <p>(4)(9) <u>When a growing area has been closed as a result of <i>V.p.</i> cases, the Authority shall keep the area closed for the following periods of time to determine if additional illnesses have occurred:</u></p> <p>(a) <u>The area will remain closed for a minimum of fourteen (14) days when the risk exceeds one (1) illness per 100,000 servings within a thirty (30) day period or cases exceed four (4) but not more than ten (10) cases over a thirty (30) day period from the implicated area</u></p>
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	<p>or two (2) or more cases but less than four (4) cases occur from a single harvest date from the implicated area.</p> <p>(b) The area will remain closed for a minimum of twenty-one (21) days when the number of cases exceeds ten (10) illnesses within thirty (30) days or four (4) cases occur from a single harvest date from the implicated area</p> <p>(5)<u>(10)</u> Prior to reopening an area closed as a result of the number of cases exceeding ten (10) illnesses within thirty (30) days or four (4) cases from a single harvest date from the implicated area, the Authority shall:</p> <p>(a) Collect and analyze samples to ensure that tdh does not exceed 10/g and trh does not exceed 10/g; or other such values as determined appropriate by the Authority based on studies.</p> <p>(b) Ensure that environmental conditions have returned to levels not associated with <i>V.p.</i> cases.</p> <p>(6)<u>(11)</u> Shellfish harvesting may occur in an area closed as a result of <i>V.p.</i> illnesses when the Authority implements one (1) or more of the following controls:</p> <p>(a) PHP using a process that has been validated to achieve a two (2) log reduction in the levels of total <i>V.p.</i> for Gulf and Atlantic Coast oysters and/or hard clams and a three (3) log reduction for Pacific Coast oysters and/or hard clams;</p> <p>(b) Restricting oyster and/or hard clam harvest to product that is labeled for shucking by a certified dealer, or other means to allow the hazard to be addressed by further processing;</p> <p>(c) Other control measures that based on appropriate scientific studies are designed to ensure that the risk of <i>V.p.</i> illness is no longer reasonably likely to occur, as approved by the Authority.</p>
<p>13. Public Health Significance</p>	<p>Following outbreaks in Maryland and Washington, the states requested clarification regarding the requirements of Chapter II. @.01 “Outbreaks from Shellfish Related Illness”. In response, the ISSC Executive Board directed the establishment of a committee to provide clarification. The committee was also tasked to develop proposals to revise Chapter II language to provide requirement clarification. The committee was also requested to address appropriate outbreak response to multi-source outbreaks.</p>
<p>14. Cost Information</p>	


 <p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative</p>
2. Submitter	ISSC Illness Outbreak Guidance Committee
3. Affiliation	Interstate Shellfish Sanitation Conference
4. Address Line 1	209 Dawson Road
5. Address Line 2	Suite 1
6. City, State, Zip	Columbia, SC 29223
7. Phone	(803) 788-7559
8. Fax	(803) 788-7576
9. Email	issc@issc.org
10. Proposal Subject	Illness Investigation Response for Multi-Source Cases
11. Specific N SSP Guide Reference	Section II. Model Ordinance Chapter II. Risk Assessment and Risk Management
12. Text of Proposal/ Requested Action	<p>@.01 Outbreaks of Shellfish-Related Illness</p> <p>A. When shellfish are...</p> <p><u>B. When the Authority...</u></p> <p><u>C. When the post-harvest contamination investigation involving multiple sources (either harvesters/processors or growing areas) does not indicate post-harvest contamination problem or illegal harvesting from a closed area the Authorities in the source states shall immediately place the implicated portion(s) of the harvest area(s) in a precautionary closure. A specific growing area placed in a precautionary closed status under this section can be immediately re- opened when one or more of the following conditions are met:</u></p> <p><u>(1) When the investigation, conducted in consultation with epidemiologist(s) in the state(s) in which the outbreak occurs, determines that the shellfish which caused the outbreak did not come from one or more of the implicated growing areas in question based on consumption data provided by victims or other relevant data provided by state investigators. This would include an additional illness(es) that matches one or more of the implicated areas and allows for a more precise identification of the growing area(s) which caused the outbreak.</u></p> <p><u>(2) When an investigation, in accordance with Chapter II @ .01 H, of an implicated growing area identifies an actual or potential pollution source(s) in a specific growing area and no source(s) are identified in other implicated growing areas, the precautionary closures in other implicated growing areas can be reopened. The reopening can only occur in a growing area after the investigation referenced above does not indicate an actual or potential pollution sources that could be the cause of the outbreak.</u></p> <p><u>(3) When the investigation, conducted in consultation with the epidemeiologists in the state(s) in which the illnesses occur and the Authorities in the state from which the shellfish were harvested, provides information that may include but shall not be limited to:</u></p>

	<p>a) <u>Volume or distribution information which would implicate a specific growing area;</u> b) <u>Illness reporting from immediately adjacent growing areas;</u> c) <u>Pollution source investigation in conjunction with growing area evaluation does not identify a pollution source.</u> d) <u>Epidemiological tools that would link cases based on genetic similarity.</u> D. <u>When precautionary closures are established to address an illness outbreak involving multiple sources, Authorities will not be required to initiate voluntary recalls until the investigations indicate a single source.</u></p>
<p>13. Public Health Significance</p>	<p>Following outbreaks in Maryland and Washington, the states requested clarification regarding the requirements of Chapter II. @.01 “Outbreaks from Shellfish Related Illness”. In response, the ISSC Executive Board directed the establishment of a committee to provide clarification. The committee was also tasked to develop proposals to revise Chapter II language to provide requirement clarification. The committee was also requested to address appropriate outbreak response to multi-source outbreaks.</p>
<p>14. Cost Information</p>	

	<p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative</p>
2. Submitter	US Food & Drug Administration (FDA)	
3. Affiliation	US Food & Drug Administration (FDA)	
4. Address Line 1	5001 Campus Drive	
5. Address Line 2	CPK1, HFS-325	
6. City, State, Zip	College Park, MD 20740	
7. Phone	240-402-1401	
8. Fax	301-436-2601	
9. Email	Melissa.Abbott@fda.hhs.gov	
10. Proposal Subject	Frequency of <i>Vibrio vulnificus</i> Control Plan evaluation.	
11. Specific NSSP Guide Reference	Section II. Model Ordinance Chapter II. Risk Assessment and Risk Management @.06 <i>Vibrio vulnificus</i> Control Plan E.(2)(a).	
12. Text of Proposal/ Requested Action	(a) The State Authority will conduct annual <u>annual</u> evaluations of the plan.	
13. Public Health Significance	Current Model Ordinance language does not specify a frequency for <i>Vibrio vulnificus</i> Control Plan evaluation. II.@.06E.(2)(a)(i) requires that the evaluation include “The annual number of <i>Vibrio vulnificus</i> cases associated with the State’s growing waters and the amount of shellstock sold for half shell consumption to determine risk per servings for each temperature period.” However, the Authority could meet that requirement by, for example, conducting an overall evaluation once every 10 years while including information on each of the previous 10 years’ cases and risk per servings estimates.	
14. Cost Information	No cost.	


	<p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative</p>
2. Submitter	US Food & Drug Administration (FDA)	
3. Affiliation	US Food & Drug Administration (FDA)	
4. Address Line 1	5001 Campus Drive	
5. Address Line 2	CPK1, HFS-325	
6. City, State, Zip	College Park, MD 20740	
7. Phone	240-402-1401	
8. Fax	301-436-2601	
9. Email	Melissa.Abbott@fda.hhs.gov	
10. Proposal Subject	Restricted use language <i>Vibrio vulnificus</i> Control Plan.	
11. Specific NSSP Guide Reference	Section II. Model Ordinance Chapter II. Risk Assessment and Risk Management @.06 <i>Vibrio vulnificus</i> Control Plan E.(1)(b)(i).	
12. Text of Proposal/ Requested Action	(i) Labeling oysters as being F for shucking by a certified dealer. or for approved post-harvest processing to control the <i>Vibrio vulnificus</i> hazard when the Average Monthly Maximum Water Temperature exceeds 70 °F.	
13. Public Health Significance	Using quotes with the language “For shucking by a certified dealers” technically means that exact language must appear. States frequently use language like “For Shucking by a Certified Dealer or Post Harvest Processing” only.	
14. Cost Information	No cost.	

	<p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative</p>
2. Submitter	US Food & Drug Administration (FDA)	
3. Affiliation	US Food & Drug Administration (FDA)	
4. Address Line 1	5001 Campus Drive	
5. Address Line 2	CPK1, HFS-325	
6. City, State, Zip	College Park, MD 20740	
7. Phone	240-402-1401	
8. Fax	301-436-2601	
9. Email	Melissa.Abbott@fda.hhs.gov	
10. Proposal Subject	Restricted use language <i>Vibrio parahaemolyticus</i> Control Plan.	
11. Specific NSSP Guide Reference	Section II. Model Ordinance Chapter II. Risk Assessment and Risk Management @.07 <i>Vibrio parahaemolyticus</i> Control Plan B.(4)(c).	
12. Text of Proposal/ Requested Action	<p>(c) Require the original dealer to cool oysters and/or hard clams to an internal temperature of 50 °F (10 °C) or below within ten (10) hours or less as determined by the Authority after placement into refrigeration during periods when the risk of <i>V.p.</i> illness is reasonably likely to occur. The dealer’s HACCP Plan shall include controls necessary to ensure, document and verify that the internal temperature of oysters and/or hard clams has reached 50 °F (10 °C) or below within ten (10) hours or less as determined by the Authority of being placed into refrigeration. When deemed appropriate by the Authority an exception may be permitted for hard clams to allow for tempering. Oysters and/or hard clams without proper HACCP records demonstrating compliance with this cooling requirement shall be diverted to PHP or labeled <u>as being for shucking by a certified dealer or for approved post-harvest processing to control the <i>Vibrio parahaemolyticus</i> hazardonly</u>, or other means to allow the hazard to be addressed by further processing.</p>	
13. Public Health Significance	Using quotes with the language “ <i>for shucking only</i> ” technically means that exact language must appear. States frequently use language like “For shucking by a certified dealer or Post Harvest Processing” only.	
14. Cost Information	No cost.	


 <p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input type="checkbox"/> Harvesting/Handling/Distribution c. <input checked="" type="checkbox"/> Administrative</p>
2. Submitter	ISSC Executive Office
3. Affiliation	Interstate Shellfish Sanitation Conference
4. Address Line 1	209 Dawson Road
5. Address Line 2	Suite 1
6. City, State, Zip	Columbia, SC 29223
7. Phone	(803) 788-7559
8. Fax	(803) 788-7576
9. Email	issc@issc.org
10. Proposal Subject	Permitting of Federal Waters Harvesting
11. Specific NSSP Guide Reference	Section II. Model Ordinance Chapter IV. Shellfish Growing Areas @04 b 6 Chapter VIII. Control of Shellfish Harvesting
12. Text of Proposal/ Requested Action	<p>Section II. Model Ordinance Chapter IV. Shellfish Growing Areas @04 b 6</p> <p>(6) Prior to allowing the landing of shellfish harvested from Federal waters where routine monitoring of toxin levels is not conducted, in addition to following State requirements in the Model Ordinance, the State Authority in the landing State, in cooperation with appropriate Federal agencies, shall develop agreements or memoranda of understanding between the Authority and individual shellfish harvesters or individual shellfish dealers. The agreements or memoranda of understanding shall provide strict safety assurances. At a minimum agreements or memoranda of understanding shall include provisions for:</p> <ul style="list-style-type: none"> (a) Harvest permit requirements; (b) Training for individuals conducting onboard toxicity screening using NSSP methods; (c) Vessel monitoring; (d) Identification of shellfish for each harvesting trip to include: <ul style="list-style-type: none"> (i) Vessel name and owner; (ii) Captain's name; (iii) Person conducting onboard screening tests; (iv) Port of departure name and date; (v) Port of landing name and date; (vi) Latitude and longitude coordinates of designated harvest area; (vii) Onboard screening test results; (viii) Volume and species of shellfish harvested; (ix) Intended processing facility name, address and certification number; and (x) Captain's signature and date; (e) Pre-harvested (onboard) sampling that includes a minimum of five (5) samples from the intended harvest area be tested for toxins that are likely to be present harvesting shall not be permitted if any of the pre-harvested samples contain toxin levels in excess of half of the established criteria listed in Chapter IV@.04(1) (e.g., 44 µg/100 g when using a quantitative test or a positive at a limit of

	<p>detection of 40 µg/100 g for the qualitative screening test for PSP toxins);</p> <p>(f) Submittal of onboard screening homogenates and test results to the Authority in the State of landing;</p> <p>(g) The collection of a minimum of seven (7) dockside samples by the Authority or designee and the testing of those samples for toxins using an NSSP method by an NSSP conforming laboratory; the Authority may require more samples based on the size of the vessel and the volume of shellfish harvested;</p> <p>(h) Holding and providing separation until dockside samples verify that toxin levels are below the established criteria (e.g., 80 µg/100 g for PSP toxins);</p> <p>(i) Disposal of shellfish when dockside test results meet or exceed the established criteria in Chapter IV@.04C.(1) (e.g., 80 µg/100 g for PSP toxins);</p> <p>(j) Notification prior to unloading;</p> <p>(k) Unloading schedule;</p> <p>(l) Access for Dockside Sampling;</p> <p>(m) Record Keeping; and</p> <p>(n) Early Warning/Alert System.</p> <p>Section II. Model Ordinance Chapter VIII. Control of Shellfish Harvesting</p> <p>.01 General...</p> <p>.02. Shellstock Harvesting and Handling...</p> <p><u>.03. Shellstock Harvesting in Federal Waters</u></p> <p><u>A. Prior to harvesting shellfish in Federal waters that have been implicated in an illness outbreak or where toxin producing phytoplankton are known to occur and the toxins are known to accumulate in shellfish and where routine monitoring of toxin levels is not conducted, the harvester shall;</u></p> <p><u>(1) Obtain a harvester license from NOAA that explains the condition for harvest and includes harvest restriction</u></p> <p><u>(2) Be a party to agreements or memorandum of understanding between the Authority, the landing state, NOAA and the shellfish dealers receiving the shellfish.</u></p> <p>NOTE: Should this change be adopted, it may be necessary to make modifications to Section II. Guidance Documents Chapter II. Growing Areas .06 Protocol for the Landing of Shellfish from Federal Waters.</p>
<p>13. Public Health Significance</p>	<p>In 2017, the US FDA submitted Proposals 17-116 and 17-119 for the purpose of integrating shellfish harvested from Federal waters into the National Shellfish Sanitation Program (NSSP). The ISSC voting delegates voted to appoint a committee to evaluate aquaculture activities in Federal waters. Since the meeting in 2017, it has become apparent that the implications of Proposals 17-116 and 17-119 are not limited to aquaculture activities. A Federal Waters Subcommittee has met and identified numerous concerns associated with integrating shellfish from Federal waters into the NSSP that were not addressed in Proposals 17-116 and 17-119. The Subcommittee is continuing to discuss necessary NSSP changes for</p>


	<p>consideration at the 2019 ISSC Biennial Meeting. As Executive Director, I am submitting several proposals that I expect the Federal Waters Committee to modify. These proposals include 19-202, 19-203, 19-214, 19-223, 19-228, and 19-229. The purpose of these proposals is to meet the notification requirements for proposals. These proposals have not been reviewed and approved by the Federal Waters Subcommittee or the Federal Waters Committee. They address topics and possible solutions that have been discussed to this point.</p>
14. Cost Information	

	<p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative</p>
2. Submitter	US Food & Drug Administration (FDA)	
3. Affiliation	US Food & Drug Administration (FDA)	
4. Address Line 1	5001 Campus Drive	
5. Address Line 2	CPK1, HFS-325	
6. City, State, Zip	College Park, MD 20740	
7. Phone	240-402-1401	
8. Fax	301-436-2601	
9. Email	Melissa.Abbott@fda.hhs.gov	
10. Proposal Subject	Ingredients Used in Shellstock during Wet Storage	
11. Specific NSSP Guide Reference	Section II. Model Ordinance Chapter VII. Wet Storage in Approved and Conditionally Approved Growing Areas .04 C.(1)(f) Chapter X. General Requirements for Dealers .05 B.(2)(k)	
12. Text of Proposal/ Requested Action	<p>Chapter VII. .04 C.(1): C. Wet Storage Source Water (1) General. (a) Except for wells... (b) Any well used... (c) Except when the... (d) Results of water... (e) Disinfection or other... <u>(f) Ingredients intended to alter the taste, texture, or quality of live shellstock shall not be used in wet storage process water unless such ingredients are GRAS or otherwise authorized by the FDA for direct food use in the quantities used and are labeled on the tag in accordance with NSSP MO X. .05 B.(2)(k).</u> (g) Disinfected process water... (h) When the laboratory...</p> <p>Chapter X. .05 B.(2): .05 Shellstock Identification B. Tags. ... (2) The dealer's tag shall contain the following indelible, legible information in the order specified below: (a) The dealer's name... (b) The dealer's certification... (c) The original shellstock... (d) The harvest date... (e) If wet stored... (f) The most precise... (g) The type and... (h) The following statement... (i) All shellstock intended... (j) The statement "Keep ... <u>(k) The words "Added Ingredients:" and the common or usual name (not the brand name or trade name) of any ingredient and sub-ingredients unless</u></p>	


	<p><u>otherwise exempt. An ingredient may be added to impart or alter the taste, flavor, texture, or quality of live shellstock via wet storage process water or otherwise added to shellstock. Additionally, ingredient labeling shall comply with applicable sections of 21 CFR 101 and the Food Allergen Labeling and Consumer Protection Act.</u></p>
<p>13. Public Health Significance</p>	<p>Current Model Ordinance language in Chapter VII addresses disinfection with salt or other water treatment that can leave residues, but it does not address the direct addition of ingredients, such as liquid smoke flavors or flavored salts, to wet storage water for the purpose of modifying the taste/quality of live molluscan shellfish. The FDA has received inquiries regarding what ingredients are permitted to be used in live molluscan shellfish and how such ingredients should be labeled. The purpose of this proposal is to address these inquiries to ensure compliance with 21 CFR 101 and 21 CFR 172-189.</p>
<p>14. Cost Information</p>	<p>Minimal Cost</p>


 <p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative</p>
2. Submitter	US Food & Drug Administration (FDA)
3. Affiliation	US Food & Drug Administration (FDA)
4. Address Line 1	5001 Campus Drive
5. Address Line 2	CPK1, HFS-325
6. City, State, Zip	College Park, MD 20740
7. Phone	240-402-1401
8. Fax	301-436-2601
9. Email	Melissa.Abbott@fda.hhs.gov
10. Proposal Subject	Storage of Toxic Compounds on Harvester Vessels
11. Specific NSSP Guide Reference	Section II. Model Ordinance Chapter VIII. Control of Shellfish Harvesting .02 C.(1)
12. Text of Proposal/ Requested Action	<p>Chapter VIII. .02 C.(1): .02 Shellstock Harvesting and Handling</p> <p>C. Vessels. (1) The operator shall assure that all vessels used to harvest and transport shellstock are properly constructed, operated, and maintained to prevent contamination, deterioration, and decomposition of the shellstock.</p> <ul style="list-style-type: none"> (a) Decks and storage... (b) Bilge pump discharges... (c) Containers used for... (d) Boat decks and... (e) Vessels and all... (f) When necessary... <u>(g) Toxic compounds shall be stored to prevent contamination of shellstock onboard the vessel. Such compounds include, but are not limited to, lubricants, oils, cleaners, paints, anti-freeze, and road salts.</u>
13. Public Health Significance	<p>Current Model Ordinance language in Chapter VIII .02 C.(1) addresses prevention of contamination due to bilge water, unsafe/unclean storage materials, hot sun, birds, and animals, but it does not address how to prevent contamination of shellstock due to the improper storage and use of toxic compounds frequently stored onboard harvester boats, such as oils, cleaners, paints, anti-freeze, road salts, etc. In many cases, these chemicals are stored in close proximity to shellstock onboard the vessel.</p> <p>There are specific requirements for dealers regarding the “Proper labeling, storage, and use of toxic compounds” (Chapter X. .02 A.(6)) in order to prevent shellstock from becoming contaminated by these chemicals in the dealer facility. On a harvester boat, the potential risk of chemical contamination (e.g., spills or leaks) is even greater, due to the movement of the boat and adverse weather conditions.</p> <p>By requiring toxic compounds onboard a harvester vessel to be stored in a manner that will prevent contamination of shellstock in the event of a leak or spill, this proposal will help reduce the potential risk posed by these chemicals.</p>
14. Cost Information	Plastic boxes/containers can be purchased at the following costs, based on

	<p>https://www.usplastic.com/: 6 Quart Plastic Box - \$2.08 16 Quart Plastic Box - \$5.07 18 Quart Plastic Box - \$8.25 30 Quart Plastic Box - \$8.53 48 Quart Plastic Box - \$12.07</p> <p>Harvesters would also have the option to store chemicals below deck, to elevate shellstock, or to use other means to safely store chemicals, minus the use of a box, due to the proposed language “or otherwise stored to prevent contamination of shellstock onboard the vessel”.</p>
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 <p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative</p>															
2. Submitter	ISSC Executive Office															
3. Affiliation	Interstate Shellfish Sanitation Conference															
4. Address Line 1	209 Dawson Road															
5. Address Line 2	Suite 1															
6. City, State, Zip	Columbia, SC 29223															
7. Phone	(803) 788-7559															
8. Fax	(803) 788-7576															
9. Email	issc@issc.org															
10. Proposal Subject	Time to Temperature Controls Clarification															
11. Specific NSSP Guide Reference	Section II. Model Ordinance Chapter VIII. Control of Shellfish Harvesting															
12. Text of Proposal/ Requested Action	<p>@.02 Shellstock Time to Temperature Controls</p> <p>A. Each shellfish producing State shall establish time to temperature requirements for the harvesting of all shellstock to ensure that harvesters shall comply with one (1) of the following: (1) The State <i>V.v.</i> Control Plan as outlined in Chapter II. @.06; or (2) The State <i>V.p.</i> Plan as outlined in Chapter II. @.07; or (3) All other shellstock shall comply with the matrix below:</p> <table border="1" data-bbox="581 1073 1421 1339"> <thead> <tr> <th>Action Level</th> <th>Average Monthly Maximum Air Temperature</th> <th>Maximum Hours from Exposure to Receipt at a Dealer's Facility</th> </tr> </thead> <tbody> <tr> <td>Level 1</td> <td><50 °F (10 °C)</td> <td>36 hours</td> </tr> <tr> <td>Level 2</td> <td>50 - 60 °F (10 - 15 °C)</td> <td>24 hours</td> </tr> <tr> <td>Level 3</td> <td>>60 - 80 °F (15 - 27 °C)</td> <td>18 hours</td> </tr> <tr> <td>Level 4</td> <td>>80 °F (27 °C)</td> <td>12 hours</td> </tr> </tbody> </table> <p>B. For the purposes of this section, temperature control is defined as the management of the temperature of shellstock by means of ice, mechanical refrigeration or other approved means necessary to lower and maintain the temperature of the shellstock to comply with Chapters XI., XIII., or XIV.</p> <p>C. The Authority shall establish the water or air temperature <u>required in the vibrio plans outlined in A.(1) and A.(2) above. The authority shall establish the air temperature required in A (3) above. These temperatures shall be established to be applied to the requirements above</u> for each growing area by averaging the previous five (5) years maximum monthly water <u>or air</u> temperatures.</p>	Action Level	Average Monthly Maximum Air Temperature	Maximum Hours from Exposure to Receipt at a Dealer's Facility	Level 1	<50 °F (10 °C)	36 hours	Level 2	50 - 60 °F (10 - 15 °C)	24 hours	Level 3	>60 - 80 °F (15 - 27 °C)	18 hours	Level 4	>80 °F (27 °C)	12 hours
Action Level	Average Monthly Maximum Air Temperature	Maximum Hours from Exposure to Receipt at a Dealer's Facility														
Level 1	<50 °F (10 °C)	36 hours														
Level 2	50 - 60 °F (10 - 15 °C)	24 hours														
Level 3	>60 - 80 °F (15 - 27 °C)	18 hours														
Level 4	>80 °F (27 °C)	12 hours														
13. Public Health Significance	The purpose of this proposal is to provide clarification regarding the circumstances in which air temperature and water temperature measurements are used to meet the															

	requirements of Chapter VIII @.02 A.
14. Cost Information	

	<p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative</p>
2. Submitter	US Food & Drug Administration (FDA)	
3. Affiliation	US Food & Drug Administration (FDA)	
4. Address Line 1	5001 Campus Drive	
5. Address Line 2	CPK1, HFS-325	
6. City, State, Zip	College Park, MD 20740	
7. Phone	240-402-1401	
8. Fax	301-436-2601	
9. Email	Melissa.Abbott@fda.hhs.gov	
10. Proposal Subject	Ice used on Harvester Vessels	
11. Specific NSSP Guide Reference	Section II. Model Ordinance Chapter VIII. Control of Shellfish Harvesting .02 H	
12. Text of Proposal/ Requested Action	<p>.02 Shellstock Harvesting and Handling</p> <p><u>H. Ice production:</u> <u>(1) Any ice used in the storage or cooling of shellfish during harvest shall:</u> <u>(a) Be made from a potable water source or from a growing area in the approved classification or in the open status of the conditionally approved classification; or</u> <u>(b) Come from a facility sanctioned by the Authority or the appropriate regulatory agency.</u> <u>(c) Protected from contamination</u></p>	
13. Public Health Significance	<p>Harvesters are using ice during harvest to meet the shellstock cooling requirements of State <i>Vibrio vulnificus</i> and <i>Vibrio parahaemolyticus</i> management plans. The source of ice used during these cooling activities is not referenced in NSSP MO Chapter VIII. NSSP MO Chapter VIII does reference that water used for washing shellfish shall be from a potable water source or from a growing area in the approved status or in the open status of the conditionally approved classification. This proposal just clarifies that water used in the production of ice must meet the same requirements of water (potable) being used to wash shellfish.</p>	
14. Cost Information	<p>NA. Harvesters using ice are already purchasing or making ice. This requirement only ensures that the water used in the production of ice is potable or has come from a facility sanctioned by the Authority or the appropriate regulatory agency.</p>	

 <p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative</p>
2. Submitter	Catalina Sea Ranch, LLC (CSR)
3. Affiliation	Catalina Sea Ranch, LLC (CSR)
4. Address Line 1	2303 S. Signal street, Berth 58
5. Address Line 2	
6. City, State, Zip	San Pedro, CA 90731
7. Phone	844-922-8254
8. Fax	
9. Email	maria@catalinasearanch.com
10. Proposal Subject	Update the Protocol for the Landing of Shellfish from Federal Waters
11. Specific NSSP Guide Reference	Section II. Model Ordinance Chapter IV. Shellstock Growing Areas @.03 Section IV. Guidance Documents Chapter II Growing Areas .06
12. Text of Proposal/ Requested Action	<p>Section II. Model Ordinance Chapter VI. Shellfish Aquaculture @.03 Aquaculture in Federal Waters</p> <p>A. Federal Agency Responsibilities. Once the appropriate permits for the construction of the aquaculture facility have been obtained,</p> <p>(1) NOAA is responsible for establishing a contract, in consultation with FDA, with the aquaculture facility describing requirements of the NSSP including:</p> <p>(a) the frequency with which NOAA will audit the aquaculture facility and vessels;</p> <p>(b) biotoxin testing requirements of the aquaculture facility; and</p> <p>(c) the generation of product identification for traceability (i.e., tag numbers); and</p> <p>(2) FDA is responsible for reviewing the aquaculture facility operational plan prior to the start of operations, as well as the annual inspection of records, to ensure adherence to NSSP requirements. FDA is also responsible for the classification of the growing area(s) associated with the aquaculture facility.</p> <p>Section IV. Guidance Documents Chapter II. Growing Areas .06 Protocol for the Landing of Shellfish from Federal Waters</p> <p>Harvest of molluscan shellfish in Federal Waters not routinely monitored for toxins in shellfish (such as the Federal waters on Georges Bank closed due to PSP risks) may be authorized provided the Authority in the State of landing in cooperation with appropriate Federal agencies shall develop agreements or memoranda of understanding between the Authority and individual shellfish harvesters or individual shellfish dealers. The following guidance provides descriptions of the specific information to be included in the protocol.</p> <p>A. Harvest Permit Requirements If harvesting from Federal waters closed due to toxins, The Authority in the landing State will only allow the landing of shellfish from vessels in</p>

possession of an appropriate Aquaculture Permit issued by NOAA or an Exempted Fishing Permit (EFP) issued by the National Marine Fisheries Service (NMFS) by vessels participating in the Federal Vessel Monitoring System (VMS). ~~The NMFS shall receive concurrence from the Authority in the State of landing. Vessels operating in open Federal waters will also need applicable permits.~~

Training

~~The Authority shall ensure that all shipboard persons conducting onboard testing have been trained by a U.S. FDA LEO (LEO) or an FDA marine biotoxin expert to conduct onboard toxin screening using an NSSP recognized method(s). Shipboard persons conducting onboard toxin testing must receive refresher training every three (3) years. A designee of the FDA LEO or FDA marine biotoxin expert may be appointed in writing to provide the training and/or refresher training.~~

B. Vessel Monitoring

The Authority shall monitor the harvesting location(s) of each landing vessel.

C. Identification of Shellfish

Prior to landing each vessel Captain or Mate shall provide the Authority with a Harvest Record, which may be electronic provided that it is made available to the authorized individual at dockside, for each harvesting trip identifying each lot of shellfish as follows:

1. Vessel name and Federal Fishing Permit number;
2. Name and telephone number of the vessel Captain and vessel owner;
3. Date(s) of harvest;
4. Number of lots and volume of catch per lot or number of containers per lot;
5. Location(s) of harvest (GPS coordinates or latitude/longitude coordinates in degrees:minutes:seconds);
6. Identification of each harvest lot, including cage tag numbers for surf clams and ocean quahogs, and container numbers or identification codes for other shellfish species;
7. Location (GPS coordinates or latitude/longitude coordinates in degrees:minutes:seconds) of each toxin screening sample;
8. Results of each toxin screening test; and
9. Destination(s) and purchaser(s) of each lot and amount of each lot to each destination

The Captain or Mate shall sign the Harvest Record. ~~The Harvest Record shall be checked by the individual authorized to sample the harvested shellfish. Failure to provide complete and accurate information will result in revocation or suspension of the NMFS EFP and rejection of the entire lot(s) of harvested shellfish. Four (4) copies of the Harvest Record~~

~~shall be prepared. One (1) copy shall remain with the vessel, one (1) copy shall be provided to the Authority in the State of landing, one (1) copy shall accompany the catch to the processing firm(s), and one (1) copy shall be retained by the laboratory authorized to conduct lot sample analyses.~~

Container Labeling:

Each container of shellfish shall be clearly labeled (indelible and legible) with the following NSSP required information at the time of harvest:

1. Surf clams and ocean quahogs existing NMFS tagging requirements.
2. All other molluscan shellfish (including Stimpson clams also known as Arctic surf clams) using durable, waterproof, Authority sanctioned prior to use tags:
 - a. Vessel name;
 - b. Type and quantity of shellfish;
 - c. Date of harvest; and
 - d. Harvest lot area defined by GPS coordinates or latitude/longitude coordinates in degrees:minutes:seconds.

D. ~~Pre Harvest~~Shellfish Sampling

~~Prior to harvesting of molluscan shellfish, a minimum of five (5) screening samples shall be collected within each area of intended harvest (lot area) and tested for marine biotoxins that are likely to occur in accordance with an NSSP recognized method. Each screening sample shall be collected during a separate and distinct gear tow. Screening sample tows shall be conducted in a manner that evenly distributes the five (5) samples throughout the intended harvest area for each area of intended harvest (see Section H.). Only shipboard officials trained by an FDA LEO or FDA marine biotoxin expert (or their designee as expressly indicated in writing) in the use of the designated NSSP method may conduct these tests. Each of the five (5) samples must test negative for toxins (i.e., below half of the established criteria in Section II. Model Ordinance Chapter IV @04.C. (1)). A positive result from any one (1) sample shall render the lot area unacceptable for harvest. The harvest vessel Captain shall immediately report all positive screening test results, by telephone or email, to the Authority within the intended State of landing, the FDA Shellfish Specialist, and the processor. The FDA shall notify the NMFS. The NMFS shall notify permitted harvesters to advise them to cease fishing in the affected area(s). For each screening test, whether positive or negative, the remaining sample material (homogenate) shall be maintained under refrigeration for later use should the Authority in the State of landing request confirmatory testing using an NSSP recognized method.~~

Each commercial shellfish grower is required to submit at least one shellfish sample per week, per lot, to an FDA conforming laboratory for

testing of ASP and PSP during all harvest periods. Sample test results will be submitted to the Authority for review and data compilation.

Harvester representatives performing sample collection must receive initial training to ensure proper collection technique from the appropriate Authority. Sample collectors must receive refresher training every three (3) years.

Location of sampling stations:

The sampling station should be centrally located in each harvest lot.

Sampling Frequency:

Samplers are required to achieve a sampling frequency of at least once sample per week during the months of May through October, and at least one sample per month during the months of November through April. When either PSP toxins or domoic acid are detected in shellfish, the frequency of sampling will double to allow better characterization of the event.

If test results of any sample collected equal or exceed 50% of the established criteria in Section II. Model Ordinance Chapter IV@.04 C. (1) (e.g., 40 µg /100 g for PSP toxins), sampling will double for all harvesters. If test results of any samples collected equal or exceed 75% of the established criteria in Section II. Model Ordinance Chapter IV@.04 C. (1) then sampling will commence for each harvest and the harvest will be held until final test results indicate toxin levels below that established criteria in Section II. Model Ordinance Chapter IV@.04 C. (1).

If test results equal or exceed that established criteria in Section II. Model Ordinance Chapter IV@.04 C. (1) then the growing area will be placed in Closed Status pursuant to Section II. Model Ordinance Chapter IV@.04 C. (1).

Testing shall be according to NSSP recognized methods and shall be conducted by laboratories evaluated in accordance with NSSP guidelines. Private laboratories may be used if evaluated by an LEO in accordance with NSSP guidelines.

Sampling Methods:

Each screening sample shall be comprised of at least twelve (12) whole animals with the exception of mussels and “whole” or “roe-on” scallops. For mussels each sample shall be comprised of thirty (30) animals. For “whole” scallops each sample shall be comprised of twenty (20) scallop viscera and gonads. For “roe-on” scallops each sample shall be comprised of twenty (20) scallop gonads.

	<p>E. Submittal of Onboard Screening Homogenates and Test Results F. _____</p> <p>All screening results shall be recorded on the Harvest Record as stipulated in Section D. of this Protocol. Upon landing of the harvest vessel, the Harvest Record and screening homogenates shall be provided to the Authority or designee and the testing of those samples for toxins using an NSSP method by an NSSP conforming laboratory in the State of landing authorized to sample the harvested shellfish as described in Section G. of this Protocol.</p> <p>Dockside Sampling</p> <p>After dockside samples are collected by the Authority or designee, molluscan shellfish may be processed while awaiting toxin results. Each lot must be identified and segregated during storage while awaiting dockside sample test results. Under no circumstances will product be released from the processor prior to receiving satisfactory toxin results that demonstrate that toxin levels are below the established criteria in Section II. Model Ordinance Chapter IV @04.C.(1).</p> <p>The dockside sampling protocol for molluscan shellfish shall be as follows:</p> <p>For each lot of molluscan shellfish, a minimum of seven (7) composite samples, each comprised of at least twelve (12) whole animals, shall be taken at random by the individual authorized by the Authority to sample, with the following exceptions:</p> <p>For each lot of mussels, a minimum of seven (7) composite samples, each comprised of at least thirty (30) whole animals, shall be taken at random by the individual authorized to sample.</p> <p>For each lot of “whole” scallops, a minimum of seven (7) composite samples, each comprised of twenty (20) scallop viscera and gonads, shall be taken at random by the individual authorized to sample.</p> <p>For each lot of “roe on” scallops, a minimum of seven (7) composite samples, each comprised of twenty (20) scallop gonads, shall be taken at random by the individual authorized to sample.</p> <p>Shellfish samples collected in accordance with G.1 shall be tested for the presence of toxins using an NSSP recognized method(s).</p> <p>Laboratory test results for each lot of shellfish shall be forwarded to the Authority in the State in which the shellfish is being held prior to the product being released by the Authority in the State of landing, or if processed in another State, the Authority in the State of processing.</p> <p>G.E. Holding and Lot Separation</p> <p>A harvest lot is defined as all molluscan shellfish harvested during a single period of uninterrupted harvest activity within a geographic area not to exceed three (3) square miles. Once harvesting has ceased and the harvest vessel moves to another location, regardless of the distance, a new harvest lot will be established. Any harvest vessel containing more than one (1) lot shall clearly mark and segregate each lot while at sea,</p>
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during off loading, and during transportation to a processing facility. Prior to harvesting in Federal waters, each harvest vessel shall submit to the NMFS a written onboard lot segregation plan. The Authority in the intended State of landing and the FDA Shellfish Specialist must approve the proposed lot segregation plan.

H.F. Disposal of Shellfish

If test results of any ~~harvest held based on D. Shellfish Sampling one (1) of the seven (7) samples collected in accordance with G.1~~ equal or exceed the established criteria in Section II. Model Ordinance Chapter IV@.04 C. (1) (e.g., 80 µg /100 g for PSP toxins)(n=7, c=0), the entire lot must be discarded or destroyed at the cost of the harvester under the supervision of the Authority in accordance with State laws and regulations except when:

A lot of “whole” or “roe-on” scallops equals or exceeds the established criteria in Section II. Model Ordinance Chapter IV@.04C.(1), the adductor muscle may be shucked from the viscera and/or gonad and marketed. The remaining materials (viscera and/or gonad) must be discarded or destroyed under supervision of the Authority in accordance with State laws and regulations.

Dockside toxin testing shall be according to NSSP recognized methods and shall be conducted by laboratories evaluated in accordance with NSSP guidelines. Private laboratories may be used if evaluated by an LEO in accordance with NSSP guidelines.

I.G. Notification Prior to Unloading ~~by Harvesters Under NMFS Permits~~


Prior to the issuance of an EFP, the harvester shall be responsible for notifying the Authority in the State of landing and in a manner approved by the Authority that molluscan shellfish is being harvested for delivery to the intended receiving processor.

Each vessel shall give at least twelve (12) hours’ notice to the individual authorized to sample prior to unloading shellfish. Notice of less than twelve (12) hours may be approved by the authorized individual at his/her discretion. Authorities may appoint a designee in writing for sampling and sample transport to the NSSP certified testing laboratory in accordance with the practices and procedures used by the Authority under the NSSP. The procedures, as well as training and certification records, must be available for evaluation.

Shellfish from a Federal water harvest area(s) must be kept separate and not sold until so authorized by the Authority in the State of landing or, if processed in another State, the Authority in the State of processing.

	<p>Failure to comply with the provisions of this Protocol will result in the suspension or revocation of the vessel’s permits through the NMFS.</p> <p>J.H. <u>J.H.</u> Unloading Schedule <u>for Harvesters Under NMS Permits</u> Unloading shall take place between 7:00 A.M. and 5:00 P.M. Monday through Friday, unless otherwise mutually agreed upon by the individual authorized to sample, the processing plant manager, the harvest vessel captain, and the Authority in the State of landing.</p> <p>K. <u>K.</u> Access for Dockside Sampling</p> <p>L. <u>L.</u> Individuals authorized to sample shall be provided access to the catch of shellfish.</p> <p><u>M.I.</u> Record Keeping Record keeping requirements shall be as follows:</p> <ol style="list-style-type: none"> 1. The vessel shall maintain Harvest Records for at least one (1) year. 2. The processor(s) shall maintain Harvest Records for at least one (1) year or two (2) years if the product is frozen. 3. The Authority in the State of landing shall retain Harvest Records for at least two (2) years. <p>N.J. <u>N.J.</u> Early Warning/Alert System Toxin data acquired as a result of onboard screening and dockside sample testing shall be transmitted to the FDA. These data, both screening and dockside, shall be transmitted to the FDA by the NSSP certified laboratory conducting toxin testing of the sampled lot(s) within one (1) week of the completion of the toxin analyses. The data provided shall include the following:</p> <ol style="list-style-type: none"> 1. Shellfish species; 2. Harvest location name and coordinates (GPS or latitude/longitude); 3. Harvest date; 4. Onboard screening test method, date, and results; and 5. Laboratory test date, test method, and test results for dockside samples. <p>Results of all samples having <u>un</u>acceptable levels of toxins (e.g., <80 µg/100 g for PSP toxins) shall immediately be reported to the Authority in the State of landing. If the results of any one (1) sample equal or exceed the established criteria in Chapter IV @.04(c)(1) the testing laboratory shall immediately notify the FDA Shellfish Specialist, the Authority, and the processor by telephone <u>and email</u>. The FDA shall notify the NMFS. The NMFS shall notify permitted harvesters to advise them to cease fishing <u>harvesting</u> in the affected area(s).</p>
<p>13. Public Health Significance</p>	<p>This proposal provides clarification to Chapter VI. @.03 by clarifying the type of testing requirements for aquaculture facilities. Additionally, the proposal modifies</p>

	Section IV. Guidance Documents for the landing of shellfish in Federal Waters. These modifications would improve and simplify the protocols for landing shellfish in Federal Waters where a biotoxin concern exists.
14. Cost Information	

 <p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative</p>
<p>2. Submitter</p>	<p>Susan Ritchie, New York State Department of Environmental Conservation David Carey, Connecticut Department of Agriculture Kristin DeRosia-Banick, Connecticut Department of Agriculture Alissa Dragan, Connecticut Department of Agriculture</p>
<p>3. Affiliation</p>	<p>State Agencies</p>
<p>4. Address Line 1</p>	<p>Division of Marine Resources, Bureau of Shellfisheries</p>
<p>5. Address Line 2</p>	<p>205 North Belle Mead Road, Suite 1</p>
<p>6. City, State, Zip</p>	<p>East Setauket, NY 11733</p>
<p>7. Phone</p>	<p>631-444-0494</p>
<p>8. Fax</p>	<p>631-444-0484</p>
<p>9. Email</p>	<p>susan.ritchie@dec.ny.gov</p>
<p>10. Proposal Subject</p>	<p>Shipping Temperatures</p>
<p>11. Specific NSSP Guide Reference</p>	<p>Section II Model Ordinance Chapter IX. Transportation .04 Shipping Temperatures</p>
<p>12. Text of Proposal/ Requested Action</p>	<p>.04 Shipping Temperatures</p> <p>Shellfish dealers shall ship shellfish adequately iced; or in a conveyance pre-chilled <u>maintained</u> at or below 45°F (7.2°C) ambient air temperature. Geoduck clams (<i>Panopea generosa</i>) are exempt from these requirements.</p>
<p>13. Public Health Significance</p>	<p>This change from “pre-chilled” to “maintained” will provide consistency between the shellstock shipping requirements of Chapter IX. And the shellstock receiving critical control points in Chapters XI, XIII and XIV.</p> <p>Pre-chilling of conveyances does not provide additional health protection for shellfish consumers and directly conflicts with many States’ statutes and regulations regarding idling vehicles (see attachment). Idling also wastes money by burning millions of gallons of fuel each year and risks public health by releasing thousands of tons of pollution into the air (excerpt by American Lung Association of the City of New York). The manufacturers of refrigeration units recommended that the unit be turned off during loading to avoid condensation, and to maintain optimal function of the unit.</p> <p>Conveyances are not designed to lower product temperature; they are designed to maintain the desired temperature of the conveyance. In order for the conveyance to maintain ambient temperatures of 45°F or less, shellstock must be cooled prior to shipping. Warm shellstock placed into a conveyance that is set to 45°F may overwhelm the ability of the conveyance to maintain that temperature and subsequently fail to achieve continuous cooling of product as required under Chapter XIII. @.01 A. (3), for VIII. @.02 A. (3) shellstock that has not been cooled to an internal temperature of 50°F (10°C). Conversely, a conveyance with a properly functioning refrigeration unit maintaining an ambient temperature of 45°F or less should be able to maintain the internal temperatures of shellstock.</p> <p>This proposal should be considered along with the 2019 proposal regarding Transportation Records (Section II Model Ordinance Chapter IX .05).</p>
<p>14. Cost Information</p>	<p>No cost will be incurred by the industry or State regulatory agencies.</p>

Compilation of State, County, and Local Anti-Idling Regulations

EPA420-B-06-004
April 2006

Compilation of State, County, and Local Anti-Idling Regulations

Transportation and Regional Programs Division
Office of Transportation and Air Quality
U.S. Environmental Protection Agency

The following compilation of state and local vehicle idling laws represents the U.S. Environmental Protection Agency's best efforts to catalogue, in one location, the variety of existing and proposed idling laws in their entirety. This document is for reference purposes only; please refer to the actual laws for requirements and compliance. This compilation may not include every state or local law, and you should enquire about your own jurisdiction's regulations on idling. We will make every effort to update this document when we are aware of new idling laws or changes to existing idling laws. For more information on state and local idling reduction laws, please visit the SmartWay Transport Partnership Web site at: www.epa.gov/smartway/idle-state.htm.

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Arizona

State Codes

ARIZONA REVISED STATUTES

§ 11-876. Engine idling restrictions; exemptions; applicability; civil penalty; definition

A. By July 1, 2002, a county that contains any portion of area A as defined in section 49-451 shall adopt, implement and enforce ordinances that place limits on the maximum idling time for engines that propel heavy-duty diesel vehicles with a gross vehicle weight rating of more than fourteen thousand pounds. The ordinances shall at least include exemptions for:

1. Certain types of vehicles, such as police, fire and other emergency vehicles.
2. Certain types of situations such as traffic delays or the need for a driver to sleep in the vehicle.
3. Certain types of equipment operations, such as refrigeration of cargo.

B. A county with a population of less than one million two hundred thousand persons shall adopt, implement and enforce the ordinances required by this section only for those portions of the county that are located in area A.

C. Any other county may adopt, implement and enforce ordinances that comply with this section.

D. A driver who violates an ordinance adopted pursuant to this section is subject to:

1. The imposition of a civil penalty of one hundred dollars for the first violation.
2. The imposition of a civil penalty of three hundred dollars for a second or any subsequent violation.

E. Ordinances adopted pursuant to this section may be enforced by a county control officer or any law enforcement officer who is authorized to enforce traffic laws. For violations of ordinances adopted pursuant to this section, an officer shall use a uniform civil ticket and complaint substantially similar to a uniform traffic ticket and complaint prescribed by the rules of procedure in civil traffic cases adopted by the supreme court. The officer may issue citations to persons who violate an ordinance adopted pursuant to this section.

F. In enforcing ordinances adopted pursuant to this section, a county control officer or authorized law enforcement officer shall only issue one citation per traffic stop or

investigation of a driver whose vehicle exceeds the maximum idling limits established pursuant to this section.

G. For the purposes of this section, "idling" means the operation of an engine in the operating mode where the engine is not engaged in gear, where the engine operates at a speed at the revolutions per minute specified by the engine or vehicle manufacturer for when the accelerator is fully released and there is no load on the engine.

Municipal Codes

MARICOPA COUNTY VEHICLE IDLING RESTRICTION ORDINANCE

SECTION 1 - GENERAL

A. **PURPOSE:** The Vehicle Idling Restriction Ordinance restricts, from idling for more than five (5) consecutive minutes, any device or combination of devices that meets all of the following criteria:

1. designed with a gross vehicle weight rating of more than 14,000 pounds; and
2. required under Arizona law (Arizona Revised Statute [ARS] Title 28 Chapters 7 and 9) to be registered; and
3. designed to operate on public highways; and
4. powered by a diesel engine.

B. **APPLICABILITY:** This Vehicle Idling Restriction Ordinance applies to vehicle idling within Maricopa County.

SECTION 2 - DEFINITIONS: For the purpose of this ordinance, the following definitions shall apply:

A. **COMBINATION OF DEVICES** – The coupling of two or more pieces of equipment that consist of the device which contains the diesel engine and an attached piece of equipment, which includes but is not limited to a trailer, cement mixer, refrigeration unit or automobile.

B. **DISTRIBUTION CENTER** – A place with multiple bays where vehicles load or unload materials.

C. **GROSS VEHICLE WEIGHT RATING** – The maximum vehicle weight for which the vehicle is designed as established by the manufacturer.¹

D. **IDLING** – The operation of a diesel engine when the engine is not engaged in gear.²

E. **POWER TAKE OFF (PTO) MECHANISM** – A unit that provides power from the engine to a trailer or other equipment.

¹ Mirrors the definition in R18-2-1001.36.

² Federal definition: "Curb-idle" means: (1) For manual transmission code light-duty trucks, the engine speed with the transmission in neutral or with the clutch disengaged. (2) For automatic transmission code light-duty trucks, curb-idle means the engine speed with the automatic transmission in the Park position (or Neutral position if there is no Park position); (3) For manual transmission code heavy-duty engines, the manufacturer's recommended engine speed with the clutch disengaged. For automatic transmission code heavy-duty engines, curb idle means the manufacturer's recommended engine speed with the automatic transmission in gear and the output shaft stalled.

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F. PRIMARY PROPULSION ENGINE – Any engine for which the primary function is to provide mechanical power to propel or direct a vehicle, regardless of whether that power is applied directly to the propeller shaft or indirectly by way of an electrical system.

G TRUCK STOP – A place of business that provides services to drivers and their vehicles in which the service time may exceed one (1) hour.

H. VEHICLE – Any device or combination of devices with a gross vehicle weight rating of more than 14,000 pounds, required under Arizona law (ARS Title 28 Chapters 7 and 9) to be registered, designed to operate on public highways and powered by a diesel engine.³

3 Note: AAC R18-2-101(69): "motor vehicle" means any self-propelled vehicle designed or transporting persons or property on public highways;

ARS 44-1301: "motor vehicle" means any automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination or other vehicle operated on the roads of this state, used to transport person or property and propelled by power other than muscular power, but motor vehicle does not include traction engines, vehicles that run only on a track, bicycles or mopeds; ARS 49-541(16): "Vehicle" means any automobile, truck, truck tractor, motor bus or self-propelled or motor-driven vehicle registered or to be registered in this state and used upon the public highways of this state for the purpose of transporting persons or property, except implements of husbandry, road rollers or road machinery temporarily operated upon the highway.

ARS 49-581: "Motor vehicle" means any self-propelled vehicle including a car, van, bus or motorcycle and all other motorized vehicles;

ARS 28-101(29): "Motor vehicle": (a) means either: (i) A self-propelled vehicle; (ii) For the purposes of the laws relating to the imposition of a tax on motor vehicle fuel, a vehicle that is operated on the highways of this state and that is propelled by the use of motor vehicle fuel. (b) Does not include a motorized wheelchair or a motorized skateboard. For the purposes of this subdivision: (i) "motorized wheelchair" means a self-propelled wheelchair that is used by a person for mobility. (ii) "motorized skateboard" means a self-propelled device that has a motor, a deck on which a person may ride and at least two tandem wheel in contact with the ground.

ARS 28-101(50): "Truck" means a motor vehicle designed or used primarily for the carrying of property other than the effects of the driver or passengers and includes a motor vehicle to which has been added a box, a platform or other equipment for such carrying.

ARS 28-101 (51): "Truck tractor" means a motor vehicle that is designed and used primarily for drawing other vehicles and that is not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

ARS 28-101 (52): "Vehicle" means a device in, on or by which a person or property is or may be transported or drawn on a public highway, excluding devices moved by human power or used exclusively on stationary rails or tracks.

ARS 28-101 (53): "Vehicle transporter" means either: (a) A truck tractor capable of carrying a load and drawing a semitrailer; (b) A truck tractor with a stinger-steered fifth wheel capable of carrying a load and drawing a semitrailer or a truck tractor with a dolly

mounted fifth wheel that is securely fastened to the truck tractor at two or more points and that is capable of carrying a load and drawing a semitrailer.

R17-4-435: "Motor carrier" as defined in ARS § 28-5201 except a motor carrier transporting passengers for hire in a vehicle with a design capacity of 6 or fewer persons. ARS 28-5201: "Motor vehicle" means a self-propelled motor driven vehicle or vehicle combination, except a lightweight motor vehicle, that is used on a public highway in the furtherance of a commercial enterprise. In research done by ADEQ, no definitions exist for "heavy duty motor vehicle," or "heavy duty diesel engine."

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SECTION 3 – REQUIREMENTS

A. **ORDINANCE** – No owner or operator of a vehicle shall permit the engine of such vehicle to idle for more than five (5) consecutive minutes except as provided in Section 4 (Exemptions) of this ordinance.

B. **VIOLATION** – Any owner or operator who violates this ordinance is subject to a civil penalty of \$100 for the first violation and \$300 for a second or any subsequent violation.⁴

C. **SIGN** – Each truck stop owner or operator and distribution center owner or operator shall erect and maintain a permanent sign(s) that is at least 12 inches by 18 inches in size indicating that the maximum idle time allowed in Maricopa County is 5 minutes. The sign(s) shall be posted in a conspicuous location, near the dispatcher, if applicable. In addition to the above, the sign shall at a minimum contain language outlining the following:

1. The County's vehicle idling information line, and
2. The amount of money the violator will be fined.

SECTION 4 – EXEMPTIONS: This ordinance shall not apply when:

- A. A vehicle is forced to remain motionless because of traffic or adverse weather conditions affecting the safe operation of the vehicle.
- B. A vehicle is being operated for emergency or law enforcement purposes.
- C. The primary propulsion engine of a vehicle meets all of the following criteria:
 1. is providing a power source necessary for mechanical operations other than propulsion; and
 2. involves a power take off (PTO) mechanism, or other mechanical device performing the same function as a PTO; and
 3. is powered by the engine for:
 - a. loading and unloading cargo, or
 - b. mixing or processing cargo, or
 - c. controlling cargo temperature, or
 - d. providing a mechanical extension to perform work functions.
- D. The primary propulsion engine of a vehicle is being operated at idle to conform to manufacturer's warm up and cool down specifications, for maintenance or diagnostic purposes, or by manufacturers engaging the engines in testing for research and development.

⁴ Attorney General's Office (AGO) interpretation is that ARS Title 28 allows any law enforcement officer to enforce ARS 11-876, which authorized this ordinance, on private and/or public property.

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E. The primary propulsion engine of a vehicle is being operated to supply heat or air conditioning necessary for passenger comfort/safety in those vehicles operating for commercial passenger transportation or school purposes up to a maximum of 30 minutes/hour. If ambient temperatures exceed 75 degrees Fahrenheit, passenger buses are allowed to idle up to a maximum of 60 minutes in any 90-minute time period.

F. The primary propulsion engine of a vehicle is being operated to comply with the U.S. Code of Federal Regulation 49 CFR Part 395 and the Arizona Department Of Transportation (DOT) regulation R17-5-202 referencing hours of service restrictions.

California

State Codes

California Health & Safety Code

§ 40720. Operation in manner that does not cause engines on trucks to idle or queue for more than 30 minutes

(a) Each marine terminal in the state shall operate in a manner that does not cause trucks to idle or queue for more than 30 minutes while waiting to enter the gate into the marine terminal.

(1) Any owner or operator of a marine terminal that operates in violation of this subdivision is subject to a two hundred fifty dollar (\$ 250) fine per vehicle per violation.

(2) Marine terminals in the state shall be monitored by the district with jurisdiction over that terminal to ensure compliance with this subdivision.

(3) Citations for violations of this subdivision shall be issued by the applicable district, and shall include the truck license plate number or other unique identifier, which may include, but is not limited to, the cargo container number, the name of the marine terminal and port at which the violation occurred, and the date and time of the violation.

(4) Any action taken by the marine terminal to assess, or seek reimbursement from, the driver or owner of a truck for a violation of this subdivision shall constitute a violation of Article 3 (commencing with Section 42400) of Chapter 4 of Part 4.

(5) Any owner or operator of a marine terminal or port, or any agent thereof, who takes any action intended to avoid or circumvent the requirements of this subdivision or to avoid or circumvent the reduction of emissions of particulate matter from idling or queuing trucks is subject to a seven hundred fifty dollar (\$ 750) fine per vehicle per violation, including, but not limited to, either of the following actions:

(A) Diverting an idling or queuing truck to area freeways or alternate staging areas, including, but not limited to, requiring a truck to idle or queue inside the gate of a marine terminal.

(B) Requiring or directing a truckdriver to turn on and off an engine on a truck while that truck is idling or queuing.

(6) The owner or operator of a marine terminal does not violate this subdivision by causing a truck to idle or queue for more than 30 minutes while waiting to enter the gate into the marine terminal, if the delay is caused by acts of God, strikes, or declared state and federal emergencies, or if the district finds that an unavoidable or unforeseeable event caused a truck to idle or queue and that the terminal is in good faith compliance with this section.

(7) Failure to pay a fine imposed pursuant to paragraph (1) or (5) shall constitute a violation of Article 3 (commencing with Section 42400) of Chapter 4 of Part 4.

(b)(1) Subdivision (a) does not apply to any marine terminal that provides, as determined by the district, two continuous hours of uninterrupted, fully staffed receiving and delivery gates two hours prior to and after, peak commuter hours each day, at least five days per week.

(2) For the purposes of this subdivision, "peak commuter hours" shall be those hours determined by the district, in consultation with the owners and operators of the marine

terminals within the jurisdiction of each district and any labor union that is represented at those marine terminals. The district shall notify the marine terminals of the final determination of the peak commuter hours.

(c) Subdivision (a) does not apply to any marine terminal that operates fully staffed receiving and delivery gates for 65 hours, five days per week, if that marine terminal is located at a port that processes less than 3 million containers (20-foot equivalent units (TEUs)) annually.

(d) Subdivision (a) does not apply to any marine terminal that operates fully staffed receiving and delivery gates for 70 hours, five days per week, if that marine terminal is located at a port that processes more than 3 million containers (20-foot equivalent units (TEUs)) annually.

(e) The district shall determine the necessary level of monitoring and enforcement commensurate with the level of the truck idling or queuing problem existing within its jurisdiction.

(f) For the purposes of this section, "marine terminal" means a facility that meets all of the following criteria:

- (1) Is located at a bay or harbor.
- (2) Is primarily used for loading or unloading containerized cargo onto or off of a ship or marine vessel.
- (3) Contains one or more of the following:
 - (A) Piers.
 - (B) Wharves.
 - (C) Slips.
 - (D) Berths.
 - (E) Quays.
- (4) Is located at a port that processes 100,000 or more containers (20-foot equivalent units (TEUs)) annually.

(g) Notwithstanding paragraph (1) of subdivision (a), if a marine terminal implements a scheduling or appointment system for trucks to enter the terminal, the terminal shall be subject to a fine pursuant to subdivision (a) only for a truck that makes use of the system and that idles or queues for more than 30 minutes while waiting to enter the gate into the terminal, commencing from the start of the appointment or the time the truck arrives, whichever is later. The scheduling or appointment system shall meet all of the following requirements:

- (1) Provide appointments on a first-come-first-served basis.
- (2) Provide appointments that last at least 60 minutes and are continuously staggered throughout the day.
- (3) Not discriminate against any motor carrier that conducts transactions at the marine terminal in scheduling appointments.
- (4) Not interfere with a double transaction once inside the gate.
- (5) Not turn away or fine a motor carrier if that motor carrier misses an appointment.

California Health & Safety Code

§ 41700. Prohibited discharges

Except as otherwise provided in Section 41705, no person shall discharge from any

source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

§ 42403.5. Discharge from idling engine of diesel-powered bus

(a) Notwithstanding Section 42407, any violation of Section 41700 resulting from the engine of any diesel-powered bus while idling shall subject the owner to civil penalties assessed under this article, which may be recovered pursuant to Section 42403 by the Attorney General, by any district attorney, or by the attorney for any district in which the violation occurs in any court of competent jurisdiction.

(b) There is no liability under subdivision (a) if the person accused of the violation establishes by affirmative defense that the extent of the harm caused does not exceed the benefit accrued to bus passengers as a result of idling the engine.

California Code of Regulations

§ 2480. Airborne Toxic Control Measure to Limit School Bus Idling and Idling at Schools

(a) Purpose. This airborne toxic control measure seeks to reduce public exposure, especially school age children's exposure, to diesel exhaust particulate matter and other toxic air contaminants by limiting unnecessary idling of specified vehicular sources.

(b) Applicability. Except as provided in subsection (d), this section applies to the operation of every school bus, transit bus, school pupil activity bus, youth bus, general public paratransit vehicle, and other commercial motor vehicle as defined in subsection (h).

(c) Idling Control Measure.

(1) A driver of a school bus, school pupil activity bus, youth bus, or general public paratransit vehicle:

(A) must turn off the bus or vehicle engine upon stopping at a school or within 100 feet of a school, and must not turn the bus or vehicle engine on more than 30 seconds before beginning to depart from a school or from within 100 feet of a school; and

(B) must not cause or allow a bus or vehicle to idle at any location greater than 100 feet from a school for:

(i) more than five consecutive minutes; or

(ii) a period or periods aggregating more than five minutes in any one hour.

(2) A driver of a transit bus or of a commercial motor vehicle not identified in (c)(1):

(A) must turn off the bus or vehicle engine upon stopping at a school and must not turn the bus or vehicle engine on more than 30 seconds before beginning to depart from a school; and

(B) must not cause or allow a bus or vehicle to idle at any location within 100 feet of, but not at, a school for:

(i) more than five consecutive minutes; or

(ii) a period or periods aggregating more than five minutes in any one hour.

(3) A motor carrier of a school bus, school pupil activity bus, youth bus, or general public paratransit vehicle must ensure that:

(A) the bus or vehicle driver, upon employment and at least once per year thereafter, is informed of the requirements in (c)(1), and of the consequences, under this section and the motor carrier's terms of employment, of not complying with those requirements;

(B) all complaints of non-compliance with, and enforcement actions related to, the requirements of (c)(1) are reviewed and remedial action is taken as necessary; and

(C) records of (3)(A) and (B) are kept for at least three years and made available or accessible to enforcement personnel as defined in subsection (g) within three business days of their request.

(4) A motor carrier of a transit bus or of a commercial motor vehicle not identified in (c)(1) must ensure that:

(A) the bus or vehicle driver, upon employment and at least once per year thereafter, is informed of the requirements in (c)(2), and of the consequences, under this section and the motor carrier's terms of employment, of not complying with those requirements;

(B) all complaints of non-compliance with, and enforcement actions related to, the requirements of (c)(2) are reviewed and remedial action is taken as necessary; and

(C) records of (4)(A) and (B) are kept for at least three years and made available or accessible to enforcement personnel as defined in subsection (g) within three business days of their request.

(d) Exemptions

This section does not apply for the period or periods during which:

(1) idling is necessary while stopped:

(A) for an official traffic control device;

(B) for an official traffic control signal;

(C) for traffic conditions over which the driver has no control, including, but not limited to: stopped in a line of traffic; or

(D) at the direction of a peace officer;

(2) idling is necessary to ascertain that the school bus, transit bus, school pupil activity bus, youth bus, general public paratransit vehicle, or other commercial motor vehicle is in safe operating condition and equipped as required by all provisions of law, and all equipment is in good working order, either as part of the driver's daily vehicle inspection, or as otherwise needed;

(3) idling is necessary for testing, servicing, repairing, or diagnostic purposes;

(4) idling is necessary, for a period not to exceed three to five minutes (as per the recommendation of the manufacturer), to cool down a turbo-charged diesel engine before turning the engine off;

(5) idling is necessary to accomplish work for which the vehicle was designed, other than transporting passengers, for example:

(A) collection of solid waste or recyclable material by an entity authorized by contract, license, or permit by a school or local government;

(B) controlling cargo temperature; or

(C) operating a lift, crane, pump, drill, hoist, mixer, or other auxiliary equipment other than a heater or air conditioner;

(6) idling is necessary to operate:

(A) a lift or other piece of equipment designed to ensure safe loading, unloading, or transport of persons with one or more disabilities; or

(B) a heater or an air conditioner of a bus or vehicle that has, or will have, one or more children with exceptional needs aboard;

(7) idling is necessary to operate defrosters, heaters, air conditioners, or other equipment to ensure the safety or health of the driver or passengers, or as otherwise required by federal or State motor carrier safety regulations;; or

(8) idling is necessary solely to recharge a battery or other energy storage unit of a hybrid

electric bus or vehicle.

(e) Relationship to Other Law

Nothing in this section allows idling in excess of other applicable law, including, but not limited to:

- (1) Title 13 California Code of Regulations Section 1226;
- (2) Vehicle Code Section 22515; or
- (3) any local ordinance or requirement as stringent as, or more stringent than, this section.

(f) Penalties

(1) For each violation of subsection (c)(1), a driver of a school bus, school pupil activity bus, youth bus, or general public paratransit vehicle is subject to a minimum civil penalty of 100 dollars and to criminal penalties to the maximum extent provided by law.

(2) For each violation of subsection (c)(2), a driver of a transit bus or other commercial motor vehicle is subject to a minimum civil penalty of 100 dollars and to criminal penalties to the maximum extent provided by law.

(3) For each violation of subsection (c)(3), a motor carrier of a school bus, school pupil activity bus, youth bus, or general public paratransit vehicle is subject to a minimum civil penalty of 100 dollars and to criminal penalties to the maximum extent provided by law.

(4) For each violation of subsection (c)(4), a motor carrier of a transit bus or other commercial motor vehicle is subject to a minimum civil penalty of 100 dollars and to criminal penalties to the maximum extent provided by law.

(g) Enforcement. This section may be enforced by the Air Resources Board, peace officers as defined in California Penal Code, title 3, chapter 4.5, Sections 830 et seq. and their respective law enforcement agencies' authorized representatives, and air pollution control or air quality management districts.

(h) Definitions.

The following terms are defined for the purposes of this section:

(1) Children With Exceptional Needs. "Children with exceptional needs" means children meeting eligibility criteria described in Education Code Section 56026.

(2) Commercial Motor Vehicle. "Commercial Motor Vehicle" means any vehicle or combination of vehicles defined in Vehicle Code Section 15210(b) and any other motor truck with a gross vehicle weight rating of 10,001 pounds or more, with the following

exceptions:

(A) a zero emission vehicle; or

(B) a pickup truck defined in Vehicle Code Section 471.

(3) Driver. "Driver" means any person who drives or is in actual physical control of a vehicle.

(4) General Public Paratransit Vehicle. "General public paratransit vehicle" means any motor vehicle defined in Vehicle Code Section 336, other than a zero emission general public paratransit vehicle, that is transporting school pupils at or below the 12th grade level to or from public or private schools or public or private school activities.

(5) Gross Vehicle Weight Rating. "Gross vehicle weight rating" means the weight specified by the manufacturer as the loaded weight of a single vehicle.

(6) Hybrid Electric Bus or Vehicle. "Hybrid electric bus or vehicle" means any school bus, transit bus, school pupil activity bus, youth bus, general public paratransit vehicle, or other commercial motor vehicle equipped with at least the following two sources of motive energy on board:

(A) an electric drive motor that must be used to partially or fully drive the bus or vehicle wheels; and

(B) one of the following:

(i) an internal combustion engine;

(ii) a turbine; or

(iii) a fuel cell.

(7) Idling. "Idling" means the engine is running while the bus or vehicle is stationary.

(8) Motor Carrier. "Motor carrier" means the registered owner, lessee, licensee, school district superintendent, or bailee of any school bus, transit bus, school pupil activity bus, youth bus, general public paratransit vehicle, or other commercial motor vehicle who operates or directs the operation of any such bus or vehicle on either a for-hire or not-for-hire basis.

(9) Motor Truck. "Motor truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the, transportation of property.

(10) Official Traffic Control Device. "Official traffic control device" means any sign, signal, marking or device, consistent with Section 21400 of the Vehicle Code, placed or

erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic, but does not include islands, curbs, traffic barriers, speed humps, speed bumps, or other roadway design features.

(11) Official Traffic Control Signal. "Official traffic control signal" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and proceed and which is erected by authority of a public body or official having jurisdiction.

(12) School. "School" means any public or private school used for the purposes of education and instruction of more than 12 school pupils at or below the 12th grade level, but does not include any private school in which education and instruction is primarily conducted in private homes. The term includes any building or structure, playground, athletic field, or other area of school property. The term excludes unimproved school property.

(13) School Bus. "School bus" means any school bus defined in Vehicle Code Section 545, except a zero emission school bus.

(14) School Pupil Activity Bus. "School pupil activity bus" means any bus defined in Section 546 of the Vehicle Code, except a zero emission school pupil activity bus.

(15) Transit Bus. "Transit bus" means any bus defined in Vehicle Code Section 642, except a zero emission transit bus.

(16) Youth Bus. "Youth bus" means any bus defined in Vehicle Code Section 680, except a zero emission youth bus.

(17) Zero Emission School Bus, Transit Bus, School Pupil Activity Bus, Youth Bus, General Public Paratransit Vehicle, or Other Commercial Motor Vehicle. A "zero emission school bus, transit bus, school pupil activity bus, youth bus, general public paratransit vehicle, or other commercial motor vehicle" means any bus or vehicle certified to zero-emission standards.

California Code of Regulations

§ 2485. Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling

(a) Purpose. The purpose of this airborne toxic control measure is to reduce public exposure to diesel particulate matter and other air contaminants by limiting the idling of diesel-fueled commercial motor vehicles.

(b) Applicability. This section applies to diesel-fueled commercial motor vehicles that operate in the State of California with gross vehicular weight ratings of greater than 10,000 pounds that are or must be licensed for operation on highways. This specifically

includes:

(1) California-based vehicles; and

(2) Non-California-based vehicles.

(c) Requirements.

On or after February 1, 2005, the driver of any vehicle subject to this section:

(1) shall not idle the vehicle's primary diesel engine for greater than 5.0 minutes at any location, except as noted in Subsection (d); and

(2) shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 100 feet of a restricted area, except as noted in Subsection (d).

(d) Exceptions.

Subsection (c) does not apply for the period or periods during which

(1) a bus is idling for

(A) up to 10.0 minutes prior to passenger boarding, or

(B) when passengers are onboard;

(2) idling of the primary diesel-engine is necessary to power a heater, air conditioner, or any ancillary equipment during sleeping or resting in a sleeper berth. This provision does not apply when operating within 100 feet of a restricted area;

(3) idling when the vehicle must remain motionless due to traffic conditions, an official traffic control device, or an official traffic control signal over which the driver has no control, or at the direction of a peace officer, or operating a diesel-fueled APS at the direction of a peace officer;

(4) idling when the vehicle is queuing that at all times is beyond 100 feet from any restricted area;

(5) idling of the primary engine or operating a diesel-fueled APS when forced to remain motionless due to immediate adverse weather conditions affecting the safe operation of the vehicle or due to mechanical difficulties over which the driver has no control;

(6) idling to verify that the vehicle is in safe operating condition as required by law and that all equipment is in good working order, either as part of a daily vehicle inspection or

as otherwise needed, provided that such engine idling is mandatory for such verification;

(7) idling of the primary engine or operating a diesel-fueled APS is mandatory for testing, servicing, repairing, or diagnostic purposes;

(8) idling when positioning or providing a power source for equipment or operations, other than transporting passengers or propulsion, which involve a power take off or equivalent mechanism and is powered by the primary engine for:

(A) controlling cargo temperature, operating a lift, crane, pump, drill, hoist, mixer (such as a ready mix concrete truck), or other auxiliary equipment;

(B) providing mechanical extension to perform work functions for which the vehicle was designed and where substitute alternate means to idling are not reasonably available; or

(C) collection of solid waste or recyclable material by an entity authorized by contract, license, or permit by a school or local government;

(9) idling of the primary engine or operating a diesel-fueled APS when operating defrosters, heaters, air conditioners, or other equipment solely to prevent a safety or health emergency;

(10) idling of the primary engine or operating a diesel-fueled APS by authorized emergency vehicles while in the course of providing services for which the vehicle is designed;

(11) idling of military tactical vehicles during periods of training; and

(12) idling when operating equipment such as a wheelchair or people assist lift as prescribed by the Americans with Disabilities Act;

(e) Relationship to Other Law.

Nothing in this section allows idling in violation of other applicable law, including, but not limited to:

(1) California Vehicle Code Section 22515;

(2) Title 13, Section 2480, California Code of Regulations;

(3) California Health and Safety Code Section 40720; or

(4) any applicable ordinance, rule, or requirement as stringent as, or more stringent than, this section.

(f) Enforcement. This section may be enforced by the Air Resources Board; peace

officers as defined in California Penal Code, title 3, chapter 4.5, Sections 830 et seq. and their respective law enforcement agencies' authorized representatives; and air pollution control or air quality management districts.

(g) Penalties. For violations of subsection (c)(1) or (c)(2), the driver of a subject vehicle is subject to a minimum civil penalty of 100 dollars and to criminal penalties as specified in the Health and Safety Code and the Vehicle Code.

(h) Definitions.

The following definitions apply to this section:

(1) "Authorized emergency vehicle" is as defined in Vehicle Code Section 165.

(2) "Auxiliary power system" or "APS" means any device that provides electrical, mechanical, or thermal energy to the primary diesel engine, truck cab, or sleeper berth, as an alternative to idling the primary diesel engine.

(3) "Bus" means any vehicle defined in Title 13, California Code of Regulations, Section 2480, subsections (h) (13)-(16), inclusive or as defined in the Vehicle Code Section 233.

(4) "Commercial Motor Vehicle" means any vehicle or combination of vehicles defined in Vehicle Code Section 15210(b) and any other motor truck or bus with a gross vehicle weight rating of 10,001 pounds or more, except the following:

(A) a zero emission vehicle; or

(B) a pickup truck as defined in Vehicle Code Section 471.

(5) "Driver" is as defined in Vehicle Code Section 305.

(6) "Gross vehicle weight rating" is as defined in Vehicle Code Section 350.

(7) "Highway" is as defined in Vehicle Code Section 360.

(8) "Idling" means the vehicle engine is running at any location while the vehicle is stationary.

(9) "Motor truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the transportation of property.

(10) "Official traffic control device" is as defined in Vehicle Code Section 440.

(11) "Official traffic control signal" is as defined in Vehicle Code Section 445.

(12) "Owner" is as defined in Vehicle Code Section 460.

(13) "Primary diesel engine" means the diesel-fueled engine used for vehicle propulsion.

(14) "Queuing" means (A) through (C)

(A) the intermittent starting and stopping of a vehicle;

(B) while the driver, in the normal course of doing business, is waiting to perform work or a service; and

(C) when shutting the vehicle engine off would impede the progress of the queue and is not practicable.

(D) Queuing does not include the time a driver may wait motionless in line in anticipation of the start of a workday or opening of a location where work or a service will be performed.

(15) "Restricted area" means any real property zoned for individual or multifamily housing units that has one or more of such units on it.

(16) "Safety or health emergency" means:

(A) a sudden, urgent, or usually unforeseen, occurrence; or

(B) a foreseeable occurrence relative to a medical or physiological condition.

(17) "Sleeper berth" is as defined in Title 13, California Code of Regulations, Section 1265.

(18) "Vehicle" is as defined in the Vehicle Code Section 670.

Municipal Codes

Auburn Municipal Code

LIMITATION ON ENGINE IDLING

§ 71.75 FINDINGS AND PURPOSE.

The City Council finds that:

(A) Air pollution is a public health concern in California. The Sacramento Region is currently designated as non-attainment for the 1-hour federal ozone standard, as well as the more stringent state ozone standard. Air pollution can cause or aggravate long illnesses such as acute respiratory infections, asthma, chronic bronchitis, emphysema, and lung cancer. In addition to health impacts, air pollution imposes significant economic costs and negative impacts on our quality of life (nuisance).

(B) Exhaust from motor vehicles (both on- and off-road) is a substantial source of ozone precursors in the Sacramento Region. Vehicle exhaust is also a source of carbon monoxide, particulate matter, toxic air contaminants, and greenhouse gases. Although new engines have become cleaner due to improved emission control technologies, the slow turnover in their inventory and the number of miles/hours these vehicles idle each year is hindering progress in improving regional air quality.

(C) Public agencies can play an important role in improving air quality by limiting the amount of time engines are allowed to idle within their jurisdiction. Public agencies have the responsibility to lead the effort to improve air quality by adopting ordinances that are cost-effective in reducing ozone precursor emissions and toxic air contaminants. This subchapter is based on and derived from the Sacramento Ozone Summit Model Green Contracting Ordinance.

(D) A study of idling exhaust emissions conducted by the U.S. Environmental Protection Agency (EPA420-R-02-025, October 2002) indicates that a typical 1980's-2001 model year truck operating on diesel fuel emits 144 grams per hour of nitrogen oxide and 8,224 grams per hour of carbon dioxide emissions and consumes about 0.82 gallons of diesel while idling.

(E) TIAX, a consultant for the Sacramento Metropolitan Air Quality Management District, estimated idling exhaust emissions from Heavy Duty diesel trucks (HHDV), Medium Heavy Duty Diesel Trucks (MHDV) and off-road construction equipment to be 2.3 tons per day of nitrogen oxide emissions and .23 tons per day of reactive organic gas emissions (Control Measure OFMS 52 & ONMS 45, April 2003). The maximum emissions reductions from full implementation of the Limitation on Engine idling Ordinance in the Sacramento Region was estimated to be 1.725 tons per day of nitrogen oxides emissions and .173 tons per day of reactive organic gas emissions (assuming a 75% compliance).

(F) Under this subchapter, a limitation on engine idling is established by the City of Auburn to discourage the idling of engines in the city.

(Ord. 04-5, eff. 8-10-2004)

§ 71.76 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMERCIAL MOTOR VEHICLE. Any on- road motor vehicle with a manufacturer's gross vehicle weight rating greater than 26,000 pounds, or as defined in Cal. Motor Vehicle Code § 15210(b).

DRIVER. Any person who drives, operates, or is in actual physical control of a vehicle.

EMERGENCY. A sudden, urgent, usually unforeseen occurrence.

EQUIPMENT OPERATOR. Any person who is in actual physical control of a piece of off-road equipment.

GROSS VEHICLE WEIGHT RATING. The weight specified by the manufacturer as the loaded weight of a single vehicle.

IDLING. The engine is running while the vehicle is stationary or the piece of off-road equipment is not performing work.

MEDIUM DUTY VEHICLE. Any motor vehicle with a manufacturer's gross vehicle weight rating of 6,001-14,000 pounds.

OFFICIAL TRAFFIC CONTROL DEVICE. Any sign, signal, marking or device, consistent with Cal. Vehicle Code § 21400, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic, but does not include islands, curbs, traffic barriers, speed humps, speed bumps or other roadway design features.

OFFICIAL TRAFFIC CONTROL SIGNAL. Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and proceed and which is erected by authority of a public body or official having jurisdiction.

OFF-ROAD DIESEL EQUIPMENT. All non- road equipment with a horsepower rating of 70 or greater.

TRANSPORT REFRIGERATION UNIT or TRU. A refrigeration system powered by an engine designed to control the environment of temperature sensitive cargo. A TRU is a piece of off-road equipment regardless of its horsepower rating.

VEHICLE. Any on-road, self-propelled vehicle that is required to be registered and have a license plate by the Department of Motor Vehicles.

VEHICLE/EQUIPMENT OWNER. The registered owner, lessee, licensee or bailee of any heavy- or medium-duty vehicle or piece of off-road equipment who operates or directs the operation of any such vehicle or equipment on either a for hire or not for hire basis.

(Ord. 04-5, eff. 8-10-2004)

§ 71.77 APPLICABILITY.

This subchapter applies to the operation of all diesel fueled commercial vehicles over 26,000 lbs. Gross vehicle weight rating, and all off-road diesel powered equipment over

70 horsepower rating, except as provided in § 71.79. Additionally, this subchapter applies to TRU engines as specified in § 71.76.

(Ord. 04-5, eff. 8-10-2004)

§ 71.78 IDLING.

(A) A driver of a vehicle:

- (1) Must turn off the engine upon stopping at a destination; and
- (2) Must not cause or allow an engine to idle at any location for more than five consecutive minutes.

(B) An equipment operator of an off-road piece of equipment not identified in subdivision (A)(1) above must not cause or allow an off-road piece of equipment to idle at any location for more than five consecutive minutes.

(C) An equipment operator of a TRU must not cause or allow a TRU to operate within 1,000 feet of a residential area or school unless the cargo will be loaded or has been unloaded within 30 minutes.

(D) An owner of a vehicle, an off-road piece of equipment, or a TRU must ensure that:

- (1) The vehicle driver or equipment operator, upon employment and at least once per year

thereafter, is informed of the requirements of this Article, and of the consequences under this section, and the fleet owners terms of employment, of not complying with those requirements; and

- (2) Upon rental or lease of a vehicle or piece of equipment, notification is provided of the requirements of this subchapter;

(3) All complaints of non-compliance with, and enforcement actions related to the requirements of this subchapter are reviewed and remedial action is taken as necessary.

(E) A private property owner shall not allow a vehicle, an off-road piece of equipment or a TRU located on the owner's property to violate the provisions of this subchapter. A private property owner shall notify owners and operators of vehicles, off-road pieces of equipment, and TRUs entering the owner's private property of the requirements of this subchapter.

(Ord. 04-5, eff. 8-10-2004) Penalty, see § 71.99

§ 71.79 *EXEMPTIONS.*

(A) This subchapter does not apply to a vehicle or piece of equipment for the period or periods during which:

- (1) Idling is necessary while stopped:
 - (a) For an official traffic control device;
 - (b) For an official traffic control signal;
 - (c) For traffic conditions over which the driver has no control, including, but not limited to, stopped in a line of traffic, stopped at a railroad crossing, or stopped at a construction zone; or
 - (d) At the direction of a peace officer.
- (2) Idling is necessary to ascertain that the vehicle and/or the off-road equipment is in safe operating conditions and equipped as required by all provisions of law, and all equipment is in good working order, either as part of the daily vehicle inspection, or as otherwise needed;
- (3) Idling is necessary for testing, servicing, repairing or diagnostic purposes;
- (4) Idling is necessary for a period not to exceed three to five minutes (as per the recommendation of the manufacturer) to cool down a turbo charged heavy-duty vehicle before turning the engine off;
- (5) Idling is necessary to accomplish work for which the vehicle/equipment was designed, other than transporting goods, for example: operating a lift, crane, pump, drill, hoist, mixer or other auxiliary equipment other than a heater or air conditioner;
- (6) Idling is necessary to operate a life or other piece of equipment designed to ensure safe loading and unloading of goods and people;
- (7) Idling is necessary to operate defrosters, heaters, air conditioners, or other equipment to prevent a safety or health emergency, but not solely for the comfort of the driver or passengers;
 - (a) The only exception for driver comfort would be a vehicle driver that is required to have rest time by law. In this case, the driver may only idle at a designated rest area or truck stop and will not idle within 1,000 feet of a residential area or school;
 - (b) The only specific exception for passenger comfort would be vehicles with a passenger onboard with a disability or health condition that would be critically aggravated if the vehicle were not maintained at an adequate temperature.

(8) Idling is necessary solely to recharge a battery or other energy storage unit of a hybrid electric vehicle/equipment;

(9) Idling is necessary to operate equipment that runs intermittently;

(10) Alternative diesel fuel vehicles, or any Tier 2 4.8 g/bhp combined Nox and HMHC level;

(11) Idling is necessary in attainment portions of Placer County.

(B) Nothing in this subchapter allows idling in excess of other applicable laws, including but not limited to:

(1) Title 13 California Code of Regulations § 1226; requirement for leaving the driver's compartment when a pupil is aboard a school bus.

(2) Title 13 California Code of Regulations § 2480; requirements/restriction of idling of school buses.

(3) Cal. Vehicle Code § 22515; requirements for leaving a motor vehicle unattended.

(4) Any local ordinance or requirement as stringent as, or more stringent than, this chapter.

(Ord. 04-5, eff. 8-10-2004)

§ 71.80 ENFORCEMENT.

This subchapter may be enforced by the local air pollution control or air quality management district, and/or any peace officer as defined in Cal. Penal Code, Title 3, Chapter 4.5, §§ 830 *et seq.* and their respective agencies authorized representative(s).

(Ord. 04-5, eff. 8-10-2004)

§ 71.99 PENALTY.

(A) Any violation of this chapter for which a penalty is not provided shall be punished according to § 10.99 of this code.

(B) (1) For each violation of § 71.78, a driver of a vehicle, or an operator of an off-road piece of equipment or TRU will be first given a written warning. Subsequent violations will be subject to a civil penalty of \$50 and criminal penalties as provided by law.

(2) For each violation of § 71.78, an owner of a vehicle, off-road piece of equipment or TRU is subject to a written warning on the first offense, followed by a \$100 minimum civil penalty for a second offense, with a minimum civil penalty of \$200 for all future offenses and criminal penalties as provided by law. All penalties assessed under this section shall be deposited with the City of Auburn, regardless of whether another agency or entity first collects the penalties.

(Ord. 04-5, eff. 8-10-2004)

Cupertino Municipal Code

10.48.055 Motor Vehicle Idling.

Motor vehicles, including automobiles, trucks, motorcycles, motor scooters and trailers or other equipment towed by a motor vehicle, shall not be allowed to remain in one location with the engine or auxiliary motors running for more than three minutes in any hour, in an area other than on a public right-of-way, unless:

A. The regular noise limits of Section 10.48.040 are met while the engine and/or auxiliary motors are running; or

B. The vehicle is in use for provision of police, fire, medical, or other emergency services. (Ord. 1871, (part), 2001)

Fountain Valley Municipal Code

§ 6.28.147 Idling motor vehicles.

No person shall leave standing any motor vehicle, including refrigeration trailers, with engine idling or auxiliary motor running for in excess of ten minutes between the hours of ten p.m. and seven a.m. if the engine or motor noise disturbs the peace or quiet of any residential neighborhood or causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area. The driver, owner, registered owner and legal owner of the motor vehicle or refrigeration trailer shall each be guilty of the offense described herein. (Ord. 1156 § 1, 1990)

Palm Desert Municipal Code

10.98.010 Parking prohibitions and restrictions.

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C. While adjacent to a developed residential area within the city, the operator shall not idle the vehicles engine for longer than fifteen minutes. (Ord. 1025, 2002: Ord. 793 § 1 (part), 1996)

Placer County Code

Article 10.14 LIMITATION ON ENGINE IDLING

10.14.010 Findings and purpose.

The Placer County board of supervisors finds that:

A. Air pollution is a major public health concern in California. The Sacramento region is currently designated as non-attainment for the one-hour federal ozone standard, as well as the more stringent state ozone standard. Air pollution can cause or aggravate lung illnesses such as acute respiratory infections, asthma, chronic bronchitis, emphysema, and lung cancer. In addition to health impacts, air pollution imposes significant economic costs and negative impacts on our quality of life (nuisance).

B. Exhaust from vehicles (both on- and off-road) is a substantial source of ozone precursors in the Sacramento region. Vehicle exhaust is also a source of carbon monoxide, particulate matter, toxic air contaminants, and greenhouse gases. Although new engines have become cleaner due to improved emission control technologies; the slow turn over in their inventory and the number of miles/hours these vehicles idle each year is hindering progress in improving regional air quality.

C. Public agencies can play an important role in improving air quality by limiting the amount of time engines are allowed to idle within their jurisdiction. Public agencies have the responsibility to lead the effort to improve air quality by adopting ordinances that are cost effective in reducing ozone precursor emissions and toxic air contaminants. This article is based on and derived from the Sacramento Ozone Summit Model Engine Idling Ordinance.

D. A study of idling exhaust emissions conducted by the U.S. Environmental Protection Agency (EPA420-R-02-025, October 2002) indicates that a typical 1980s-2001 model year truck operating on diesel fuel emits one hundred forty-four (144) grams per hour of nitrogen oxide and eight thousand, two hundred twenty-four (8,224) grams per hour of carbon dioxide emissions and consumes about 0.82 gallons of diesel fuel while idling.

E. TIAX, a consultant for the Sacramento Metropolitan Air Quality Management District, estimated idling exhaust emissions from heavy heavy duty diesel trucks (HHDV), medium heavy duty diesel trucks (MHDV) and off road construction equipment to be 2.3 tons per day of nitrogen oxide emissions and .23 tons per day of reactive organic gas emissions. (Control Measures OFMS 52 and ONMS 45, April 2003). The maximum emissions reductions from full implementation of the Limitation on Engine Idling Ordinance in the Sacramento region was estimated to be 1.725 tons per day of nitrogen oxides emissions and .173 tons per day of reactive organic gas emissions (assuming a seventy-five percent (75%) compliance).

F. Under this article, a limitation on engine idling is established by the board of supervisors to discourage the idling of engines in the unincorporated Placer County. (Ord. 5271-B, 2003)

10.14.020 Definitions.

"Driver" means any person who drives, operates, or is in actual physical control of a vehicle.

"Emergency" means a sudden, urgent, usually unforeseen, occurrence.

"Equipment operator" means any person who is in actual physical control of a piece of off-road equipment.

"Gross vehicle weight rating" means the weight specified by the manufacturer as the loaded weight of a single vehicle.

"Commercial motor vehicle" means any on-road motor vehicle with a manufacturer's gross vehicle weight rating greater than twenty-six thousand (26,000) pounds or as defined in Motor Vehicle Code Section 15210(b).

"Idling" means the engine is running while the vehicle is stationary or the piece of off-road equipment is not performing work.

"Medium-duty vehicle" means any on-road motor vehicle with a manufacturer's gross vehicle weight rating of six thousand one to fourteen thousand (6,001 -- 14,000) pounds.

"Official traffic control device" means any sign, signal, marking or device, consistent with Section 21400 of the vehicle code, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic, but does not include islands, curbs, traffic barriers, speed humps, speed bumps, or other roadway design features.

"Official traffic control signal" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and proceed and which is erected by authority of a public body or official having jurisdiction.

"Off-road diesel equipment" means all non-road equipment with a horsepower rating of seventy (70) or greater.

"Transport refrigeration unit" or "TRU" means a refrigeration system powered by an engine designed to control the environment of temperature sensitive cargo. A TRU is a piece of off-road equipment regardless of its horsepower rating.

"Vehicle" means any on-road, self-propelled vehicle that is required to be registered and have a license plate by the Department of Motor Vehicles.

"Vehicle/equipment owner" means the registered owner, lessee, licensee, or bailee of any heavy- or medium-duty vehicle or piece of off-road equipment who operates or directs the operation of any such vehicle or equipment on either a for-hire or not-for-hire basis. (Ord. 5271-B, 2003)

10.14.030 Applicability.

There is established an article to be known as "Limitation on Engine Idling" that applies to the operation of all diesel fueled commercial vehicles over twenty-six thousand (26,000) lbs. gross vehicle weight rating, and all off-road diesel-powered equipment over seventy (70) horsepower rating, except as provided in Section 10.14.050. Additionally, this article applies to TRU engines as specified in subsection 10.14.040(C). (Ord. 5271-B, 2003)

10.14.040 Idling.

A. A driver of a vehicle:

1. Must turn off the engine upon stopping at a destination; and
2. Must not cause or allow an engine to idle at any location for more than five consecutive minutes.

B. An equipment operator of an off-road piece of equipment not identified in subsection A of this section must not cause or allow an off-road piece of equipment to idle at any location for more than five consecutive minutes.

C. An equipment operator of a TRU must not cause or allow a TRU to operate within one thousand (1,000) feet of a residential area or school unless the cargo will be loaded or has been unloaded within thirty (30) minutes.

D. An owner of a vehicle, an off-road piece of equipment, or a TRU must ensure that:

1. The vehicle driver or equipment operator, upon employment and at least once per year thereafter, is informed of the requirements in subsections 10.14.040(A)--(C), and of the consequences, under this section and the fleet owners terms of employment, of not complying with those requirements; and
2. Upon rental or lease of a vehicle or piece of equipment, notification is provided of the requirements in subsections 10.14.040(A)--(C); and
3. All complaints of non-compliance with, and enforcement actions related to, the requirements of subsections 10.14.040(A)--(C) are reviewed and remedial action is taken as necessary.

E. A private property owner shall not allow a vehicle, an off-road piece of equipment or a TRU located on the owner's property to violate subsections 10.14.040(A)--(C) respectively. A private property owner shall notify owners and operators of vehicles, off-road pieces of equipment, and TRUs entering the owner's private property of the requirements of subsections 10.14.040(A)--(C). (Ord. 5271-B, 2003)

10.14.050 Exemptions.

This article does not apply to a vehicle or piece of equipment for the period or periods during which:

A. Idling is necessary while stopped:

1. For an official traffic control device;
2. For an official traffic control signal;
3. For traffic conditions over which the driver has no control, including, but not limited to: stopped in a line of traffic, stopped at a railroad crossing, or stopped at a construction zone; or
4. At the direction of a peace officer;

B. Idling is necessary to ascertain that the vehicle and/or the off-road equipment is in safe operating condition and equipped as required by all provisions of law, and all equipment is in good working order, either as part of the daily vehicle inspection, or as otherwise needed;

C. Idling is necessary for testing, servicing, repairing, or diagnostic purposes;

- D. Idling is necessary, for a period not to exceed three to five minutes (as per the recommendation of the manufacturer), to cool down a turbo-charged heavy-duty vehicle before turning the engine off;
- E. Idling is necessary to accomplish work for which the vehicle/equipment was designed, other than transporting goods, for example: operating a lift, crane, pump, drill, hoist, mixer, or other auxiliary equipment other than a heater or air conditioner;
- F. Idling is necessary to operate a lift or other piece of equipment designed to ensure safe loading and unloading of goods and people;
- G. Idling is necessary to operate defrosters, heaters, air conditioners, or other equipment to prevent a safety or health emergency, but not solely for the comfort of the driver or passengers;
 - 1. The only exception for driver comfort would be a vehicle driver that is required to have rest time by law. In this case, the driver may only idle at a designated rest area or truck stop and will not idle within one thousand (1,000) feet of a residential area or school.
 - 2. The only specific exception for passenger comfort would be a paratransit vehicle with a passenger on board with a disability or health condition that would be critically aggravated if the vehicle were not maintained at an adequate temperature.
- H. Idling is necessary solely to recharge a battery or other energy storage unit of a hybrid electric vehicle/equipment;
- I. Idling is necessary to operate equipment that runs intermittently;
- J. Alternative diesel fuel vehicles, or any Tier 2 4.8 g/bhp combined Nox and HMHC level;
- K. Idling is necessary in attainment portions of Placer County generally east of Donner Summit. (Ord. 5271-B, 2003)

10.14.060 Relationship to other laws.

Nothing in this article allows idling in excess of other applicable laws, including, but not limited to:

- A. Title 13 California Code of Regulations Section 1226;
- B. Title 13 California Code of Regulations Section 2480;
- C. Vehicle Code Section 22515; or
- D. Any local ordinance or requirement as stringent as, or more stringent than this article. (Ord. 5271-B, 2003)

10.14.070 Penalties.

- A. For each violation of subsections 10.14.040(A)--(C), a driver of a vehicle, or an operator of off-road piece of equipment or TRU is subject to a minimum civil penalty of fifty dollars (\$50.00) and to criminal penalties to the maximum extent provided by law.
- B. For each violation of subsection 10.14.040(D), an owner of a vehicle, off-road piece of equipment or TRU is subject to a warning on the first offense, followed by a one hundred dollar (\$100.00) minimum civil penalty for a second offense, with a

minimum civil penalty of two hundred dollars (\$200.00) for all future offenses and to criminal penalties to the maximum extent provided by law.

C. All fees collected through Section 10.14.070 or the penalty phase of this article shall be accrued in a vehicle replacement grant fund for annual application by commercial and off road vehicle operators. The air pollution control district will manage this fund. (Ord. 5271-B, 2003)

10.14.080 Enforcement.

This article may be enforced by the local air pollution control or air quality management district, and/or any peace officer as defined in California Penal Code, Title 3, Chapter 4.5, Sections 830 et seq. and their respective agencies' authorized representative. (Ord. 5271-B, 2003)

10.14.090 Effective date.

The operation and effective date of the ordinance codified in this article is January 1, 2004. (Ord. 5271-B, 2003)

Colorado

Municipal Codes

City of Aspen Municipal Code

13.08.110 Engine Idling.

(a) Except as hereinafter provided, it shall be unlawful for any person to idle or permit the idling of the motor of any stationary motor vehicle for a prolonged or unreasonable period of time determined herein to be five (5) minutes or more within any one (1) hour period of time.

(b) This section shall not apply when an engine must be operated in the idle mode for safety reasons including, but not limited to, the operation of cranes and fork lifts used in the construction industry.

(c) The time required by a diesel powered motor vehicle with a gross weight rating of ten thousand (10,000) pounds or more while operating in a stationary position to achieve a temperature of one hundred twenty (120) degrees Fahrenheit and an air pressure of one hundred (100) pounds per square inch, shall not be included in the computation of the five (5) minutes determined herein to be a prolonged or unreasonable period of time. The temperature and air pressure as indicated on the vehicle's gauges may be used for determining the diesel engine's temperature and air pressure.

(d) The time during which transportation vehicles are actively loading or discharging passengers shall not be included in the computation of the five (5) minutes determined herein to be a prolonged or unreasonable period of time. A transportation vehicle shall be defined for purposes of this section to mean motor vehicles designed to transport a minimum of sixteen (16) persons. (Ord. No 74-1992, § 1: Code 1971, § 11-2.70)

Denver Municipal Code

ARTICLE IV. MOBILE SOURCES

Sec. 4-43. Idling restriction.

(a) Effective July 1, 1990, no person shall allow a vehicle to idle for more than ten (10) minutes in any one-hour period unless:

(1) The ambient outside air temperature has been less than twenty (20) degrees Fahrenheit for the previous twenty-four-hour period; or

(2) The ambient outside air temperature is less than ten (10) degrees Fahrenheit.

(b) The idling restriction in subsection (a) shall not apply to emergency vehicles; to vehicles engaged in traffic operations; to vehicles which are being serviced; to vehicles that must idle to operate auxiliary equipment, including but not limited to pumps, compressors or refrigeration units; or to vehicles en route to a destination that are stopped by traffic congestion.

(Ord. No. 330-90, 6-4-90)

Greenwood Village Municipal Code

10.04.010 Model Traffic Code adopted.

A. The City hereby adopts by reference the 2003 edition of the Model Traffic Code for Colorado, promulgated and published by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700, Denver, CO 80222.

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D. The City makes the following modifications to the 2003 edition of the Model Traffic Code:

1. The following new Part 3 is added to the Model Traffic Code:

*PART 3
EMISSIONS CONTROL*

...

304. Idling prohibited. It is unlawful for any person to operate or cause or knowingly permit to be operated in any residential district in the City, except on a state highway, any motor of a motor vehicle which weighs twelve thousand (12,000) pounds or more, manufacturer's gross vehicle weight, or any combination of motor vehicles towed by such motor vehicle, which remains stationary for a consecutive period longer than five (5) minutes.

Town of Johnstown Municipal Code

Sec. 8-44. Idling.

Motor vehicles that weigh more than ten thousand (10,000) pounds (mostly trucks) are hereby forbidden from idling longer than fifteen (15) minutes in any hour unless stopped due to traffic congestion. Moreover, said vehicles shall not idle within one hundred (100) feet of a residential area from 10:00 p.m. to 7:00 a.m. unless parked in the designated area.

Vail Town Code

5-1-7: NOISE PROHIBITED:

...

G.Motor Vehicle Noise:

...

3 Idling Engines:

a. It shall be unlawful for any person to idle or permit the idling of the engine of any bus, truck, or any motor vehicle of any kind whatsoever, for a period of time in excess of twenty (20) minutes within the Town limits.

b. Notwithstanding subsection G3a of this Section, it shall be unlawful for any person to permit any idling whatsoever of the engine of any unattended bus, truck or any motor vehicle, except for refrigeration vehicles, within the Lionshead Mixed Use 1, Lionshead Mixed Use 2, Commercial Core 1 or the Commercial Core 2 Zone Districts of the Town.

Winter Park Town Code

4-3-5: IDLING OF MOTOR VEHICLES:

A. The unreasonable and prolonged idling of motors of any motor vehicle of any kind whatsoever is hereby declared to be a nuisance and public safety and health hazard.

B. It shall be unlawful for any person to idle or permit the idling of the motor of any motor vehicle of any kind whatsoever for a prolonged and unreasonable period of time within the limits of the town at any time of the day or night.

C. Evidence that a motor vehicle has idled for a period of fifteen (15) minutes or longer shall be prima facie proof that said vehicle was idling for a prolonged and unreasonable period of time.

D. Any person convicted of a violation of this section shall be fined in an amount not to exceed three hundred dollars (\$300.00) or imprisoned for a term not to exceed ninety (90) days, or both, for each offense. (Ord. 334, Series of 2003)

Connecticut

State Codes

Connecticut General Statutes

§ 14-277. Operator's duties on stopping bus. Prohibition on idling of bus.

...

(b) The operator of any school bus shall not operate the engine of any school bus for more than three consecutive minutes when the school bus is not in motion except (1) when the school bus is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control, (2) when it is necessary to operate heating, cooling or auxiliary equipment installed on the school bus when such equipment is necessary to accomplish the intended use of the school bus, including, but not limited to, the operation of safety equipment, (3) when the outdoor temperature is below twenty degrees Fahrenheit, (4) when it is necessary to maintain a safe temperature for students with special needs, (5) when the school bus is being repaired, or (6) when the operator is in the process of receiving or discharging passengers on a public highway or public road.

(c) Any person who violates any provision of this section shall, for a first offense, be deemed to have committed an infraction and for each subsequent offense shall be fined not less than one hundred dollars nor more than five hundred dollars.

Municipal Codes

Code of Town of Branford, CT

§ 189-6. Prohibited noise activities.

...

B. Truck idling. No person shall operate an engine or any standing motor vehicle with a weight in excess of 10,000 pounds manufacturer's gross vehicle weight (GVW) for a period in excess of 10 minutes when such vehicle is parked on a residential premises or on a Town road next to a residential premises.

Code of the Town of Mansfield

§ 134-7. Prohibited noise activities.

The following acts are deemed unlawful pursuant to the regulations contained herein. However, this enumeration shall not be deemed exclusive.

...

B. Truck idling. No person shall operate any standing motor vehicle with a weight in

excess of 10,000 pounds, manufacturer's gross vehicle weight (GVW), for a period in excess of 10 minutes when such vehicle is parked on or next to a residential premise.

Code of City of Norwalk

§ 44-10. Control of particulate emissions.

A. Visible emissions

- (1) No person shall cause or permit the emission of visible air pollutants with greater than twenty-percent opacity, except as permitted under the following sections.
- (2) A person may discharge air pollutants into the atmosphere from any source of emission for a period or periods aggregating not more than five minutes in any 60 minutes, provided that said air pollutants are of no greater than forty-percent opacity

C. Exceptions for uncombined water.

- (1) Where the presence of uncombined water, such as water vapor, is the only reason for the failure of an emission to meet the requirements of this regulation, then the provisions of this regulation shall not apply.
- (2) The following shall be exempt from the requirements of Subsection A(2):
 - (a) Antique automobiles over 30 years old.
 - (b) Mobile sources in the process of being repaired.
- (3) Emissions from stationary or idling mobile sources. No mobile-source engine shall be allowed to operate for more than three consecutive minutes when the mobile source is not in motion, except as follows:
 - (a) When a mobile source is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control.
 - (b) When it is necessary to operate heating, cooling or auxiliary equipment installed on the mobile source when such equipment is necessary to accomplish the intended use of the mobile source.
 - (c) To bring the mobile source to the manufacturer's recommended operating temperature.
 - (d) When the outdoor temperature is below 20° F.
 - (e) When the mobile source is being repaired.
- (4) Subsections A(2) and C(3) shall not apply to aircraft, locomotives operating on

rails, vessels for transportation on water, lawnmowers, snowblowers and other small home appliances

...

§ 68-6. Prohibited activities.

A. General prohibition. It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary and unreasonable noise.

B. The following activities are prohibited:

...

(2) Emissions from stationary or idling mobile sources. No mobile source engine shall be allowed to operate for more than three consecutive minutes when the mobile source is not in motion except as follows:

- (a) When a mobile source is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control;
- (b) When it is necessary to operate heating, cooling or auxiliary equipment installed on the mobile source when such equipment is necessary to accomplish the intended use of the mobile source;
- (c) To bring the mobile source to the manufacturer's recommended operating temperature;
- (d) When the outdoor temperature is below 20° F;
- (e) When the mobile source is being repaired.

Windsor Code of Ordinances

Sec. 9-33. Prohibited noise activities.

The following activities are prohibited:

...

(2) *Truck Idling*: No person shall operate an engine of any standing motor vehicle with a weight in excess of ten thousand (10,000) pounds manufacturer's gross vehicle weight (GVW) for a period in excess of ten (10) minutes, when such vehicle is parked on a residential premise or on a town road next to a residential premise;

Delaware

Municipal Codes

Wilmington City Code

Sec. 37-6. Diesel-powered motor vehicles; idle standard.

(a) *Definitions.* In addition to the definitions set forth in section 37-1 of this chapter, for purposes of this section, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

(1) *Diesel-powered motor vehicle* means a vehicle which is self-propelled by a compression ignition type of internal combustion engine and which is designed primarily for transporting persons or property on a public street or highway; for purposes of this section, passenger automobiles and motorcycles are excluded.

(2) *Idle* means the motor vehicle operating mode consisting of a nonloaded, throttled engine speed at the revolutions per minute specified by the manufacturer.

(b) *Standards.* No person shall cause, suffer, allow, or permit the engine of a diesel-powered motor vehicle to idle for more than three consecutive minutes if the vehicle is not in motion, except:

(1) A vehicle at the vehicle operator's place of business where the vehicle is permanently assigned may idle for 30 consecutive minutes; or

(2) A vehicle may idle for 15 consecutive minutes when the vehicle engine has been stopped for three or more hours.

(c) *Exceptions.* The provisions of subsection (b) of this section shall not apply to:

(1) Buses while discharging or picking up passengers;

(2) Vehicles stopped in a line of traffic;

(3) Vehicles whose primary or secondary power source is utilized in whole or in part for necessary and definitively prescribed mechanical operation other than propulsion, passenger compartment heating or air conditioning;

(4) Vehicles being or waiting to be examined by state or federal motor vehicle inspectors;

(5) Emergency vehicles in an emergency situation;

(6) Vehicles while being repaired;

(7) Vehicles while engaged in the process of connection, detachment or exchange of trailers; or

(8) Vehicles manufactured with a sleeper berth while being used, in a nonresidentially zoned area, by the vehicle's operator for sleeping or resting or in order to provide heat or air-conditioning.

(d) *Violations; penalties.* Violations of any provision of this section shall be punishable upon conviction in accordance with the provisions of section 37-186.

(Code 1968, § 37-20.1)

District of Columbia

District of Columbia Municipal Regulations

Title 20

Sec. 900.1

The engine of a gasoline or diesel powered motor vehicle, the engine of a public vehicle for hire, including buses with a seating capacity of twelve (12) or more persons, on public or private space shall not idle for more than three (3) minutes while the motor vehicle is parked, stopped, or standing, including for the purpose of operating air conditioning equipment in those vehicles, except as follows:

- (a) To operate private passenger vehicles;
- (b) To operate power takeoff equipment including, dumping, cement mixers, refrigeration systems, content delivery, winches, or shredders; or
- (c) To idle the engine for five (5) minutes to operate heating equipment when the ambient air temperature is thirty-two degrees Fahrenheit (32°F) or below.

Sec. 914.1

Each person who fails to comply with any of the provisions of this chapter, prevents any inspection authorized by this chapter, or keeps inaccurate records shall be punished by a fine not to exceed five thousand dollars(\$5,000).

Sec. 914.2

Each violation of, or failure to comply with, this chapter shall constitute a separate offense and the penalties described in §914.1 shall be applicable to each separate offense.

Georgia

Municipal Codes

Atlanta Code of Ordinances

Sec. 150-97. Restrictions for trucks, buses.

(a) *Time limit for trucks.* No person shall park or stand any truck or other freight-carrying vehicle, including any truck tractor, in excess of one-half ton capacity upon any public street or highway for longer than one hour at any time during the day or no person shall park any truck or other freight-carrying vehicle, including any truck tractor or their cabs, in excess of one-half ton capacity upon any public street or highway from 6:00 p.m. to 8:00 a.m. during standard time and from 8:00 p.m. to 7:00 a.m. during day light savings time.

(b) *Attendant required for certain trucks, buses.* No person shall stop or stand any truck or bus with a body more than eight feet wide or ten feet high on any street or public place without the driver or chauffeur being actually present and in charge thereof.

(c) *Time limit for idling.* No person shall stop or stand any truck or bus on any street or public place and idle for more than 15 minutes. A violation of this subsection shall, upon conviction, be punishable by a minimum fine of \$500.00. This limitation shall not apply under the following conditions:

- (1) Emergency vehicles, utility company, construction and maintenance vehicles where the engines must run to perform needed work;
- (2) Truck or bus is forced to remain motionless because of traffic conditions;
- (3) Truck or bus is being used to supply heat or air conditioning necessary for passenger safety or comfort, and such truck or bus is being used for commercial passenger transportation or is a transit authority bus or school bus, in which idling shall be limited to a maximum of 25 minutes;
- (4) If the ambient temperature is less than 32 degrees Fahrenheit, idling shall be limited to a maximum of 25 minutes; or
- (5) Any vehicle, truck, bus, or transit authority bus in which the primary source of fuel is Natural Gas (CNG) or electricity shall be exempt from the idling limitations set forth in this section.

(Code 1977, § 13-2238; Ord. No. 2001-8, § 1, 2-13-01; Ord. No. 2002-84, § 1, 11-26-02)

Hawaii

State Codes

Hawaii Administrative Rules

§11-60.1-34

...

(c) No person shall cause, suffer, or allow any engine to be in operation while the motor vehicle is stationary at a loading zone, parking or servicing area, route terminal, or other off street areas, except:

- (1) During adjustment or repair of the engine at a garage or similar place of repair;
- (2) During operation of ready-mix trucks, cranes, hoists, and certain bulk carriers, or other auxiliary equipment built onto the vehicle or equipment that require power take-off from the engine, provided that there is no visible discharge of smoke and the equipment is being used and operated for the purposes as originally designed and intended. This exception shall not apply to operations of air conditioning equipment or systems;
- (3) During the loading or unloading of passengers, not to exceed three minutes; and
- (4) During the buildup of pressure at the startup and cooling down at the closing down of the engine for a period of not more than three minutes.

Illinois

State Codes

Illinois Compiled Statutes

§ 625 ILCS 5/11-1401. Unattended motor vehicles

Sec. 11-1401. Unattended motor vehicles. No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the brake thereon and, when standing upon any perceptible grade, turning the front wheels to the curb or side of the highway.

Municipal Codes

Cook County Environmental Control Ordinance

9.7 IDLING OF MOTOR VEHICLES

It shall be unlawful for any person to cause or permit the operation of the main engine of any motor vehicle when parked or standing, except for the following:

- (a) Whenever engaged in any rescue operations attendant to accident or other common disaster.
- (b) Whenever operation of the main power train is essential to a basic function as with, but not necessarily limited to, pre-mixed cement trucks, platform lift trucks, compactor refuse trucks, certain varieties of dump trucks and the like, while function is in action.
- (c) Whenever weather conditions justify the use of heating or air -conditioning systems for the welfare and safety of any occupants (or future passengers in the case of public vehicles stopped in turn around or other such waiting areas) or when such low temperatures prevail that the startup of public conveyances or service vehicles might not otherwise be feasible.
- (d) Whenever the need for operation of refrigeration equipment on trailers carrying perishable contents is necessary, but which then must conform with the appropriate boundary levels involved by location and most especially so when parked overnight in any district adjacent to occupied residences. In general when parked, the use of auxiliary power sources shall be subject to the same general caution regarding applicability of other noise level restrictions for operation of the main engine and when the vehicle is in motion shall be considered simply as a component of the overall resultant sound level as specified by Section 9.9(a) or in the case of private travel trailers with auxiliary air conditioners by 9.9(c) and these latter, even while legally parked are subject to the same lot line and zone noise level restrictions described above.
- (e) Whenever main or auxiliary engines are operated for emergency repairs, or when properly housed for professional maintenance (subject to appropriate boundary level restrictions) and the occasional maintenance such as cleaning and flushing of the radiator and associated circulation system and/or seasonal change of antifreeze, cleaning of the carburetor or the like of a personally owned auto by a private citizen.

Louisiana

Municipal Codes

City of New Orleans Code of Ordinances

ARTICLE II. BUSES

Sec. 122-52. Operating at idle.

The operator of a bus shall not allow buses to operate at idle on the streets of the city for a period longer than 20 minutes, except for situations beyond the operator's control and as otherwise provided for in chapter 162 and section 162-942.

(Code 1956, § 38-143)

Sec. 122-53. Operating at idle in the Garden District.

The operator of a bus shall not allow buses to operate at idle on the streets of the Garden District, which is bounded by St. Charles Avenue, Jackson Avenue, Louisiana Avenue and Magazine Street, for a period longer than ten minutes, except for situations beyond the operator's control.

(Code 1956, § 38-143.1)

...

ARTICLE IX. TOUR VEHICLES AND BUSES*

Sec. 162-941. Garden District tour bus route limitations.

...

(e) *Operation at idle.* It shall be unlawful for the operator of a bus to allow the bus to operate at idle for a period longer than ten minutes in the Garden District, except for situations beyond the operator's control.

(f) *Violations.* It shall be unlawful for the operator of any bus to violate the provisions of this section. Any person cited for violation of this section shall be subject to arrest or to the issuance of a summons or citation.

(Code 1956, § 12-249; M.C.S., Ord. No. 21480, § 5, 4-1-04)

...

(d) A properly licensed CPNC bus having an overall length in excess of 20 feet and not greater than 31 feet shall be permitted to use routes in the Vieux Carre as recommended by the director of the department of safety and permits and approved by the city council. The director of safety and permits shall, within 135 days of the adoption of this ordinance (Ordinance Number 17,558 M.C.S., as amended by Ordinance Number 17,727 M.C.S.), promulgate such rules and regulations, in compliance with section 2-1000 of the City Code, as enacted by Ordinance Number 17,611 M.C.S., necessary to enforce the provisions of this section. Such rules and regulations shall become effective, in accordance with section 4-107(3)(d) of the Home Rule Charter, only after approval by the

city council, after review and recommendation by the council's ground transportation committee or its successor. No bus operator while loading or unloading passengers shall be permitted to idle the bus engine longer than ten minutes. Further, no bus shall be allowed to stop in one place for a period in excess of 15 minutes.

...

Sec. 154-177. Schedule of fines and payments.

...

(b) The following is a minimum schedule of fines which may be paid in the violations bureau for a first offense, provided that the offense does not require a mandatory court appearance as set out in section 154-178 or in the schedule of fines; and that violations occurring simultaneously shall be considered as a single offense for the purpose of assessing fines.

Operation of bus at idle longer than 20 minutes	50.00
Operation of bus at idle longer than 10 minutes	30.00

Maine

Code of the Town of Bar Harbor

§ 194-38. Idling of motor vehicles. [Added 6-17-1997]

- A. Five-minute limitation. No person may cause or allow a motor vehicle to idle for more than five consecutive minutes while that vehicle is parked in any of the downtown areas during the time from May 1 to Columbus Day.
- B. Exceptions. The limitation set forth in the preceding subsection shall not apply to:
 - (1) Fire trucks, police cars, ambulances and other emergency vehicles while responding to an emergency call.
 - (2) Utility vehicles, including contractor's equipment, while engaged in the construction, maintenance or repair of utility facilities.
 - (3) Motor vehicles idling while in a traffic lane, as the result of congested traffic conditions beyond the driver's control (traffic jams).
 - (4) Refrigeration units of delivery vehicles.
- C. Prima facie evidence. The fact that a parked motor vehicle is idling in violation of this section shall be prima facie evidence that the unlawful idling was caused or allowed by the person in whose name that vehicle is registered.

Maryland

State Codes

Maryland Transportation Code

§ 22-402. Mufflers; prevention of noise; discharge of smoke; maximum period of idling

...

(c) Discharge of smoke; maximum period of idling. --

(1) No motor vehicle may be operated, nor may the owner or lessee of a motor vehicle permit it to be operated, on any highway in this State unless the engine power and exhaust mechanism is equipped, adjusted, and operated to prevent:

(i) The discharge of clearly visible smoke (comparable to smoke equal to or darker in shade than that designated as No. 1 of the Ringelmann Chart as published by the U.S. Bureau of Mines) in the exhaust emissions within the proximity of the exhaust outlet for more than 10 consecutive seconds; and

(ii) The discharge of smoke from any other part of the engine in such amounts and of such opacity as to partially obscure persons or objects from view.

(2) In this subsection, "smoke" means small gasborne and airborne particles, exclusive of water vapor, from a process of combustion in sufficient numbers to be observable.

(3) A motor vehicle engine may not be allowed to operate for more than 5 consecutive minutes when the vehicle is not in motion, except as follows:

(i) When a vehicle is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control;

(ii) When it is necessary to operate heating and cooling or auxiliary equipment installed on the vehicle;

(iii) To bring the vehicle to the manufacturer's recommended operating temperature;
or

(iv) When it is necessary to accomplish the intended use of the vehicle.

(4) For a period of 1 year from July 1, 1971, this subsection shall be enforced by issuance of a warning. One year from July 1, 1971, it shall be enforced in the same manner as other violations of this section.

(5) This subsection does not apply to Class L (historic) vehicles.

Massachusetts

State Codes

Massachusetts General Law ch. 90

§ 16A. Unnecessary Operation of Engine of Stopped Motor Vehicle Prohibited; Exceptions; Penalty.

No person shall cause, suffer, allow or permit the unnecessary operation of the engine of a motor vehicle while said vehicle is stopped for a foreseeable period of time in excess of five minutes. This section shall not apply to (a) vehicles being serviced, provided that operation of the engine is essential to the proper repair thereof, or (b) vehicles engaged in the delivery or acceptance of goods, wares, or merchandise for which engine assisted power is necessary and substitute alternate means cannot be made available, or (c) vehicles engaged in an operation for which the engine power is necessary for an associate power need other than movement and substitute alternate power means cannot be made available provided that such operation does not cause or contribute to a condition of air pollution. Whoever violates any provision of this section shall be punished by a fine of not more than one hundred dollars for the first offense, nor more than five hundred dollars for each succeeding offense.

Municipal Codes

Cambridge Municipal Code

Section 10.17.100 Regulation of idling buses, trucks, and taxis and automobiles.

The Police Department shall promptly review and improve its enforcement of the statutory prohibitions against idling by busses, trucks and taxis and automobiles set forth at G.L., ch. 90, § 16A. Within two months of the effective date of the ordinance codified in this provision, the Commissioner of the Police Department shall report to the City Manager on the Department's implementation of this provision. (Ord. 1139 (part), 1992)

Code of the City of Chicopee

§ 260-30.1. Standing prohibited. [Added 6-18-1996 by Ord. No. 96-38]

- A. On the entire length of Thaddeus Street, trucks or any vehicles idling or found standing for more than five minutes will be subject to the following fines for each violation:
- (1) First offense: \$50.
 - (2) Second offense: \$100.
 - (3) Third offense: \$200.

City of Peabody Code of Ordinances

Sec. 19-90.3. Idling and overnight parking of trucks prohibited.

No person shall idle or park a truck upon any street or highway or part thereof as follows:

(1) Idling of trucks shall be adhered to in strict conformance to 310 CMR 7.11 regulated under the Department of Environmental Protection, Air Pollution Control, U Transportation Unit, (1) Motor Vehicles as follows:

a. All motor vehicles registered to operate in the Commonwealth of Massachusetts shall comply with pertinent regulations of the Registry of Motor Vehicles relative to exhaust and sound emissions.

b. No person shall cause, suffer, allow, or permit the unnecessary operation of the engine of a motor vehicle while said vehicle is stopped for a foreseeable period of time in excess of five (5) minutes.

(2) No person shall park overnight or idle its truck in excess of what is allowable under the parameters of 310 CMR 7.11 on any street or highway or part thereof in the City of Peabody within one hundred (100) yards of any residential property including property utilized for elderly housing as defined by Massachusetts State Statute.

(Ord. No. 11-99, § 2, 5-13-99)

Minnesota

Municipal Codes

Minneapolis Code of Ordinances

389.100. Prohibited acts. (a) The following acts are not allowed in the city and the causing thereof are prohibited:

...

(7) Idling of buses, trucks, tractors, truck-tractor, trailers and semitrailers, as those terms are defined in Minnesota Statute 168.011, while stopped, standing or parked in a residentially used area between the hours of 10:00 p.m. and 6:00 a.m. except as provided for under permit in section 389.70, in compliance with traffic signals or signs, at the directions of a police officer or while buses are in the act of loading or unloading passengers. This prohibition shall not apply to emergency vehicles of the police department, sheriff's office, fire department, nor to any public or private ambulances, nor to any public works or public utility vehicles where actually engaged in the performance of emergency or operational duties necessary to be performed by said public departments or public utilities, nor to any vehicle owned by or performing work for the United States of America or the State of Minnesota.

Owatonna City Code

Section 900:10. Idling of Engines in Residential Districts. No person shall have or allow a motor vehicle engine to idle in residential districts of this City, as defined in Ordinance No. 827 (Owatonna Zoning Ordinance), for longer than fifteen (15) minutes. No idling period shall be repeated at shorter intervals than five (5) hours.

St. Cloud Ordinance Code

Section 706:10. Idling of Engines. No person who has stopped or parked a vehicle at the edge or curb of that portion of West St. Germain Street from its intersection with 8th Avenue to its intersection with 10th Avenue shall idle or otherwise leave the engine of that vehicle running for a period of time in excess of 5 minutes.

Missouri

Municipal Codes

St. Louis City Revised Code

11.34.150 Restrictions of emission of visible air contaminants.

...

D. Motor vehicles, except for emergency vehicles, shall not operate in idle for more than ten (10) consecutive minutes.

Nevada

State Codes

Nevada Administrative Code

445B.576 Vehicles powered by gasoline or diesel fuel: Restrictions on visible emissions and on idling of diesel engines.

...

4. Except as otherwise provided in this subsection, a person shall not idle the engine of a diesel truck or a bus for more than 15 consecutive minutes. The provisions of this subsection do not apply to a diesel truck or a bus:

(a) For which the commission has issued a variance from the requirements of this subsection. A variance is not effective during an air pollution emergency as defined in the air quality plan for the State of Nevada.

(b) Which is an emergency vehicle.

(c) Used for the removal of snow.

(d) Used to repair or maintain other motor vehicles.

(e) Which is stopped because of traffic congestion while in transit on a highway, roadway or street.

(f) Which is idling while a repair or maintenance is being performed on it at a shop or facility for the repair and maintenance of motor vehicles.

(g) The emission from which is contained and treated by a method approved by the commission.

(h) The engine of which must idle to perform a specific task for which it is designed such as well drilling, trenching or hoisting. Such a diesel truck or a bus may not idle for more than 15 consecutive minutes during an air pollution emergency as defined in the air quality plan for the State of Nevada.

Municipal Codes

Clark County Air Quality Regulations

SECTION 45 - IDLING OF DIESEL POWERED MOTOR VEHICLES

45.1 Diesel Powered Motor Vehicle Idling

Except as otherwise provided in this subsection, a person shall not idle the engine of a diesel truck or a diesel bus for more than 15 consecutive minutes. The provisions of this subsection do not apply to a diesel truck or a bus:

- (a) For which the Clark County Air Pollution Control Hearing Board has issued a variance from the requirements of this subsection. A variance is not effective during an air pollution emergency episode stage declared by the Department of Air Quality and Environmental Management.
- (b) Which is an emergency vehicle.
- (c) Used to repair or maintain other MOTOR VEHICLES.
- (d) Which is stopped because of traffic congestion while in transit on a highway, roadway or street.
- (e) The EMISSION from which is contained and treated by a method approved by the CONTROL OFFICER.
- (f) The engine of which must idle to perform a specific task for which is it designed such as well drilling, trenching or hoisting. Such an engine may not idle for more than 15 consecutive minutes during an air quality emergency episode stage declared by the Department of Air Quality and Environmental Management.
- (g) Which is idling while maintenance procedures are being performed at a repair facility.

Washoe County District Board of Health Regulations

040.200 DIESEL ENGINE IDLING (Amended 12/15/93)

Except as otherwise provided in this subsection, a person shall not idle the engine of a diesel truck or a bus for more than 15 consecutive minutes. The provisions of this subsection do not apply to a diesel truck or a bus:

- A. Which is an emergency vehicle.
- B. Used for the removal of snow.
- C. Used to repair or maintain other motor vehicles.
- D. Which is traveling on a public right of way from one place to another.
- E. The engine of which must idle to perform a specific task for which it is designed such as well drilling, trenching or hoisting. Such a diesel truck or a bus may not idle for more than 15 consecutive minutes during an air pollution emergency episode stage declared by the Health Authority.
- F. When idling is necessary as part of a maintenance procedure performed at a repair facility.

New Hampshire

State Codes

New Hampshire Code of Administrative Rules

Env-A 1101.05 Operational Requirements for Diesel-Powered Motor Vehicles. The owner or operator of a diesel-powered motor vehicle shall comply with the following operational requirements unless specifically exempted from the operational requirements for diesel-powered motor vehicles:

- (a) When the temperature is above 0 °C (32 °F), a diesel engine shall not idle for more than 5 consecutive minutes;
- (b) When the temperature is -23 °C (-10 °F), 0 °C (32 °F), or anywhere in between the 2 temperatures, a diesel engine shall not idle for more than 15 consecutive minutes; or
- (c) When the temperature is below -23 °C (-10 °F), and where no nuisance is created, a diesel engine shall not be subject to idling restrictions.

Env-A 1101.06 Exemptions From the Operational Requirements for Diesel-Powered Motor Vehicles. The owner or operator of a diesel-powered motor vehicle shall be exempted from the operational requirements for diesel-powered motor vehicles when any one of the following conditions exists:

- (a) When a diesel-powered motor vehicle is forced to remain motionless because of traffic conditions over which the operator has no control;
- (b) When a diesel-powered motor vehicle is being used as an emergency motor vehicle;
- (c) When a diesel engine is providing power takeoff for refrigeration, lift gate pumps or other auxiliary uses, or supplying heat or air conditioning necessary for passenger comfort in those vehicles intended for commercial passenger transportation;
- (d) When a diesel-powered motor vehicle is being operated by a mechanic for maintenance or diagnostic purposes; or
- (e) When a diesel-powered motor vehicle is being operated solely to defrost a windshield.

New Jersey

State Codes

New Jersey Administrative Code

SUBCHAPTER 14. CONTROL AND PROHIBITION OF AIR POLLUTION FROM DIESEL-POWERED MOTOR VEHICLES

§ 7:27-14.3 General prohibitions

(a) No person shall cause, suffer, allow, or permit the engine of a diesel-powered motor vehicle to idle for more than three consecutive minutes if the vehicle is not in motion, except:

1. A motor vehicle at the vehicle operator's place of business where the motor vehicle is permanently assigned may idle for 30 consecutive minutes; or
2. A motor vehicle may idle for 15 consecutive minutes when the vehicle engine has been stopped for three or more hours.

(b) The provisions of (a) above shall not apply to:

1. A diesel bus while it is discharging or picking up passengers;
2. A motor vehicle stopped in a line of traffic;
3. A motor vehicle whose primary power source is utilized in whole or in part for necessary and definitively prescribed mechanical operation other than propulsion, passenger compartment heating or passenger compartment air conditioning;
4. A motor vehicle being or waiting to be examined by a State or Federal motor vehicle inspector;
5. An emergency motor vehicle in an emergency situation;
6. A motor vehicle while it is being repaired;
7. A motor vehicle while it is engaged in the process of connection or detachment of a trailer or of exchange of trailers; or
8. A motor vehicle, manufactured with a sleeper berth, while it is being used, in a non-residentially zoned area, by the vehicle's operator for sleeping or resting, unless the vehicle is equipped with a functional auxiliary power system designed in whole or in part to maintain cabin or sleeper berth comfort or to mitigate cold weather start-up difficulties.

(c) No person shall cause, suffer, allow or permit any emission control apparatus or element of design installed on any diesel-powered motor vehicle or diesel engine to be disconnected, detached, deactivated, or in any other way rendered inoperable or less effective, in respect to limiting or controlling emissions than it was designed to be by the original equipment or vehicle manufacturer, except for the purposes of diagnostics, maintenance, repair or replacement and only for the duration of such operations.

New Jersey Administrative Code

§ 7:27-15.8 Idle standard

(a) No person shall cause, suffer, allow, or permit the engine of a gasoline-fueled motor vehicle to idle for more than three consecutive minutes if the vehicle is not in motion.

(b) The provisions of (a) above shall not apply to:

1. Buses while discharging or picking up passengers;
2. Motor vehicles stopped in a line of traffic;
3. Motor vehicles whose primary and/or secondary power source is utilized in whole or in part for necessary and definitively prescribed mechanical operation other than propulsion, passenger compartment heating or air conditioning;
4. Motor vehicles being or waiting to be examined by State or Federal motor vehicle inspectors;
5. Emergency motor vehicles in an emergency situation;
6. Motor vehicles while being repaired;
7. Motor vehicles while engaged in the process of connection, detachment or exchange of trailers; or
8. Motor vehicles manufactured with a sleeper berth while being used, in a non-residentially zoned area, by the vehicle's operator for sleeping or resting.

Municipal Codes

Code of the City of Atlantic City

Article IV, Buses; Idling of Engines [Adopted 5-6-1982 by Ord. No. 38-1982]

§ 233-47.

Definitions.

For the purposes of this article, the following terms shall have the meanings indicated:

BUS -- Those vehicles capable of holding 15 or more passengers, which passengers originate outside of the City of Atlantic City.

STOPPING or STANDING -- Any cessation of movement of a bus, whether occupied or not, except in compliance with the directions of a police officer or traffic control sign or signal.

§ 233-48. Restrictions

Buses within the boundaries of the City of Atlantic City are not permitted to stop or stand with their engines running or idling in excess of five minutes, except when involved with loading or discharging passengers.

§ 233-49. Violations and penalties.

Any person violating any of the provisions of this article shall, upon conviction in the Municipal Court of the City of Atlantic City, be punished for each offense by a fine not to exceed \$500 or by imprisonment for any term not exceeding 90 days in the county jail, or in any place provided by the municipality for the detention of prisoners, or both, in the sole discretion of the Municipal Judge.

Township of Bernards Revised Ordinances

SECTION 3-13
Truck Idling

§ 3-13.1. Definitions.

The following words and terms, when used in this section, shall have the following meanings:

DIESEL-POWERED MOTOR VEHICLE shall mean a vehicle which is self-propelled by a compression-ignition-type of internal combustion engine and which is designed primarily for transporting persons or property on a public street or highway.

GASOLINE-FUELED MOTOR VEHICLE shall mean any motor vehicle equipped to be powered by a hydrocarbon fuel other than diesel fuel, but including alcohol fuels and hydrocarbon-alcohol fuel blends.

IDLE means the motor vehicle operating mode consisting of a nonloaded, throttled engine speed at the revolutions per minute specified by the manufacturer or at any other engine speed.

For purposes of this section, noncommercial passenger vehicles and motorcycles are excluded. (Ord. #1034)

§ 3-13.2. Idling Prohibited.

a. No person shall cause, suffer, allow or permit the engine of a diesel-powered or gasoline-fueled motor vehicle to idle for more than three consecutive minutes if the vehicle is not in motion, except:

1. A motor vehicle at the vehicle operator's place of business where the motor vehicle is permanently assigned may idle for 30 consecutive minutes; or
2. A motor vehicle may idle for 15 consecutive minutes when the vehicle engine has been stopped for three or more hours.

b. The provisions of Paragraph a above shall not apply to:

1. Buses while discharging or picking up passengers;
2. Motor vehicles stopped in a line of traffic;
3. Motor vehicles whose primary and/or secondary power source is utilized in whole or in part for necessary and definitively prescribed mechanical operation other than propulsion, passenger compartment heating or air conditioning;
4. Motor vehicles being or waiting to be examined by state or federal motor vehicle inspectors;
5. Emergency motor vehicles in an emergency situation;
6. Motor vehicles while being repaired;
7. Motor vehicles while engaged in the process of connection, detachment or exchange of trailers; or
8. Motor vehicles manufactured with a sleeper berth while being used, in a nonresidentially zoned area, by the vehicle's operator for sleeping or resting.

(Ord. #1034)

§ 3-13.3. Penalty

Any person violating any provision of this section shall, upon conviction thereof, be subject to a fine not less than \$100 nor greater than \$1,000 for each violation. (Ord. #1034)

Code of City of Cape May

Chapter 493: VEHICLES, IDLING OF

[HISTORY: Adopted by the City Council of the City of Cape May by Ord. No. 777 (Sec. 24-1 of the 1997 Revised General Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Parking — See Ch. 362.

§ 493-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

IDLE — The motor vehicle operating mode consisting of a nonloaded, throttled engine speed at the revolutions per minute specified by the manufacturer.

MOTOR VEHICLE — All vehicles propelled otherwise than by muscular power, excepting motorized bicycles and such vehicles as run only upon rails or tracks.

PERSON — Corporations, companies, associations, societies, firms, partnerships and joint-stock companies as well as individuals, and shall also include all political subdivisions of this state or any agencies or instrumentalities thereof.

PUBLIC AND PRIVATE PROPERTY — All real estate within the City, including, inter alia, public and private parking lots, on which a motor vehicle may be physically located except for the public streets and highways within the City.

§ 493-2. Time limit for idling; exceptions.

- A. No person shall cause, suffer, allow or permit the engine of a gasoline-fueled or diesel-powered motor vehicle to idle for more than three consecutive minutes if the vehicle is not in motion.
- B. The aforesaid shall not apply to the following:
 - (1) A motor vehicle being operated upon the public highway which shall be governed by N.J.S.A. 39:3-70.2 and the Administrative Code Regulations adopted in connection therewith.
 - (2) Motor vehicles stopped due to a line of traffic.
 - (3) Emergency motor vehicles in an emergency situation.
 - (4) Motor vehicles being repaired.
 - (5) Motor vehicles in such circumstances as are deemed by the Chief of Police or his representative, designated in writing to require idling for a period in excess of three minutes due to the peculiar characteristics of the motor vehicle or the particular circumstance in which it is operating.

Code of the Borough of Closter

§ 183-13. Parking vehicles in prohibited areas; use of marked spaces; idling of commercial vehicles.

- A. No person shall park or leave standing a motor vehicle, whether attended or

unattended, on any of the roadways in a parking yard or parking place or in any place therein where parking is prohibited by notice given by a sign or otherwise.

- B. If parking spaces are provided, no person shall park or leave standing a motor vehicle, whether attended or unattended, except in a marked parking space. Such vehicle shall be parked properly within the lines of the parking space. [Added 6-12-1996 by Ord. No. 1996:715]
- C. No person shall leave or park a commercial motor vehicle over 10,000 pounds' gross weight on any street or in any parking yard within the Borough of Closter with the motor running or idling for more than 30 minutes. [Added 6-12-1996 by Ord. No. 1996:715]

Franklin Township Code

§ 253-190.11. Commercial vehicle parking.

A. Definition. As used in this chapter, a "commercial vehicle" shall mean an owner-operated commercial registered vehicle, or vehicle used for commercial purposes, with a gross vehicle weight (GVW) over 12,000 pounds. The standards of this section shall not apply to vehicles used in conjunction with an agricultural operation, recreational vehicles or to vehicles used for the transportation of children to school.

C. General standards.

...

(3) The idling of engines or operation of accessory equipment, such as refrigeration units, etc., shall be prohibited while a commercial vehicle is parked.

Code of the Borough of Hillsdale

Chapter 294: VEHICLES, IDLING OF

[HISTORY: Adopted by the Borough Council of the Borough of Hillsdale 12-8-1998 by Ord. No. 98-20. This ordinance provided that it shall take effect on 12-17-1998. Amendments noted where applicable.]

GENERAL REFERENCES

Air pollution — See Ch. 329.

§ 294-1. Purpose.

It is the policy of Hillsdale to prevent the air pollution caused by the idling of diesel powered motor vehicles that may jeopardize the health, welfare or safety of the citizens or degrade the quality of life.

§ 294-2. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicated otherwise:

DIESEL BUS — Any diesel-powered autobus or motorbus of any size or configuration, whether registered in this state or elsewhere, that is designed or used for intrastate or interstate transportation of passengers for hire or otherwise on a public road, street or highway or any public or quasi-public property in this state, including but not limited to autobuses under the jurisdiction of the New Jersey Department of Transportation pursuant to Title 27 or 48 of the Revised Statutes; autobuses of the New Jersey Transit Corporation and its contract carriers that are under the inspection jurisdiction of the New Jersey Department of Transportation; autobuses under the authority of the Interstate Commerce Commission or its successor agency; school buses, as defined pursuant to N.J.S.A. 39:1-1; and hotel, casino, charter and special buses.

DIESEL ENGINE — A compression ignition type of internal combustion engine.

DIESEL-POWERED — Utilizing a diesel engine.

ELEMENT OF DESIGN — Any part of system on a motor vehicle or a motor vehicle engine pertaining to the vehicle's engine's certified configuration.

GROSS VEHICLE WEIGHT RATING or GVWR — The value specified by the vehicle manufacturer as the maximum loaded weight of a single or combination vehicle.

HEAVY-DUTY DIESEL VEHICLE — A diesel-powered motor vehicle, other than a diesel bus, that has a GVWR exceeding 8,500 pounds and is designed primarily for transporting persons or property.

IDLE — An operating mode where the vehicle engine is not engaged in gear and where the engine operates at a speed at the revolutions per minute specified by the engine or vehicle manufacturer.

MOTOR VEHICLE — All vehicles propelled otherwise than by muscular power, except motorized bicycles and such vehicles as run only upon rails or tracks.

PERSON — Any individual or entity and shall include, without limitation, corporations, companies, associations, societies, firms, partnerships and joint stock companies, and shall also include, without limitation, all political subdivisions of any states and any agencies or instrumentalities thereof.

QUASI-PUBLIC ROADWAY — Any roadway that, although under private ownership or control, is accessible to the public. This term shall include but not be limited to the New Jersey Turnpike, the Garden State Parkway and the Atlantic City expressway, but shall not include shopping mall roadways and parking lots, private business roadways, residential and nonresidential parking lots and private driveways.

§ 294-3. Prohibited acts; exceptions.

- A. No person shall cause, suffer, allow or permit the engine of a diesel-powered motor vehicle to idle for more than three consecutive minutes if the vehicle is not in motion, except that:
- (1) A motor vehicle at the vehicle operator's place of business where the motor vehicle is permanently assigned may idle for 30 consecutive minutes; or
 - (2) A motor vehicle may idle for 15 consecutive minutes when the vehicle engine has been stopped for three or more hours.
- B. The provisions of Subsection A above shall not apply to:
- (1) A diesel bus while it is discharging or picking up passengers.
 - (2) A motor vehicle stopped in a line of traffic.
 - (3) A motor vehicle whose primary power source is utilized in whole or part for necessary and definitely prescribed mechanical operation other than propulsion, passenger compartment heating or passenger compartment air conditioning.
 - (4) A motor vehicle being or waiting to be examined by a state or federal motor vehicle inspector.
 - (5) An emergency motor vehicle in an emergency situation.
 - (6) A motor vehicle while it is being repaired.
 - (7) A motor vehicle while it is engaged in the process of connection or detachment of a trailer or of exchange of trailers.
- C. No person shall cause, suffer, allow or permit any emission control apparatus or element of design installed on any diesel-powered vehicle or diesel engine to be disconnected, detached, deactivated or in any other way rendered inoperable or less effective, in respect to limiting or controlling emissions that it was designed to be by the original equipment or vehicle manufacturer, except for the purposes of diagnostics, maintenance, repair or replacements and only for the duration of such operations.

§ 294-4. Violations and penalties.

Any person who violates any provision of this chapter shall be subject to a penalty for each offense not more than \$2,500.

§ 294-5. Issuance of summons.

Local health officials, the Hillsdale Police Department and the local code enforcement office shall be empowered to enforce the provisions of this chapter.

§ 294-6. Other remedies.

No provision of this chapter shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this chapter or from other law.

Princeton Township Code

Sec. 11-31.8. Prohibition on idling of diesel powered motor vehicles on township streets.

Pursuant to N.J.A.C. 7:27-14.3, no person may cause, suffer, allow or permit the engine of a diesel powered motor vehicle to idle for more than three consecutive minutes on streets within the Township of Princeton, if the vehicle is not in motion with the following exceptions:

- (a) The above provisions shall not apply:
 - (1) A diesel bus while it is discharging or picking up passengers;
 - (2) A motor vehicle stopped in a line of traffic;
 - (3) A motor vehicle whose primary power source is utilized in whole or in part for necessary and definitively prescribed mechanical operation other than propulsion, passenger compartment, heating or passenger compartment air-conditioning;
 - (4) A motor vehicle being, or waiting to be examined by a state or federal motor vehicle inspector;
 - (5) An emergency motor vehicle in an emergency situation;
 - (6) A motor vehicle is being repaired;
 - (7) A motor vehicle while it is being engaged in the process of connection or detachment of a trailer or of an exchange of trailer; or
 - (8) A motor vehicle manufactured with a sleeper berth while it is being used in a nonresidentially zoned area by the vehicle’s operator for sleeping or resting, unless the vehicle is equipped with a functions auxiliary power system designed in whole or in part to maintain cabin or sleeper berth comfort or to mitigate cold weather startup difficulties;
 - (9) A motor vehicle at the vehicle operator’s place of business where the motor vehicle is permanently assigned may idle for thirty consecutive minutes;
 - (10) A motor vehicle may idle for fifteen consecutive minutes when the vehicle engine has been stopped for three or more hours.

(b) Furthermore, no person shall cause, suffer, allow or permit any emission control apparatus or element of design installed on any diesel powered motor vehicle or diesel engine to be disconnected, detached, deactivated or in any other way rendered inoperable or less effective in respect to limiting or controlling emissions than it was designed to be by the original equipment or vehicle manufacturers, except for the purpose of diagnostics, maintenance, repair or replacement and only for the duration of such operation.

(Ord. No. 2004-9, § 1.)

Sec. 11-31.9 Idling of gasoline fueled motor vehicles on township streets.

Pursuant to N.J.A.C. 7:27-14.3, no person may cause, suffer allow or permit the engine of a gasoline fueled motor vehicle to idle for more than three consecutive minutes on streets within the Township of Princeton if the vehicle is not in motion with the following exceptions:

- (a) The above provisions shall not apply to:
 - (1) Buses while discharging or picking up passengers;
 - (2) Motor vehicles stopped in a line of traffic;
 - (3) Motor vehicles whose primary and/or secondary power source is utilized in whole or in part for necessary and definitively prescribed mechanical operation other than propulsion, passenger compartment heating or air conditions;
 - (4) Motor vehicles being or waiting to be examined by state or federal motor vehicle inspectors;
 - (5) Emergency motor vehicles in an emergency situation;
 - (6) Motor vehicles while being repaired;
 - (7) Motor vehicles while engaged in the process of connection, detachment or exchange of trailers; or
 - (8) Motor vehicles manufactured with a sleeper berth while being used in a nonresidentially zoned area by the vehicle's operator for sleeping or resting.

(Ord. No. 2004-9, § 2.)

Sec. 11-31.10. Penalty.

Any person who operated a motor vehicle or owns a motor vehicle which he/she permits to be operated on Township streets in violation of sections 11-31.8 or 11-31.9 of this Code shall be liable for a minimum penalty of a fine of not less than one hundred dollars and not more than one thousand dollars. In addition, any person violating sections 11-31.8 and 11-31.9 may be subject to imprisonment not exceeding ninety days or may be required to perform community service for a period not exceeding ninety days, all in accordance with section 1-6 of said Code. Any person who is convicted of violating sections 11-31.8 and 11-31.9 within one year of the date of a previous violation of the same provision and who was fined for that previous violation shall be sentenced by the court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum penalty set forth herein, but shall be calculated separately from the fine imposed for violation of sections 11-31.8 and 11-31.9.

(Ord. No. 2004-9, § 3.)

Code of the Borough of South River

§ 64-8. Idling of vehicles.

- A. No person shall cause, suffer, allow or permit the motor of a diesel-powered or gasoline-powered vehicle to be in operation for more than three consecutive minutes if the vehicle is not in motion, except where the ambient temperature is 32° F. or less, then the permitted period for idling shall be five consecutive minutes.
- B. The provisions of Subsection A shall not apply to:
- (1) Buses discharging or picking up passengers.
 - (2) Vehicles stopped in a line of traffic.
 - (3) Electric motor vehicles.
 - (4) Emergency vehicles in performance of their prescribed function.
 - (5) Vehicles whose primary and/or secondary power source is utilized in whole or in part for necessary and definitively prescribed mechanical operation other than propulsion.

New York

State Codes

New York Code of Rules and Regulations

SUBPART 217-3. IDLING PROHIBITION FOR HEAVY DUTY VEHICLES

§ 217-3.1 Applicability

This Part shall apply to all on-road heavy duty vehicles propelled by diesel fueled and nondiesel fueled engines excluding marine vessels. Heavy duty vehicle means a vehicle that has a GVWR exceeding 8,500 pounds and is designed primarily for transporting persons or properties.

§ 217-3.2 Prohibitions

No person who owns, operates or leases a heavy duty vehicle including a bus or truck, the motive power for which is provided by a diesel or nondiesel fueled engine or who owns, leases or occupies land and has the actual or apparent dominion or control over the operation of a heavy duty vehicle including a bus or truck present on such land, the motive power for which said heavy duty vehicle is provided by a diesel or non-diesel fueled engine, shall allow or permit the engine of such heavy duty vehicle to idle for more than five consecutive minutes when the heavy duty vehicle is not in motion, except as otherwise permitted by section 217-3.3 of this Subpart.

§ 217-3.3 Exceptions

The prohibitions of section 217-3.2 of this Subpart shall not apply when:

- (a) A diesel or nondiesel fueled heavy duty vehicle including a bus or truck is forced to remain motionless because of the traffic conditions over which the operator thereof has no control.
- (b) Regulations adopted by Federal, State or local agencies having jurisdiction require the maintenance of a specific temperature for passenger comfort. The idling time specified in section 217-3.2 of this Subpart may be increased, but only to the extent necessary to comply with such regulations.
- (c) A diesel or nondiesel fueled engine is being used to provide power for an auxiliary purpose, such as loading, discharging, mixing or processing cargo; controlling cargo temperature; construction; lumbering; oil or gas well servicing; farming; or when operation of the engine is required for the purpose of maintenance.
- (d) Fire, police and public utility trucks or other vehicles are performing emergency services.

(e) Trucks owned or operated by persons engaged in mining and quarrying are used within the confines of such person's property.

(f) A diesel fueled truck is to remain motionless for a period exceeding two hours, and during which period the ambient temperature is continuously below 25 degrees F.

(g) A heavy duty diesel vehicle, as defined in section 217-5.1(o) of this Part, that is queued for or is undergoing a State authorized periodic or roadside diesel emissions inspection pursuant to Subpart 217-5 of this Part.

(h) A hybrid electric vehicle, as defined in section 217-5.1(r) of this Part, idling for the purpose of providing energy for battery or other form of energy storage recharging.

(i) Heavy duty vehicles used for agricultural purposes on a farm.

(j) Electric powered vehicles.

Municipal Codes

Code of Town of Brighton

§ 104-2. Prohibited odors.

- A. No person shall cause or allow emissions of air contaminants or noxious odors to the outdoor atmosphere that are injurious to human, plant or animal life or to property or that unreasonably interfere with the comfortable enjoyment of life or property (for purposes of this chapter, a "prohibited odor").
- B. In addition to the general prohibition set forth in Subsection A above, the following shall be prohibited conduct in violation of this chapter, but the listing herein shall not be deemed to be exclusive.
 - (1) Any open burning in violation of § 73-1 of the Code of the Town of Brighton.
 - (2) The idling of any motor vehicle for a period of longer than 15 minutes within 10 feet of any lot line of a property.

Code of the Village of Bronxville

ARTICLE III, Idling of Motor Vehicles [Added 7-13-1992 by L.L. No. 2-1992]

§ 210-15. Operation of motor vehicle; idling of engine restricted.

A. No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking as defined in § 129 of the Vehicle and Traffic Law, standing as defined in § 145 of the Vehicle and Traffic Law, or stopping as defined in § 147 of the Vehicle and Traffic Law, unless the engine is used to operate a loading or unloading or processing device.

B. When the ambient temperature is in excess of 40° F., no person shall cause or permit the engine of a bus, as defined in § 104 of the Vehicle and Traffic Law, to idle while parking, standing or stopping.

§ 210-16. Enforcement.

Any parking enforcement officer or member of the Village of Bronxville Police Department is hereby authorized to issue and serve an appearance ticket as provided in Chapter 7, § 7-4, of this Code.

Code of Town of Clifton Park

§ 145-1. Findings and intent.

- A. Large vehicles, machines and equipment left idling or idling and unattended are a threat to the health, safety and welfare of the citizens of the Town of Clifton Park. Machines, equipment and vehicles of this nature include, but are not limited to, locomotives, tractor-trailer trucks and earth-moving equipment. When left idling for extended periods, these devices create a nuisance to Town residents in the form of excess noise and harmful exhaust fumes, and they also create an even greater danger to the public health and safety because of the possibility that they may be set in motion by passersby, including children.
- B. In order to protect and preserve the public health, safety and welfare, the Town of Clifton Park hereby restricts and proscribes the circumstances in which large machinery, equipment and vehicles may be left idling and unattended.

§ 145-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

EARTH MOVER — Mobile, mechanical equipment used in the excavation, displacement or transportation of earth.

IDLING— A circumstance in which an engine is running but not engaged in motion.

LOCOMOTIVE — A self-propelled engine, usually electric or diesel-powered, that pulls or pushes freight or passenger cars on railroad tracks.

MACHINERY AND EQUIPMENT — Locomotives, tractor-trailer trucks and earth movers.

TRACTOR-TRAILER TRUCKS — A truck having a cab and no body, used for pulling large vehicles such as vans or trailers.

UNATTENDED — A circumstance in which machinery or equipment is left idling with no operator present or in control of the equipment.

§ 145-3. Idling and unattended large machinery or equipment prohibited.

- A. It shall be unlawful for any person or entity to cause or to permit any locomotive, tractor-trailer truck or earth mover to idle for more than 10 minutes or to remain idling and unattended for more than five minutes.
- B. A law enforcement officer who observes idling machinery or equipment shall direct the operator to turn off the engine. In the event that the idling machinery or equipment is unattended, the officer shall turn off the engine. A private citizen who observes unattended machinery or equipment shall immediately report the circumstances to the police.

§ 145-4. Violations.

A law enforcement officer shall issue a citation for violation of this chapter in any instance in which such officer observes idling or unattended machinery or equipment. A citation may also be issued upon complaint of a citizen who observes idling or unattended machinery or equipment. A citation may be issued to an individual, a corporation or both. The prosecution of any citation shall be adjudicated before the Clifton Park Town Court. A violation of this chapter is classified as a misdemeanor.

§ 145-5. Penalties for offenses.

- A. Where an individual is adjudged guilty of a first violation of this chapter, the court may impose a fine not to exceed \$350 or imprisonment for a term of not less than 15 days nor more than one year, or both.
- B. Where an individual is adjudged guilty of a second violation of this chapter within a five-year period, the court may impose a fine not less than \$350 nor more than \$700 or imprisonment for a term of not less than 15 days nor more than one year, or both.
- C. Where an individual is adjudged guilty of a third violation of this chapter within a five-year period, the court may impose a fine not less than \$700 nor more than \$1,000 or imprisonment for a term of not less than 15 days nor more than one year, or both.
- D. Where a corporation is adjudged guilty of a violation of this chapter, the court may impose a fine of \$5,000.

Code of the Village of Flower Hill

§ 195-9. Idling of vehicles. [Amended 11-6-2000 by L.L. No. 3-2000]

Vehicles shall not be permitted to idle within the village in excess of two minutes.

City of Ithaca Code

§ 346-48. Vehicle idling

- A. Applicability. This section shall apply to all motor vehicles defined in Article 1

of the Vehicle and Traffic Law of the State of New York.

B. No person who owns, operates or leases a motor vehicle or who owns, leases or occupies land and has the actual or apparent dominion or control over the operation of a motor vehicle on such land shall allow or permit the engine of such motor vehicle to idle for more than five consecutive minutes when the motor vehicle is not in motion, except as otherwise permitted by Subsection C below.

C. Exceptions. The prohibitions of Subsection B of this section shall not apply when:

(1) The motor vehicle is forced to remain motionless because of traffic conditions over which the operator thereof has no control.

(2) Regulations adopted by federal, state or local agencies having jurisdiction require the maintenance of a specific temperature for passenger comfort. The idling time specified in Subsection B of this section may be increased, but only to the extent necessary to comply with such regulations.

(3) The engine is being used to provide power for an auxiliary purpose such as loading, discharging, mixing or processing cargo; controlling cargo temperature; construction; or farming, or operation of the engine is required for the purpose of maintenance.

(4) Fire, police and public utility trucks or other vehicles are actually performing emergency services.

D. Penalties for offenses. Any person who violates the provisions of this section shall be guilty of a violation and, upon conviction thereof, shall be punishable by a fine not to exceed \$250 or by imprisonment for not more than 15 days, or by both such fine and imprisonment.

Code of Village of Lawrence

§ 200-29.1. Bus idling. [Added 6-12-1991 by No. 2-1991]

No person shall cause or permit the engine of a bus, as defined in § 104 of the Vehicle and Traffic Law, to idle for more than three minutes while parking, standing or stopping when the ambient temperature is in excess of 40° F. except while passengers are on board or while hoarding or discharging passengers.

Town of Mamaroneck Code

ARTICLE I Idling of Motor Vehicles [Adopted 5-4-2005 by L.L. No. 5-2005]

§ 219-1. Idling restricted.

A. No person shall allow, cause or permit the engine of any motor vehicle to run for more than five consecutive minutes while parking, standing, or stopping on public or private property in the unincorporated portion of the Town of Mamaroneck.

B. This section shall not apply to public utility companies, the United States of America, the State of New York, the County of Westchester, the Town of Mamaroneck, the Mamaroneck Union Free School District or the Villages of Larchmont, Mamaroneck

or Scarsdale. This section also shall not apply to any independent contractor engaged by any of the entities described in the preceding sentence while such independent contractor is carrying out the business activity for which it was engaged by one or more of the entities.

- C. This section shall not apply when the temperature in the Town of Mamaroneck is 40° F. or less.
- D. This section shall not apply in situations where a vehicle is exempt from the requirements of Subpart 217-3 of Title 6 of the New York Codes, Rules, and Regulations.

Village of Mamaroneck Code

§ 326-19. Engine idling prohibited.

- A. No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes on Village-owned property while parking, as defined in § 129 of the Vehicle and Traffic Law, while standing, as defined in § 145 of the Vehicle and Traffic Law, or while stopping, as defined in the Vehicle and Traffic Law, unless the engine is used to operate a loading, unloading or processing device.
- B. When the ambient temperature is in excess of 40° F., no person shall cause or permit the engine of a bus, as defined in § 104 of the Vehicle and Traffic Law, to idle while parking, standing or stopping on Village-owned property.

Code of Town of Milton

ARTICLE II Unattended or Idling Large Machinery and Equipment [Adopted 1-16-2002 by L.L. No. 1-2002]

§ 169-8. Findings and intent.

- A. Large vehicles, machines and equipment left idling or idling and unattended are a threat to the health, safety and welfare of the citizens of the Town of Milton. Machines, equipment and vehicles of this nature include, but are not limited to, locomotives, tractor-trailer trucks and earth-moving equipment. When left idling for extended periods, these devices create a nuisance to Town residents in the form of excess noise and harmful exhaust fumes, and they also create an even greater danger to the public health and safety because of the possibility that they may be set in motion by passersby, including children.
- B. In order to protect and preserve the public health, safety and welfare, the Town of Milton hereby restricts and proscribes the circumstances in which large machinery, equipment and vehicles may be left idling and unattended.

§ 169-9. Definitions.

As used in this article, the following terms shall have the meanings indicated:

EARTH MOVER — Mobile, mechanical equipment used in the excavation, displacement or transportation of earth.

IDLING — A circumstance in which an engine is running but not engaged in motion.

LOCOMOTIVE — A self-propelled engine, usually electric or diesel-powered, that pulls or pushes freight or passenger cars on railroad tracks.

MACHINERY AND EQUIPMENT — Locomotives, tractor-trailer trucks and earth movers.

TRACTOR-TRAILER TRUCKS — Trucks having a cab and no body, used for pulling large vehicles such as vans or trailers.

UNATTENDED — A circumstance in which machinery or equipment is left idling with no operator present or in control of the equipment.

§ 169-10. Prohibited acts; report of violations.

- A. It shall be unlawful for any person or entity to cause or to permit any locomotive, tractor-trailer truck or earth mover to idle for more than 10 minutes or to remain idling and unattended for more than five minutes.
- B. A law enforcement officer who observes idling machinery or equipment shall direct the operator to turn off the engine. In the event that the idling machinery or equipment is unattended, the officer shall turn off the engine. A private citizen who observes unattended machinery or equipment shall immediately report the circumstances to the police.

§ 169-11. Violations; issuance of citations.

A law enforcement officer shall issue a citation for violation of this article in any instance in which such officer observes idling or unattended machinery or equipment. A citation may also be issued upon complaint of a citizen who observes idling or unattended machinery or equipment. A citation may be issued to an individual, a corporation, or both. The prosecution of any citation shall be adjudicated before the Milton Town Court. A violation of this article is classified as a misdemeanor.

§ 169-12. Penalties for offenses.

- A. Where an individual is adjudged guilty of a first violation of this article, the court may impose a fine not to exceed \$350, or imprisonment for a term of not less than 15 days nor more than one year, or both.
- B. Where an individual is adjudged guilty of a second violation of this article within a

five-year period, the court may impose a fine of not less than \$350 nor more than \$700, or imprisonment for a term of not less than 15 days nor more than one year, or both.

- C. Where an individual is adjudged guilty of a third violation of this article within a five-year period, the court may impose a fine of not less than \$700 nor more than \$1,000, or imprisonment for a term of not less than 15 days nor more than one year, or both.
- D. Where a corporation is adjudged guilty of a violation of this article, the court may impose a fine of \$5,000.

Code of the City of New Rochelle

§ 312-33. Idling. [Added 9-21-2004 by L.L. No. 8-2004]

No person shall allow, cause or permit the engine of any motor vehicle to idle for more than five consecutive minutes while parking, standing, or stopping on public or private property in the City of New Rochelle, subject to the exceptions for heavy-duty vehicles set forth in Section 217.3 of Title 6 of the State of New York Codes, Rules, and Regulations.

New York City Administrative Code

34 RCNY § 4-08

§ 4-08 Parking, Stopping, Standing.

...

(p) Engine idling. (1) Idling of vehicle engines prohibited. Except as provided for buses in paragraph (p)(2) hereof, no person shall cause or permit the engine of any vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking, standing or stopping unless the engine is being used to operate a loading, unloading or processing device.

[SEE graphical material in printed version]

(2) Idling of bus engines prohibited. No person shall cause or permit the engine of any bus to idle at a layover or terminal location, whether or not enclosed, when the ambient temperature is in excess of forty (40) degrees Fahrenheit. When the ambient temperature is forty (40) degrees Fahrenheit or less, no person shall cause or permit any bus to idle for longer than three minutes at any layover or terminal location. For the purpose of this rule, at a layover or terminal location a bus engine shall not be deemed to be idling if the operator is running the engine in order to raise the air pressure so as to release the air brakes, provided however, that this shall not exceed a period of three minutes.

Code of Town of North Salem

ARTICLE VI, Idling of Vehicles [Added 8-25-1998 by L.L. No. 7-1998]

§ 220-31. Idling of motor vehicles restricted.

A. Restrictions. No person shall operate an engine of any standing motor vehicle for a period in excess of five minutes while parking as defined in § 129 of the Vehicle and Traffic Law, standing as defined in § 145 of the Vehicle and Traffic Law or stopping as defined in § 147 of the Vehicle and Traffic Law, unless the engine is used to operate a loading, unloading or processing device.

B. Applicability. The provisions of this chapter shall apply except when it is necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

C. Enforcement. The provisions of this chapter shall be enforced by the Police Department of the Town of North Salem or other officials designated by the Town Board.

D. Penalties for offenses. Any person violating this chapter shall be guilty of a violation punishable by a fine of not more than \$500 or imprisonment not to exceed 15 days, or both such fine and imprisonment.

Code of Village of Northport

§ 289-1. Legislative findings.

The Board of Trustees hereby finds and determines that the excessive stationary idling of motor vehicles is detrimental to the health, safety and welfare of the village and its inhabitants in that it causes the release of unnecessary emissions of carbon monoxide and other pollutants into the atmosphere, the production of unnecessary noise and the waste of limited natural resources.

§ 289-2. Idling restrictions; exceptions.

- A. No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency vehicle, to idle for longer than five consecutive minutes when the ambient temperature is greater than 25° F. (-4° C.).
- B. Exceptions. The provisions of Subsection A shall not apply:
 - (1) When a vehicle is forced to remain motionless because of a traffic condition over which the operator has no control.
 - (2) When regulations adopted by federal, state or local agencies having jurisdiction require the maintenance of a specific temperature for passenger comfort, the idling limit specified in this section may be increased, but only to the extent necessary to comply with such regulations.
 - (3) When necessary to provide power for an auxiliary purpose, such as loading, discharging, mixing or processing cargo, controlling cargo temperature, construction, farming, or when the vehicle engine is being serviced.

- (4) When necessary for operation of mobile receiving and transmitter stations or mobile telephones.

§ 289-3. Penalties for offenses. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Violations of any of the provisions of this chapter shall be punishable by a fine not to exceed \$250 and/or imprisonment for a term not to exceed 15 days, or both such fine and imprisonment, in the discretion of the court.

Code of Village of Nyack

§ 55-5.1. Idling prohibited. [Added 9-12-2002 by L.L. No. 4-2002]

- A. No commercial vehicle, bus, or other public omnibus shall be permitted to idle its engine for longer than five minutes on or along any street or public highway within the Village of Nyack.
- B. The penalty for a violation of this section shall be a fine not to exceed \$250.
- C. This section may be enforced by the Village of Nyack Parking Authority, the Clarkstown Police Department, or the Orangetown Police Department.

Code of Village of Port Chester

§ 319-26.4. Operation of motor vehicle; idling of engine restricted. [Added 11-1-1993 by L.L. No. 16-1993]

- A. No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking as defined in § 129 of the Vehicle and Traffic Law, standing as defined in § 145 of the Vehicle and Traffic Law or stopping as defined in § 147 of the Vehicle and Traffic Law, unless the engine is used to operate a loading, unloading or processing device.
- B. When the ambient temperature is in excess of 40° F., no person shall cause or permit the engine of a bus, as defined in § 104 of the Vehicle and Traffic Law, to idle while parking or standing.

Code of Town of Queensbury

ARTICLE I Idling in Residential Zones [Adopted 9-13-2004 by L.L. No. 7-2004]

§ 68-1. Title and authority.

The Queensbury Town Code is hereby amended by adding a new Article I of Chapter 68 entitled "Prohibition of Diesel Vehicles Idling in Residential Zones." It is adopted pursuant to Municipal Home Rule Law § 10.

§ 68-2. Legislative intent.

Concerns have been raised concerning idling of diesel vehicles, particularly in the Town's residential zones. Such activity can produce offensive odors and offensive noise which can harm the health, safety and welfare of residents. In addition, the activities prohibited in this article waste fuel which is a limited resource, cause environmental harm and are inappropriate in a residential zone. It is the finding of the Town Board that if a diesel vehicle needs to be warmed up or kept warm to run, then the licensed driver of the diesel vehicle shall use a block heater to keep the engine warm.

§ 68-3. Definitions.

For the purposes of this article, "diesel vehicle" shall mean any diesel-fueled vehicle requiring a CDL or higher license to drive. Notwithstanding the above, diesel vehicle shall not include emergency vehicles (e.g., fire or EMS), Town or other municipal or state vehicles operating in the course of their duties (including, without limitation, school buses) or utility company vehicles operating during an emergency, or delivery vehicles while making deliveries or making pickups at places, of business.

§ 68-4. Prohibition.

No person shall allow a diesel vehicle to run or idle its engine for any length of time while the diesel vehicle is unattended. "Unattended" means where the properly licensed driver of the diesel vehicle is not in the diesel vehicle's driver's seat and awake. This prohibition shall be effective in all residential zones of the Town. The driver and the registered owner of the diesel vehicle shall each be responsible for complying with this article.

§ 68-5. Enforcement.

Failure to comply with the provisions of this article shall be a violation and, upon conviction thereof, shall be punishable by a fine of not more than \$100 for the first offense. The second conviction hereunder shall be punishable by a fine of not more than \$200 or imprisonment for a period of not more than three days, or both. Any subsequent offense shall be punishable by a fine of not more than \$350 or imprisonment for a period of not more than seven days, or both. Each violation shall constitute a separate offense. The licensed driver of the diesel vehicle and, if different, the person in whose name the diesel vehicle is registered shall each be considered and responsible for each violation of this article and this article may be enforced against either one or both for each violation.

Code of the City of Rye

§ 45-1. Operation of motor vehicle; idling of engine restricted.

- A. No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking, as defined in § 129 of the Vehicle and Traffic Law, standing, as defined in § 145 of the Vehicle and Traffic Law, or stopping, as defined in § 147 of the Vehicle and Traffic Law, unless the engine is used to operate a loading, unloading or processing device.
- B. When the ambient temperature is in excess of 40° F., no person shall cause or permit the engine of a bus, as defined in § 104 of the Vehicle and Traffic Law, to idle while parking, standing or stopping.
- C. Violators of this chapter may be issued appearance tickets by police officers of the City of Rye. Such tickets shall be returnable in Rye City Court.

Code of the Village of Scarsdale

ARTICLE I, Motor Vehicle Engine Idling [Adopted 6-9-1992 by L.L. No. 2-1992]

§ 106-1. Idling of engines restricted.

No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking, as defined in § 129 of the Vehicle and Traffic Law, standing, as defined in § 145 of the Vehicle and Traffic Law, or stopping, as defined in § 147 of the Vehicle and Traffic Law, unless the engine is used to operate a loading, unloading or processing device.

§ 106-2. Bus engines restricted.

When the ambient temperature is in excess of 40° F., no person shall cause or permit the engine of a bus, as defined in § 104 of the Vehicle and Traffic Law, to idle while parking, standing or stopping.

§ 106-3. Violators issued appearance tickets.

Violators of this article may be issued appearance tickets by officers of the Scarsdale Police Department. Such appearance tickets shall be returnable in Scarsdale Village Court.

Code of Town of Somers

ARTICLE X Motor Vehicle Engine Idling [Adopted 7-9-1992 by L.L No. 10-1992]

§ 158-29. Restrictions.

- A. No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking as defined in § 129 of the Vehicle and Traffic Law, standing as defined in

§ 145 of the Vehicle and Traffic Law or stopping as defined in § 147 of the Vehicle and Traffic Law, unless the engine is used to operate a loading, unloading or processing device.

- B. When the ambient temperature is in excess of 40° F., no person shall cause or permit the engine of a bus, as defined in § 104 of the Vehicle and Traffic Law, to idle while parking, standing or stopping.

§ 158-30. Appearance tickets.

Violators of this article may be issued appearance tickets by officers of the Police Department of the Town of Somers. Such appearance tickets shall be returnable in local court.

§ 158-31. Penalties for offenses.

Any person violating the provisions of this article shall be guilty of an offense and shall be liable upon conviction for a fine not to exceed \$100 for each offense.

Laws of Suffolk County

§ 760-1017. Operation of motor vehicles.

A. No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency vehicle, to idle for longer than five consecutive minutes when the temperature is greater than 25° F. (-4° C.).

B. No diesel engine operated in the County of Suffolk shall emit a visible air contaminant of a shade of blue, black or gray of an opacity greater than 20% for a continuous period of more than five seconds.

C. No motor vehicle operated in the County of Suffolk shall emit a visible air contaminant of a shade of blue, black or gray of an opacity greater than 20% for a continuous period of more than five seconds.

D. Exceptions

(1) When a vehicle is forced to remain motionless because of a traffic condition over which the operator has no control.

(2) When regulations adopted by federal, state or local agencies having jurisdiction require the maintenance of a specific temperature for passenger comfort, the idling limit specified in this section may be increased, but only to the extent necessary to comply with such regulations.

(3) When necessary to provide power for an auxiliary purpose such as loading, discharging, mixing or processing cargo, controlling cargo temperature, construction, farming or when the vehicle engine is being serviced.

(4) When necessary for operation of mobile receiving and transmitter stations or mobile telephones.

Code of Ordinances of the Village of Tuckahoe

§ 21-86. Operation of motor vehicles idling of engines restricted.

(a) No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking, as defined in § 129 of the Vehicle and Traffic Law, standing, as defined in § 145 of the Vehicle and Traffic Law, or stopping, as defined in § 147 of the Vehicle and Traffic Law, unless the engine is used to operate a loading, unloading or processing device.

(b) When the ambient temperature is in excess of 40° F., no person shall cause or permit the engine of a bus, as defined in § 104 of the Vehicle and Traffic Law, to idle while parking, standing or stopping.

(c) A violation of this § 21-86 shall be punishable in accordance with § 1-7 of the Village Ordinances by a fine not to exceed \$250. (L.L. No. 7-1992, § 2)

...

§ 21-104.2. Prohibited uses

...

(c) The provisions of § 21-86 of the Village Ordinances prohibiting the idling of engines of motor vehicles for more than three minutes shall be applicable to and enforced in parking lots.

Code of City of Yonkers

§ 109-88. Idling of engine. [Amended 2-11-1991 by G.O. No. 2-1991]

No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking, standing or stopping, unless the engine is used to operate a loading, unloading or processing device. When the ambient temperature is in excess of 40° F., no person shall cause or permit the engine of a bus as defined in § 104 of the Vehicle and Traffic Law to idle while parking, standing or stopping at any terminal point, whether or not enclosed, along an established route.

Ohio

Municipal Codes

Waynesville Code of Ordinances

§ 76.10 BUS STOPS AND TAXICAB STANDS; STANDING OR IDLING BUSES.

...

(B) Standing or idling busses.

(1) Buses shall be prohibited from standing and/or idling within the village, whether in the downtown section or otherwise, for a period in excess of 15 minutes.

(2) Violation of this division (B) may result in the issuance of a citation by the Police Department and summons into Mayor's Court.

(3) Each violation of this division (B) may result in a fine of up to \$50 per occurrence.

(4) For the purpose of this division (B), the definition of BUS shall be as defined in § 70.01.

(5) For the purpose of this division (B), the terms STANDING and IDLING shall be as defined under R.C. Title 45 or the administrative regulations adopted by the Ohio Department of Transportation, which definitions are expressly adopted herein. (Ord. 92-129, passed 10-19-92) Penalty, see 70.99

Oregon

Municipal Codes

City of Ashland Ordinance No. 2828

AN ORDINANCE ADDING SECTION 11.24.020.H TO THE
ASHLAND MUNICIPAL CODE TO PROHIBIT TRUCKS
AND BUSES FROM IDLING WHILE PARKED

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. The following section is added to the Ashland Municipal Code as
section 11.24.020.H:

SECTION 11.24.020 Prohibited parking. In addition to the provisions of the motor
vehicle laws of Oregon prohibiting parking, no person shall park:

A. A vehicle upon a bridge, viaduct, or other elevated structure used as a street or within
a street tunnel in this City, unless marked or indicated otherwise;

B. A vehicle in an alley except to load and unload persons or materials not to exceed
twenty (20) consecutive minutes in any two (2) hour period;

C. A vehicle upon a street for the principal purpose of:

1. Displaying the vehicle for sale;
2. Washing, greasing, or repairing the vehicle except repairs necessitated by an
emergency;
3. Selling merchandise from the vehicle except in an established marked place or
when so authorized or licensed under the ordinance of this City;
4. Storage, or as junkage or dead storage for more than seventy-two (72) hours.

D. A vehicle upon any parkway except where specifically authorized;

E. A vehicle upon private property without the consent of the owner or person in charge
of the private property;

F. A vehicle within any area marked off by yellow paint upon the street or upon the curb,
except where specifically authorized by a traffic sign, (Ord. 1557 S13, 1968)

G. A vehicle or any part thereof upon a sidewalk or bicycle path. (Ord.1971 S1, 1978)

H. Or stand or stop a truck or bus on a public street or in a public parking area with its
engine running, if such engine emits exhaust fumes into the air. Vehicle engines shall be

turned off when loading and unloading passengers or merchandise. This subsection H shall not apply to:

1. An engine running for less than five minutes.
2. A vehicle in the moving traffic lane waiting to move with the normal flow of traffic,
3. An engine needed to operate equipment used to load or unload merchandise,
4. Trucks under 12,000 GVW and buses with a carrying capacity of fifteen passengers or less, or
5. Emergency vehicles, utility company, construction and maintenance vehicles, the engines of which must run to perform needed work.

The foregoing ordinance was first READ on the 16th day of April, 2002, and duly PASSED and ADOPTED this 7th day of May, 2002.

Barbara Christensen, City Recorder

SIGNED and APPROVED this 8th day of May, 2002

Alan DeBoer, Mayor

Reviewed as to form:

Paul Nolte, City Attorney

Pennsylvania

Municipal Codes

Allegheny County Health Department Rules and Regulations

§2105.91 School Bus Idling *{This Section added by September 8, 2004 Amendment, effective October 10, 2004.}*

a. Applicability. This Section applies to the operation of every heavy-duty diesel powered school bus.

b. General.

1. No school bus driver shall cause or allow the engine of any school bus subject to this section to idle prior to, during layover between, at the destination of, or at the conclusion of, any trip or route for more than five (5) consecutive minutes, except under the conditions described in Subsection c, below.

2. No school bus driver shall cause or allow the engine of a school bus subject to this section to be accelerated while idling, unless such action is taken in order to operate other equipment.

3. A school bus driver shall not park or idle a bus within 100 feet from a known and active school air intake system, unless the school district has determined that alternative locations block traffic, impair student safety or are not cost effective.

c. Exemptions. This section does not apply for the period or periods during which idling is necessary under the following circumstances:

1. Traffic Conditions.

A. For traffic conditions over which the driver has no control;

B. For an official traffic control device or signal; or

C. At the direction of a uniformed police officer or one of those persons authorized to direct traffic by the Vehicle Code, 67 Pa. Code §101.2.

2. Queuing at a School. Where the physical configuration of a school requires a queue of buses for the sequential discharge or pickup of students, and the queue of buses is actively engaged in the discharge or pickup of students.

3. Turbo-Charged Diesel Engine Cool Down or Warm Up. When the manufacturer's specifications require more time than the five minute limitation in §2105.91.b.1, above, to cool down or warm up a turbo-charged diesel engine.

4. Cold/Hot Weather.

A. If the outside temperature is less than 40°F, then idling is allowed for a period or periods aggregating not more than 20 minutes in any 60 minute period; or

B. If the outside temperature is greater than 75°F and the bus is equipped with air conditioning, then idling is allowed for a period or periods aggregating not more than 20 minutes in any 60 minute period.

5. Safety and Emergencies.

A. To ascertain that the school bus is in safe operating condition and equipped as required by all provisions of law, and all equipment is in good working order, either as part of the driver's daily vehicle inspection, or as otherwise needed;

B. To operate the flashing signal lamps and/or stop signal arm devices;

C. To operate defrosters, or other equipment to ensure the safe operation of the vehicle, or as otherwise required by federal or state motor carrier safety regulations, or other local requirements;

D. To operate a heater or an air conditioner of a bus that has, or will have, one or more children aboard with temperature sensitive disabilities;

E. To operate a lift or other piece of equipment designed to ensure safe loading, unloading,

or transport of persons with one or more disabilities; or

F. Use of school bus as an emergency vehicle.

6. Maintenance of Operations.

A. For testing, servicing, repairing, or diagnostic purposes; or

B. To recharge a battery or other energy storage unit of a hybrid electric bus.

d. Signage. Each school bus distribution center shall erect and maintain in a conspicuous location, a permanent sign(s) that is at least 12 inches by 18 inches in size indicating:

1. This school bus idling regulation in succinct language, and

2. The amount of money a violator will be fined.

e. Training. A motor carrier of a school bus shall ensure that the school bus driver, upon employment and at least once per year thereafter, is informed of the requirements of this Section and of the consequences of not complying with those requirements.

f. Penalties. Notwithstanding the provisions of Part I of this Article, violators of this Section are subject to:

1. A warning for the first offense;

2. A penalty of \$100 for the second offense; or

3. A penalty of \$500 for the third offense, and any subsequent offenses.

g. Enforcement. Notwithstanding any other provisions of this Article the prohibitions of this Section may be enforced by any municipal or local government unit having jurisdiction over the place where the idling occurs. Such enforcement shall be in accordance with the laws governing such municipal or local government unit and the Pa. Air Pollution Control Act. In addition, the Department may pursue the remedies provided by §2109.02 of this Article for any violation of this Section.

h. Relationship to Other Law. Nothing in this Section allows idling in excess of other applicable law, including, but not limited to any local ordinance or requirement as stringent as, or more stringent than, this Section.

Allegheny County Health Department Rules and Regulations

§2105.92 Diesel Powered Motor Vehicle Idling *{This Section added by June 13, 2005 Amendment, effective June 23, 2005.}*

a. Applicability. This Section applies to the operation of every heavy-duty diesel powered motor vehicle, except school buses.

b. General.

1. No driver shall cause or allow the engine of any heavy duty diesel powered motor vehicle subject to this section to idle prior to, during layover between, at the destination of, or at the conclusion of, any trip or route for more than five (5) consecutive minutes, except under the conditions described in Subsection c, below.

2. No driver shall cause or allow the engine of any heavy duty diesel powered motor vehicle subject to this section to be accelerated while idling, unless such action is taken in order to operate vehicle mounted accessory or service equipment.

c. Exemptions. This section does not apply for the period or periods during which idling is necessary for:

1. Traffic Conditions.

A. For traffic conditions over which the driver has no control;

B. For an official traffic control device or signal; or

C. At the direction of a uniformed police officer or one of those persons authorized to direct traffic by the Vehicle Code, 67 Pa. Code §101.2.

2. Boarding and Discharging Passengers.

A. When vehicles intended for commercial passenger transportation are boarding or discharging passengers; or

B. When vehicles intended for transporting people with disabilities are boarding or discharging passengers.

3. Queuing. When a vehicle, situated in a queue of other vehicles, must intermittently move forward to perform work or a service, and when shutting the vehicle engine off would impede the progress of the queue and be impracticable.

4. Turbo-Charged Diesel Engine Cool Down or Warm Up. When the manufacturer's specifications require more time than the five minute limitation in §2105.92.b.1, above, to cool down or warm up a turbo-charged diesel engine.

5. Cold/Hot Weather.

A. If the outside temperature is less than 40°F, then idling is allowed for a period or periods aggregating not more than 20 minutes in any 60 minute period; or

B. If the outside temperature is greater than 75°F and a vehicle is equipped with air conditioning, then idling is allowed for a period or periods aggregating not more than 20 minutes in any 60 minute period.

C. Notwithstanding subparagraphs A and B, in order to supply heat or air conditioning necessary for the comfort of passengers, a vehicle intended for commercial passenger transportation may idle for up to 10 minutes prior to passenger boarding and anytime passengers are onboard.

D. The Department may, upon request of an owner or manager of a bus terminal, approve alternate limits for warm-up of buses stored outdoors at the terminal when the temperature is below 40°F. Such plan shall include enforceable time limits that minimize bus idling.

6. Sleeping. When idling is necessary to power a heater, air conditioner, or any ancillary equipment during sleeping and resting in a truck cab or sleeper berth.

7. Safety and Emergencies.

A. To verify that the vehicle is in safe operating condition and equipped as required by all provisions of law, and all equipment is in good working order, either as part of the driver's daily vehicle inspection, or as otherwise needed;

B. To operate defrosters, or other equipment to ensure the safe operation of the vehicle, or as otherwise required by federal or state motor carrier safety regulations, or other local requirements; or

C. Use of vehicle as an emergency vehicle.

8. Operability and Maintenance.

- A. To provide power for vehicle mounted accessory or service equipment; or
- B. When being operated by a mechanic for testing, servicing, repairing, or diagnostic purposes.
- d. Penalties. Notwithstanding the provisions of Part I of this Article, violators of this Section are subject to:
 1. A warning for the first offense;
 2. A penalty of \$100 for the second offense;
 3. A penalty of \$500 for the third offense, and any subsequent offenses.
- e. Enforcement. Notwithstanding any other provisions of this Article the prohibitions of this Section may be enforced by any municipal or local government unit having jurisdiction over the place where the idling occurs. Such enforcement shall be in accordance with the laws governing such municipal or local government unit and the Pa. Air Pollution Control Act. In addition, the Department may pursue the remedies provided by §2109.02 of this Article for any violation of this Section.
- f. Relationship to Other Law. Nothing in this Section allows idling in excess of other applicable law, including, but not limited to any local ordinance or requirement as stringent as, or more stringent than, this Section.

Allegheny County Council Code of Ordinances

§ 56-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:
DIESEL-POWERED MOTOR VEHICLE -- A self-propelled vehicle designed for transporting persons or property which is propelled by a compression-ignition type of internal-combustion engine.

HEAVY-DUTY -- Any motor vehicle with a gross vehicle weight of more than 8,500 pounds or with a passenger-carrying capacity of more than 12 persons.

IDLING -- The operation of an engine in the operating mode where the engine is not engaged in gear, where the engine operates at a speed at the revolutions per minute specified by the engine or vehicle manufacturer, or when the accelerator is fully released and there is no load on the engine.

MOTOR VEHICLE -- All vehicles propelled other than by muscular power except such vehicles as run only on rail or tracks.

PERSON -- Any individual, natural person, syndicate, association, partnership, firm, corporation, institution, agency, authority, department, bureau, or instrumentality of federal, state or local government or other entity recognized by law as a subject of rights and duties.

§ 56-2. Idling of diesel-powered motor vehicles.

The following provisions shall apply to the operation of heavy-duty diesel-powered motor vehicles:

- A. No person shall permit, cause, suffer or allow the engine of a heavy-duty diesel-powered motor vehicle to idle prior to, during layover between, or at the conclusion of, any trip or route for any period of time beyond that which is reasonably required to attain, or to secure from, normal operating conditions. The Board of Health shall promulgate rules and regulations, subject to the approval of the County Council, regarding a maximum allowable period of idling. Such rules and regulations shall also define exceptions to the maximum allowable period that consider extreme temperatures.
- B. No person shall permit, cause, suffer or allow the engine of a heavy-duty diesel-powered motor vehicle to be accelerated while idling unless such action is taken in order to operate other equipment.

...

§ 56-4. Exceptions to anti-idling policy.

The Board of Health shall promulgate rules and regulations, subject to the approval of the County Council, that exempt the owner or operator of a diesel-powered motor vehicle or diesel-powered locomotive when certain conditions exist. Those exemptions shall include, but not be limited to:

- A. When a diesel-powered motor vehicle or diesel-powered locomotive is forced to remain motionless because of traffic conditions over which the operator has no control;
- B. When a diesel-powered motor vehicle or diesel-powered locomotive is being used as an emergency vehicle;
- C. When a diesel engine is providing power takeoff for refrigeration, lift gate pumps or other auxiliary uses, or supplying heat or air conditioning necessary for passenger comfort in those vehicles intended for commercial passenger transportation;
- D. When a diesel-powered motor vehicle or diesel-powered locomotive is being operated by a mechanic for maintenance or diagnostic purposes; or
- E. When a diesel-powered motor vehicle or diesel-powered locomotive is being operated solely to defrost a windshield.

§ 56-5. Enforcement; violations and penalties.

It shall be the responsibility of the Department of Health to enforce this article and its provisions. Violators shall receive a warning for their first offense, a \$100 penalty for the second offense and a \$500 penalty for the third offense. The Department may make recommendations to Council regarding further enforcement mechanisms for this policy,

if appropriate.

Borough of Emsworth Code

§ 157-15. Idling of motor vehicles.

No person shall allow a vehicle to stand idle with the motor running for more than 10 minutes. Odors and fumes from motor vehicles shall not be permitted to affect the quiet enjoyment of adjoining residents. No vapors, malodorous gas or matter shall be permitted which is discernible on any adjoining property.

Township of Falls Code

§ 156-2. Prohibited odors.

- A. No person shall cause or allow emissions of air contaminants or noxious odors to the outdoor atmosphere that are injurious to human, plant or animal life or to property or that unreasonably interfere with the comfortable enjoyment of life or property (for purposes of this chapter, a "prohibited odor").
- B. In addition to the general prohibition set forth in Subsection A above, the following shall be prohibited conduct in violation of this chapter, but the listing herein shall not be deemed to be exclusive:
 - (1) Any open burning in violation of any Township ordinance.
 - (2) The idling of any motor vehicle for a period of longer than 15 minutes within 10 feet of any lot line of a property.

City of Philadelphia Air Management Regulations Ch. IX

**CONTROL OF EMISSIONS FROM MOBILE SOURCES
SECTION I. DEFINITIONS**

Air Contaminants - Any smoke, soot, flyash, dust, cinders, dirt, noxious or obnoxious acids, fumes, oxides, gases, mists, aerosols, vapors, odors, toxic or radioactive substances, waste, particulate, solid, liquid or gaseous matter, or any other materials in the outdoor atmosphere.

Diesel Powered Motor Vehicle - A self propelled vehicle designed for transporting persons or property which is propelled by a compression ignition type of internal combustion engine.

Gasoline Powered Motor Vehicle - A self propelled vehicle designed primarily for transporting persons or property which is propelled by a thermal ignition type of internal combustion engine, using gasoline as the fuel.

Motor Vehicle - All vehicles propelled other than by muscular power except such vehicles as run only on rails or tracks.

Opacity - The property of a substance which renders it partially or wholly obstructive to the transmission of visible light expressed as a percentage to which the light is obstructed.

Person - Any individual, natural person, syndicate, association, partnership, firm, corporation, institution, agency, authority, department, bureau, or instrumentality of Federal, State, or local government or other entity recognized by law as a subject of rights and duties.

...

SECTION III. IDLING OF DIESEL POWERED MOTOR VEHICLES

In addition to the emission limitations set forth in Section II, the following provisions shall apply to the operation of heavy-duty diesel powered motor vehicles:

A. No person shall permit, cause, suffer or allow the engine of a heavy-duty diesel powered motor vehicle to idle prior to, during layover between, or at the conclusion of, any trip or route for any period of time beyond that which is reasonably required to attain, or to secure from, normal operating conditions. The maximum allowable period of idling shall not exceed two (2) consecutive minutes or zero (0) for layovers, except under the following conditions:

1. The engine may be idled for a period of up to five (5) consecutive minutes when the ambient temperature is less than 32o F (0oC).
2. The engine may be idled for a period of up to twenty (20) consecutive minutes when the ambient temperature is less than 20oF (-7oC).
3. The engine may be idled for a period of up to twenty (20) consecutive minutes for buses equipped with air conditioning and non-openable windows and the ambient temperature is equal to or greater than 75o F.

B. No person shall permit, cause, suffer or allow the engine of a heavy-duty diesel powered motor vehicle to be accelerated while idling at any time.

For the purposes of this Section, the term "heavy-duty" shall apply to any motor vehicle with a gross vehicle weight of more than 8500 pounds or with a passenger carrying capacity of more than 12 persons.

SECTION IV. CIRCUMVENTION

No person shall build, erect, install or use any article, machine, equipment or other contrivance, the sole purpose of which is to dilute or conceal an emission without resulting in a reduction in total release of air contaminants to the atmosphere.

SECTION V. SEVERABILITY

The provisions of these Regulations are severable and if any provision, sentence, clause, section or part thereof shall be held illegal, invalid, unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the ordinance or their application to him or to other persons and circumstances. It is hereby declared to be the legislative intent that these regulations would have been adopted if such illegal, invalid, or unconstitutional provision, sentence, clause or part had not been included therein, and if the person or circumstance to which the ordinance or any part thereof is inapplicable had not specifically been exempted therefrom.

SECTION VI. EFFECTIVE DATE

Except as otherwise provided, this Regulation shall become effective upon adoption.

Code of Upper Providence Township

§ 169-23. Special purpose parking zones. [Amended 7-7-1997 by Ord. No. 363]

...

C. To promote the public health, safety and welfare by preventing unnecessary noise and air pollution, it is hereby declared that no person, corporation or entity shall leave any internal combustion engine-powered vehicle idling in any residential district as defined by the Zoning Ordinances of Upper Providence Township for more than a total of 60 minutes per day between the hours of 6:00 a.m. and 9:00 p.m. prevailing local time or for more than a total of 10 minutes between the hours of 9:00 p.m. and 6:00 a.m. For the purpose of this section, " idling " shall be defined as any running of an internal combustion powered vehicle while the vehicle is stationary, regardless of the revolutions per minute of the internal combustion engine at issue. Any person, corporation or entity violating this section shall be fined not less than \$75 and not more than \$600.

Rhode Island

Municipal Codes

Providence Code of Ordinances

Sec. 15-11. Residential parking/standing of certain commercial vehicles.

(a) For the purpose of this article, a commercial vehicle shall be defined as any vehicle in excess of 20 feet in length and any vehicle over 6,500 pounds gross vehicle weight.

(b) No commercial vehicle shall park or stand in any residentially zoned area unless engaged in the loading or off-loading of goods. At any such time the vehicle shall not be idling.

...

(e) Any person found in violation of any of these sections shall be subject to the penalties enumerated in section 1-10 herein, but in no case shall any person found in violation hereof be fined less than fifty dollars (\$50.00).

(f) (1) Any commercial vehicle otherwise in violation of this section and having an engine idling shall be deemed to be a hazard to the quality of life.

(2) Any commercial vehicle otherwise in violation of this section and in any way limiting, restricting or blocking the access of public safety vehicles in the course of their operation shall be deemed to be a hazard to public safety.

(3) Any commercial vehicle which, under this section, is deemed to be a hazard to the quality of life or a hazard to public safety shall be towed and the person violating subsection (f)(1) or (2) of this section shall be subject to a fine of not less than one hundred dollars (\$100.00).

(Ord. 2000, ch. 00-22, §§ 1--5, 8-11-00; Ord. 2002, ch. 02-11, §§ 1--6, 4-11-02)

South Carolina

Municipal Codes

City of Beaufort Code of Ordinances

Chapter 11. Tourism Management

Sec. 7-11027. Idling.

Idling of engines is allowed only while passengers are embarking onto or debarking from vehicles, not to exceed fifteen (15) minutes, with exceptions as noted below.

(Ord. No. O-13-04, 6-8-04)

Code of City of Charleston

ARTICLE VI. TOURING REGULATIONS GENERALLY

Sec. 29-239. Limitations on engine idling.

No buses may park with engines idling for more than five (5) minutes in residential areas.

(Ord. No. 1983-22, § 72, 5-10-83)

Texas

State Codes (only currently applicable to the following counties: Bastrop, Caldwell, Hays, Travis, Williamson and the following cities: Austin, Bastrop, Elgin, Lockhart, Round Rock, San Marcos)

Texas Administrative Code Title 30

RULE §114.510 Definitions

Unless specifically defined in the Texas Health and Safety Code, Chapter 382 (also known as the Texas Clean Air Act) or in the rules of the commission, the terms used in this subchapter have the meanings commonly ascribed to them in the field of air pollution control. In addition to the terms which are defined by Texas Health and Safety Code, Chapter 382; §3.2 of this title (relating to Definitions); §101.1 of this title (relating to Definitions); and §114.1 of this title (relating to Definitions), the following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise.

- (1) Idle--The operation of an engine in the operating mode where the engine is not engaged in gear, where the engine operates at a speed at the revolutions per minute specified by the engine or vehicle manufacturer for when the accelerator is fully released, and there is no load on the engine.
- (2) Local government--A city, county, municipality, or political subdivision of the state.
- (3) Motor vehicle--Any self-propelled device powered by an internal combustion engine and designed to operate with four or more wheels in contact with the ground, in or by which a person or property is or may be transported, and is required to be registered under Texas Transportation Code, §502.002, excluding vehicles registered under §502.006(c).
- (4) Primary propulsion engine--A gasoline or diesel-fueled internal combustion engine attached to a motor vehicle that provides the power to propel the motor vehicle into motion and maintain motion.

RULE §114.511 Applicability

The provisions of §114.512 and §114.517 of this title (relating to Control Requirements for Motor Vehicle Idling; and Exemptions) are applicable only within the jurisdiction of a local government that has signed a Memorandum of Agreement with the commission to delegate enforcement of the provisions of this division to that local government.

RULE §114.512 Control Requirements for Motor Vehicle Idling

No person shall cause, suffer, allow, or permit the primary propulsion engine of a motor vehicle to idle for more than five consecutive minutes when the motor vehicle, as defined in §114.510 of this title (relating to Definitions), is not in motion during the period of

April 1 through October 31 of each calendar year.

RULE §114.517

Exemptions

The provisions of §114.512 of this title (relating to Control Requirements for Motor Vehicle Idling) do not apply to:

- (1) a motor vehicle that has a gross vehicle weight rating of 14,000 pounds or less;
- (2) a motor vehicle forced to remain motionless because of traffic conditions over which the operator has no control;
- (3) a motor vehicle being used by the United States military, national guard, or reserve forces, or as an emergency or law enforcement motor vehicle;
- (4) the primary propulsion engine of a motor vehicle providing a power source necessary for mechanical operation, not including propulsion, and/or passenger compartment heating, or air conditioning;
- (5) the primary propulsion engine of a motor vehicle being operated for maintenance or diagnostic purposes;
- (6) the primary propulsion engine of a motor vehicle being operated solely to defrost a windshield;
- (7) the primary propulsion engine of a motor vehicle that is being used to supply heat or air conditioning necessary for passenger comfort/safety in those vehicles intended for commercial passenger transportation or school buses in which case idling up to a maximum of 30 minutes is allowed;
- (8) the primary propulsion engine of a motor vehicle used for passenger transit operations in which case idling up to a maximum of 30 minutes is allowed;
- (9) the primary propulsion engine of a motor vehicle being used as airport ground support equipment; or
- (10) the owner of a motor vehicle rented or leased to a person who operates the vehicle and is not employed by the owner.

Utah

State Codes

Utah Code

§ 41-6a-1403. Motor vehicle left unattended -- Requirements

(1) A person operating or in charge of a motor vehicle may not permit the vehicle to stand unattended without:

- (a) stopping the engine;

Municipal Codes

Park City Municipal Corporation Municipal Code

9- 8- 3. DELIVERY VEHICLES IN THE MAIN STREET CORE.

All delivery vehicles parked on Main Street or Swede Alley shall observe the following restrictions:

...

(F) No delivery vehicle shall be parked with its engine left idling.

Salt Lake City-County Health Department Regulation #28

6.8 Vehicle Idling Limitation. No owner or operator of a diesel powered vehicle shall allow or permit such vehicle to remain in an idling mode or condition for a period of time exceeding fifteen (15) minutes.

6.8.1 Exemption to Idling Limitations. Vehicles may be exempted from the idling limitation requirements of Section 6.8 under the following conditions:

- (a). To supply power to a refrigeration unit for the purpose of cooling the contents of a trailer.
- (b). To provide heat or air conditioning to a sleeper unit of the vehicle.
- (c). Emergency vehicles.

6.8.2 Vehicles exempted from the Vehicle Idling Limitations as applicable under section 6.8.1 (a) and (b) of these regulations shall not remain in an idling condition for a period longer than fifteen (15) minutes if located within five hundred (500) feet of any residence.

Vermont

Municipal Codes

Burlington Code of Ordinances, Sec. 20-55

(e) No person shall leave idling for more than five (5) minutes any motor vehicle in any area of the city during the period from April 1 of every year to November 1 of the same year, except in the following instances:

(1) Motors used to run refrigeration units may be left idling to permit uninterrupted refrigeration;

(2) A motor vehicle may be left idling if necessary for the repair of that vehicle;

(3) This provision shall not apply to motor vehicles which must be kept idling in order to install, maintain or repair equipment or infrastructure.

(4) This provision shall not apply in any situation in which the health or safety of a driver or passenger requires the idling of the vehicle.

Virginia

State Codes

Virginia Administrative Code

ARTICLE 41. EMISSION STANDARDS FOR MOBILE SOURCES (RULE 4-41)

9 VAC 5-40-5670. Motor vehicles.

...

C. In commercial or residential urban areas, propulsion engines of motor vehicles licensed for commercial or public service use shall not be left running for more than three minutes when the vehicle is parked, unless the propulsion engine is providing auxiliary power for other than heating or air conditioning; except that:

1. Tour buses may idle for up to 10 minutes during hot weather in order to maintain power to the air conditioning system; and
2. Diesel powered vehicles may idle for up to 10 minutes to minimize restart problems.

Virginia Code

§ 46.2-1224.1. Local ordinances regulating certain parking; penalty

The governing body of any county having the county manager plan of government may by ordinance prohibit idling the engine of a bus for more than ten minutes when the bus is parked, left unattended, or is stopped for other than traffic or maintenance reasons.

Violators of such ordinance shall be subject to a civil penalty not to exceed fifty dollars, the proceeds from which shall be paid into the county's general fund.

The provisions of this section shall not apply to school buses or public transit buses.

Municipal Regulations

Arlington County Code

§ 14.2-2. Prohibition against parking of vehicles under certain conditions.

...

(f) No person shall idle the engine of a bus for more than ten (10) minutes when the bus is parked, left unattended, or is stopped for other than traffic or maintenance reasons. The provisions of this section shall not apply to school buses or public transit buses. Violators of this subsection shall be subject to a civil penalty of fifty dollars (\$50.00).

Fairfax County Code

Section 103-3-10. Mobile sources.

(a) *Prohibition of visible emissions from mobile sources.* No person shall cause or permit the emission of visible air contaminants from a mobile source of a density equal to or greater than twenty (20) percent opacity for longer than five (5) consecutive seconds after the operating engine of the mobile source has been brought up to operating temperature.

(b) *Prohibition of idling engines of mobile sources.* The operating engine of any mobile source shall not be left idling more than three (3) minutes after the mobile source has ceased to perform its designed work or function.

(27-78-103.)

Washington

Municipal Codes

Spokane Municipal Code

Title 15 Air Quality

Chapter 15.02 Carbon Monoxide Nonattainment Area Implementation Plan

Section 15.02.020 Idling Defined.

"Idling" means the running of an engine which supplies the motive power for a vehicle, when not for the purpose of moving the vehicle with the normal flow of traffic on a street or roadway. Idling does not include running the vehicle's engine while stopped at a traffic signal or waiting for the passage of other vehicles to permit safe entry into the flow of traffic.

Section 15.02.040 Excessive Idling Prohibited.

1. Excessive idling in the Central Business District Portion of the Nonattainment Area Prohibited.
Unless permitted by subsection (2) of this section it is unlawful for the operator of any vehicle powered by an internal combustion engine while located in the CBD portion of the nonattainment area to cause said engine to idle for a period longer than sixty seconds.
2. Idling Permitted.
To the extent necessary for the specified purpose, idling is permitted in the following cases:
 - a. police, sheriff or other law enforcement vehicles, including meter patrols, as required for safe and effective performance;
 - b. fire department vehicles, ambulances and other emergency vehicles when responding to an emergency or when the use of special equipment requires that the engines remain in operation;
 - c. construction or demolition equipment or other machinery when actually employed at the site of such work, and only to the extent necessary for efficient operation;
 - d. trucks, buses, or automobiles equipped with lift gates, winches, or other devices powered by take-offs from their engines, to the extent necessary to allow use of those devices provided; provided, however, that this subsection does not authorize idling solely for the purpose of operating any heating device, radio, power-assisted brakes, steering, seat adjustment or any luxury device not then required for safe operation of the vehicle;
 - e. vehicles participating in parades if licensed under Chapter 10.39;
 - f. buses or other mass transit vehicles while operated on a regular schedule;

- g. insofar as necessary for diagnosis, adjustment, or testing, vehicles undergoing repair or maintenance; but only when on the premises of the owner or person performing the work;
- h. any vehicle when required in an emergency for the protection of life, health, or property.

3. Notices.

The street director shall cause to be placed such notices as he may deem necessary to inform drivers of the prohibition against excessive vehicle idling; however, actual knowledge of the prohibition is not an element of an offense under this chapter.

Wisconsin

Municipal Codes

City of Madison Code

12.915 TRAFFIC ON STATE STREET RESTRICTED.

...

(3) Description of Area. This section applies to the 100 through 600 blocks of State Street running between West Mifflin Street and North Lake Street. When used in this section, the phrases "State Street" or "the area" shall include only the 100 through 600 blocks of State Street as described within this subsection. (Am. by Ord. 12,777, 3-13-01)

...

(7) Large Motor Truck Regulations.

...

(d) No operator of any large motor truck shall permit such vehicle to remain stationary with the main power train motor running for more than fifteen (15) minutes when the outside air temperature is between 40°F and 80°F. This subsection shall not apply to maintenance, construction or public utility vehicles. (Renum. by Ord. 12,777, 3-13-01)


Wyoming

Municipal Codes


Rawlins Municipal Code

Section 10.03.070 Vehicle Unattended


No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway. Upon report of a vehicle running while unattended the police shall investigate and the person owning or in charge of the vehicle shall have five minutes from the time of the police arrival to shut off or move the vehicle. If after five minutes the vehicle has not been shut off or moved, a misdemeanor citation may be issued for violation of this section. No vehicle, even attended, shall remain idling while parked for more than 20 minutes. Any vehicle found in violation of this section may be towed at owner's expense. Upon repeat calls to the same property or for the same vehicle the police may immediately write a citation without waiting the five minutes.


 <p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative</p>
<p>2. Submitter</p>	<p>Susan Ritchie, New York State Department of Environmental Conservation David Carey, Connecticut Department of Agriculture Kristin DeRosia-Banick, Connecticut Department of Agriculture Alissa Dragan, Connecticut Department of Agriculture</p>
<p>3. Affiliation</p>	<p>State Agencies</p>
<p>4. Address Line 1</p>	<p>Division of Marine Resources, Bureau of Shellfisheries</p>
<p>5. Address Line 2</p>	<p>205 North Belle Mead Road, Suite 1</p>
<p>6. City, State, Zip</p>	<p>East Setauket, NY 11733</p>
<p>7. Phone</p>	<p>631-444-0494</p>
<p>8. Fax</p>	<p>631-444-0484</p>
<p>9. Email</p>	<p>susan.ritchie@dec.ny.gov</p>
<p>10. Proposal Subject</p>	<p>Transportation Records</p>
<p>11. Specific NSSP Guide Reference</p>	<p>Section II Model Ordinance Chapter IX. Transportation .05 Transportation Records</p>
<p>12. Text of Proposal/ Requested Action</p>	<p>05 Transportation Records</p> <p>All shipments of shellstock shall be accompanied with documentation indicating the time of shipment and that that all shipping conveyances comply with the requirements of Chapter IX. This documentation must include a notice of all shellstock harvested under the requirements of Chapter VIII. @02 A. (3) that has not been cooled to an internal temperature of 50°F (10°C) and indicate the presence of a time/temperature recording device.</p> <p><u>A. All shipments of shellstock shall be accompanied with documentation indicating the following:</u> <u>(1) Date and time of shipment; and</u> <u>(2) The temperature of the shellstock recorded by the shipping dealer at the time of shipment.</u></p> <p><u>B. For shipments of shellstock harvested under the requirements of Chapter VIII. @.02 A. (3) that has not been cooled to an internal temperature of 50°F (10°C) prior to shipping and where the shipping time is greater than four (4) hours, the documentation shall also indicate the presence of a time/temperature recording device.</u></p> <p><u>C. Geoduck clams (<i>Panopea generosa</i>) are exempt from these requirements.</u></p> <p>If adopted, the receiving critical control points under Chapter XI. and XIII. .01 A. (2) (b) and Chapter XIV. 01 A. (2) would need to be updated to read:</p> <p>(2) A dealer may receive shellstock from a dealer who has elected to ship shellstock in accordance with Chapter XIII. .01 D. (2) without the shellstock meeting the receiving requirements of Chapter XIII. .01 A. (2) (c), (d) or (e). The product must be accompanied with documentation as outlined in Chapter IX. .05 A. and B. and must be accompanied with a time/temperature recording device indicating that continuing cooling has occurred. Shipments of four (4) hours or less will not be required to have a time/temperature recording device or comply with Chapter XIII. 01. A. (2) (c), (d) or (e). Shipments of four (4) hours or less must</p>


	<p>have documentation as required in Chapter IX. 05. A.</p>
<p>13. Public Health Significance</p>	<p>There is no public health significance associated with the .05 Transportation Records as originally adopted. The transportation document has been a requirement since the 2015 Model Ordinance was published and has done nothing but create problems for industry and State regulatory agencies.</p> <p>Rather than “a notice of shellstock that has not been cooled to an internal temperature of 50°F,” recording an actual shellstock temperature prior to shipping provides a mechanism for the receiving dealer to readily document and verify that continuous cooling was achieved for all shipments, not only those that are shipped prior to cooling.</p> <p>For the VIII. @.02 A. (3) product that has not been cooled prior to shipping, the temperature prior to shipping and the temperature recorded by the receiving dealer upon receipt, provides a verifiable value, that when considered with the TTRD data (for shipments greater than four (4) hours, allows both inspectors and dealers to readily verify the conditions that the shipment has been subject to.</p> <p>This documentation will also no longer comply with the requirements of Section II Model Ordinance Chapter IX. 04 should the new 2019 proposal regarding shipping temperatures be adopted. See new 2019 Proposal regarding Shipping Temperatures (Section II Model Ordinance Chapter IX. 04).</p>
<p>14. Cost Information</p>	<p>No cost will be incurred by the industry or State regulatory agencies.</p>

 <p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative</p>
<p>2. Submitter</p>	<p>Susan Ritchie, New York State Department of Environmental Conservation Alissa Dragan, Connecticut Department of Agriculture</p>
<p>3. Affiliation</p>	<p>State Agencies</p>
<p>4. Address Line 1</p>	<p>Division of Marine Resources, Bureau of Shellfisheries</p>
<p>5. Address Line 2</p>	<p>205 North Belle Mead Road, Suite 1</p>
<p>6. City, State, Zip</p>	<p>East Setauket, NY 11733</p>
<p>7. Phone</p>	<p>631-444-0494</p>
<p>8. Fax</p>	<p>631-444-0484</p>
<p>9. Email</p>	<p>susan.ritchie@dec.ny.gov</p>
<p>10. Proposal Subject</p>	<p>Shellstock Identification</p>
<p>11. Specific NSSP Guide Reference</p>	<p>Section II Model Ordinance Chapter X. General Requirements for Dealers .05 Shellstock Identification A. General.</p>
<p>12. Text of Proposal/ Requested Action</p>	<p>(1) The dealer shall keep the harvester’s tag affixed to each container of shellstock until the container is: (a) Shipped with his/her dealer tag affixed to each container of shellstock; or (b) Emptied to wash, grade, or pack the shellstock. (2) When the dealer is also the harvester and he elects not to use a harvest tag, the dealer shall affix his dealer tag to each container of shellstock prior to shipment. <u>(3) The dealer shall not give, receive, or possess any shellfish tag or label that belongs to another dealer, except for the tag required to be affixed to containers of shellstock that meets the requirements in Section .05 B. through E. with the following exceptions:</u> <u>(a) When a written MOU/MOA has been established between the State Shellfish Control Authority and the dealers to allow the possession of another dealer’s tag within the State; or</u> <u>(b) When a written MOU/MOA has been established between State Shellfish Control Authorities to allow the possession of a dealer’s tag from another State.</u> <u>(4) The dealer shall not give, sell or allow any person who has not been certified as a dealer in accordance with the requirement of Section .04 A. (1) to possess any shellfish dealer tag or label, except for the tag required to be affixed to containers of shellstock that meets the requirements in Section .05B through E.</u></p>
<p>13. Public Health Significance</p>	<p>If a shellfish dealer possesses a tag that belongs to another shellfish dealer, it allows opportunity for other dealers or persons to misrepresent the actual harvest location, harvest date, etc. This makes traceback nearly impossible. In the event of a shellfish related illness, the illness is reported to the shellfish authority of the state indicated on the tag along with the harvest information which may incorrectly implicate that state as the origin of the shellfish.</p> <p>In October 2018, a confirmed Vv-related death resulted from the consumption of oyster. In this case, the shellfish dealer in one state arranged for shipments of oysters from two other states to be shipped to a fourth state (the receiving state). Following a lengthy investigation, all four states conferred with each other and determined that the retagging of oysters occurred in the receiving state using tags that implicated the shellfish dealer in the state that arranged the shipments of</p>

	<p>oysters to the receiving state.</p> <p>An investigation by the receiving state shellfish authority revealed that the person who received the oysters and retagged them was not a certified shellfish dealer in any state. The receiving state shellfish authority was also told by the non-certified shellfish dealer that the oysters were stored in a refrigerated truck for two days. The receiving state shellfish authority managed to acquire the original tags from the non-certified shellfish dealer. The authority sent the original tags to the growing area states for further investigation.</p> <p>To complicate things further, an investigation by one of the growing area states revealed that one of their certified dealers had allowed another one of their certified shellfish dealers to use their tags. The shellfish authority from this state determined that the harvest area indicated on the tag was not a harvest area that the dealer using the other dealer's tags harvests.</p> <p>Following this investigation, it was then discovered that a previous unconfirmed shellfish related illness, which occurred in May 2018, involved some of the same people and states. The tags for this case had been taken at face value, and no investigation ensued.</p> <p>The above incidents highlight the possible consequences of one shellfish dealer using tags that belong to another and support the addition of the proposed text.</p>
14. Cost Information	No cost will be incurred by the industry or State regulatory agencies.

	<p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative</p>
2. Submitter	ISSC Executive Office	
3. Affiliation	Interstate Shellfish Sanitation Conference	
4. Address Line 1	209 Dawson Road	
5. Address Line 2	Suite 1	
6. City, State, Zip	Columbia, SC 29223	
7. Phone	(803) 788-7559	
8. Fax	(803) 788-7576	
9. Email	issc@issc.org	
10. Proposal Subject	Restricted Shellstock	
11. Specific NSSP Guide Reference	Section II. Model Ordinance Chapter X. General Requirements for Dealers .05. E.	
12. Text of Proposal/ Requested Action	<p>E. All restricted use shellstock shall include a tag containing all information required in Section .05 of Model Ordinance Chapter X. In addition, the tag will include specific language detailing the restrictions requiring further processing or testing prior to distribution. intended use of the shellstock until processed consistent with the stated purpose.</p> <p>NOTE: Should this change be adopted, it may be necessary to make modifications to Section II. Guidance Documents Chapter II. Growing Areas .06 Protocol for the Landing of Shellfish from Federal Waters.</p>	
13. Public Health Significance	<p>In 2017, the US FDA submitted Proposals 17-116 and 17-119 for the purpose of integrating shellfish harvested from Federal waters into the National Shellfish Sanitation Program (NSSP). The ISSC voting delegates voted to appoint a committee to evaluate aquaculture activities in Federal waters. Since the meeting in 2017, it has become apparent that the implications of Proposals 17-116 and 17-119 are not limited to aquaculture activities. A Federal Waters Subcommittee has met and identified numerous concerns associated with integrating shellfish from Federal waters into the NSSP that were not addressed in Proposals 17-116 and 17-119. The Subcommittee is continuing to discuss necessary NSSP changes for consideration at the 2019 ISSC Biennial Meeting. As Executive Director, I am submitting several proposals that I expect the Federal Waters Committee to modify. These proposals include 19-202, 19-203, 19-214, 19-223, 19-228, and 19-229 . The purpose of these proposals is to meet the notification requirements for proposals. These proposals have not been reviewed and approved by the Federal Waters Subcommittee or the Federal Waters Committee. They address topics and possible solutions that have been discussed to this point.</p>	
14. Cost Information		

 Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting		1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative
2. Submitter	US Food & Drug Administration (FDA)	
3. Affiliation	US Food & Drug Administration (FDA)	
4. Address Line 1	5001 Campus Drive	
5. Address Line 2	CPK1, HFS-325	
6. City, State, Zip	College Park, MD 20740	
7. Phone	240-402-1401	
8. Fax	301-436-2601	
9. Email	Melissa.Abbott@fda.hhs.gov	
10. Proposal Subject	Restricted use tag language General Requirements for Dealers.	
11. Specific NSSP Guide Reference	Section II. Model Ordinance Chapter X. General Requirements for Dealers .05 Shellstock Identification B.7.	
12. Text of Proposal/ Requested Action	<p>(7) If a shellfish producing State selects to implement Chapter II. @.06 E. (1) (b) (i), the <u>statement indicating that the shellstock are "F</u>or shucking by a certified dealer"<u> or for approved post-harvest processing to control the <i>Vibrio vulnificus</i> hazard or an equivalent statement</u> shall be included on the tag. When this statement is included, the shellstock shall ultimately be sold to or processed by a certified shucker-packer <u>or post-harvest processor</u> for the purpose of shucking <u>or post-harvest processing only</u>.</p>	
13. Public Health Significance	The existing language allows for language equivalent to quoted language. However, States frequently use language such a “For Shucking by a Certified Dealer or Post Harvest Processing” on restricted use tags and such language may not be equivalent to “For shucking by a certified dealer.”	
14. Cost Information	No cost.	

 <p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative</p>
2. Submitter	ISSC Executive Office
3. Affiliation	Interstate Shellfish Sanitation Conference
4. Address Line 1	209 Dawson Road
5. Address Line 2	Suite 1
6. City, State, Zip	Columbia, SC 29223
7. Phone	(803) 788-7559
8. Fax	(803) 788-7576
9. Email	issc@issc.org
10. Proposal Subject	Add Depuration Processor Certification
11. Specific NSSP Guide Reference	Section II. Model Ordinance Chapter X. General Requirements for Dealers .04 B
12. Text of Proposal/ Requested Action	<p>B. Types of Certification.</p> <p>(1) Shucker-packer. Any person who shucks shellfish shall be certified as a shucker-packer.</p> <p>(2) Repacker.</p> <p>(a) Any person who repacks shucked shellfish shall be certified as a shucker-packer or repacker;</p> <p>(b) Any person who repacks shellstock shall be certified as a shellstock shipper, shucker- packer, or repacker;</p> <p>(c) A repacker shall not shuck shellfish.</p> <p>(3) Shellstock Shipper. Any person who ships and receives shellstock in interstate commerce shall be certified as a shellstock shipper, repacker, or shucker-packer.</p> <p><u>(4) Reshipper. Any person who purchases shellstock or shucked shellfish from dealers and sells the product without repacking or relabeling to other dealers, wholesalers or retailers shall be certified as a reshipper.</u></p> <p><u>(4)(5) Depuration Processor. Any person who harvests or receives shellstock from growing areas in the approved or conditionally approved, restricted, or conditionally restricted classification and submits such shellstock to an approved depuration process.</u></p>
13. Public Health Significance	Depuration is a recognized type of certification that is currently not included in this section.
14. Cost Information	




**Proposal for Task Force Consideration
at the ISSC 2019 Biennial Meeting**

- 1. a. Growing Area
- b. Harvesting/Handling/Distribution
- c. Administrative

2. Submitter	Jon C Strauss
3. Affiliation	Colorado Dept. of Public Health and Environment
4. Address Line 1	4300 Cherry Creek Drive South
5. Address Line 2	A-2
6. City, State, Zip	Denver, CO 80246
7. Phone	303.692.3654
8. Fax	
9. Email	jon.strauss@comcast.net
10. Proposal Subject	Deletion of requirement for a suitable holder for toilet paper roll.
11. Specific NSSP Guide Reference	Section II. Model Ordinance Chapter XI. Shucking and Packing Chapter XII. Repacking of Shucked Shellfish Chapter XIII. Shellstock Shipping Chapter XIV. Reshipping Chapter XV. Depuration
12. Text of Proposal/ Requested Action	<p>Chapter XI @.02 D</p> <p style="padding-left: 40px;">(6) The dealer shall provide:</p> <ul style="list-style-type: none"> (a) Toilet room doors that are tight fitting, self-closing, and do not open directly into a processing area; [K] (b) An adequate number of conveniently located, toilets; and [K] (c) Each toilet facility with an adequate supply of toilet paper [K] in a suitable holder. {S^{K/O}} <p>Chapter XII @.02 D</p> <p style="padding-left: 40px;">(3) The dealer shall provide:</p> <ul style="list-style-type: none"> (a) Toilet room doors that are tight fitting, self-closing, and do not open directly into a processing area; [K] (b) An adequate number of conveniently located, toilets; and [K] (c) Each toilet facility with an adequate supply of toilet paper [K] in a suitable holder. {S^{K/O}} <p>Chapter XIII @.02 D</p> <p style="padding-left: 40px;">(3) The dealer shall provide:</p> <ul style="list-style-type: none"> (a) Toilet room doors that are tight fitting, self-closing, and do not open directly into a processing area; [K] (b) An adequate number of conveniently located, toilets; and [K] (c) Each toilet facility with an adequate supply of toilet paper [K] in a suitable holder. {S^{K/O}} <p>Chapter XIV @.02 D</p> <p style="padding-left: 40px;">(3) The dealer shall provide:</p> <ul style="list-style-type: none"> (a) Toilet room doors that are tight fitting, self-closing, and do

	<p>not open directly into a processing area; [K] (b) An adequate number of conveniently located, toilets; and [K] (c) Each toilet facility with an adequate supply of toilet paper [K] in a suitable holder. [S^{K/O}]</p> <p>Chapter XV @.02 D</p> <p>(5) The dealer shall provide: (a) Toilet room doors that are tight fitting, self-closing, and do not open directly into a processing area; [K] (b) An adequate number of conveniently located, toilets; and [K] (c) Each toilet facility with an adequate supply of toilet paper [K] in a suitable holder. [S^{K/O}]</p>
<p>13. Public Health Significance</p>	<p>The Food Code and the Grade “A” Pasteurized Milk Ordinance (PMO) do not require toilet paper to be on an appropriate holder. Many inland state inspectors who work in multiple programs have noted this disparity. The authors of this proposal do not seek to limit or eliminate toilet paper holders/dispensers, nor do they advocate for facilities to forgo use of existing toilet paper holders/dispensers. The developers of the proposal only seek to eliminate citing deficiencies when one or more unwrapped toilet paper rolls are found set upon the top of the toilet paper holder or on top of the toilet, in a stall or restroom that has a suitable holder/dispenser. Accordingly, it would be a deficiency if the stall/bathroom lacked toilet paper or if the toilet paper roll(s) were stored on the floor. Based upon how this situation is treated in other food safety programs, the developers of this proposal believe it is in the best interest of the ISSC to adopt this proposal and improve uniformity between food safety programs nation-wide.</p>
<p>14. Cost Information</p>	<p>No cost.</p>

 <p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative</p>
2. Submitter	US Food & Drug Administration (FDA)
3. Affiliation	US Food & Drug Administration (FDA)
4. Address Line 1	5001 Campus Drive
5. Address Line 2	CPK1, HFS-325
6. City, State, Zip	College Park, MD 20740
7. Phone	240-402-1401
8. Fax	301-436-2601
9. Email	Melissa.Abbott@fda.hhs.gov
10. Proposal Subject	Proper Use of Devices to Prevent Backflow and Back Siphonage
11. Specific NSSP Guide Reference	<p>Section II. Model Ordinance Chapter XI. Shucking and Packing Chapter XII. Repacking of Shucked Shellfish Chapter XIII. Shellstock Shipping Chapter XIV. Reshipping Chapter XV. Depuration</p> <p>Section IV: Guidance Documents Chapter III. Harvesting, Handling, Processing and Distribution</p>
12. Text of Proposal/ Requested Action	<p>Chapter XI .02 Sanitation A. Safety of Water for Processing and Ice Production.</p> <p>(1) Water Supply... (2) Ice Production... (3) Shellstock Washing... (4) Plumbing and Related Facilities. (a) The dealer shall design, install, modify, repair, and maintain all plumbing and plumbing fixtures to: (i) Prevent contamination of water supplies; [S^{C/K}] (ii) Prevent any cross-connection between the pressurized potable water supply and water from unacceptable source. [S^{C/K}] The dealer shall install and maintain in good working order devices to protect against backflow and back siphonage, <u>in accordance with the manufacturer's specifications. Backflow and back siphonage devices not rated for pressure shall not be subjected to continuous pressure.</u> [K]</p> <p>Chapter XII .02 Sanitation A. Safety of Water for Processing and Ice Production. (1) Water Supply... (2) Ice Production... (3) Plumbing and Related Facilities. (a) The dealer shall design, install, modify, repair, and</p>

maintain all plumbing and plumbing fixtures to:
 (i) Prevent contamination of water supplies and [S^{C/K}]
 (ii) Prevent any cross-connection between the pressurized potable water supply and water from an unacceptable source. [S^{C/K}] The dealer shall install and maintain in good working order devices to protect against backflow and back siphonage, in accordance with the manufacturer's specifications. Backflow and back siphonage devices not rated for pressure shall not be subjected to continuous pressure. [K]

Chapter XIII .02 Sanitation

A. Safety of Water for Processing and Ice Production.

- (1) Water Supply...
- (2) Ice Production...
- (3) Shellstock Washing...
- (4) Plumbing and Related Facilities. The dealer shall design, install, modify, repair, and maintain all plumbing and plumbing fixtures to:
 - (a) Prevent contamination of water supplies; [S^{C/K}]
 - (b) Prevent any cross-connection between the pressurized potable water supply and water from an unacceptable source [S^{C/K}] The dealer shall install and maintain in good working order devices to protect against backflow and back siphonage, in accordance with the manufacturer's specifications. Backflow and back siphonage devices not rated for pressure shall not be subjected to continuous pressure. [K]

Chapter XIV .02 Sanitation

A. Safety of Water for Processing and Ice Production.

- (1) Water Supply...
- (2) Ice Production...
- (3) Plumbing and Related Facilities. The dealer shall design, install, modify, repair, and maintain all plumbing and plumbing fixtures to:
 - (a) Prevent contamination of water supplies; [S^{C/K}]
 - (b) Prevent any cross-connection between the pressurized potable water supply and water from an unacceptable source. [S^{C/K}] The dealer shall install and maintain in good working order devices to protect against backflow and back siphonage, in accordance with the manufacturer's specifications. Backflow and back siphonage devices not rated for pressure shall not be subjected to continuous pressure. [K]

Chapter XV .02 Sanitation

A. Safety of Water for Processing and Ice Production


- (1) Water Supply...
- (2) Ice Production...
- (3) Shellstock Washing...
- (4) Depuration Process Water...
- (5) Plumbing and Related Facilities.
 - (a) The dealer shall design, install, modify, repair, and maintain all plumbing and plumbing fixtures to:
 - (i) Prevent contamination of water supplies; [S^{C/K}] and
 - (ii) Prevent any cross-connection between the pressurized potable water supply and water from an unacceptable source. [S^{C/K}] The dealer shall install and maintain in good working order devices to protect against backflow and back siphonage, in accordance with the manufacturer's specifications. Backflow and back siphonage devices not rated for pressure shall not be subjected to continuous pressure. [K]
 - (b) Depuration Plant Design and Construction. The dealer shall ensure that:
 - (i) Depuration tanks, processing containers, and piping are fabricated from non-toxic corrosion-resistant materials and are easily cleanable; [K]
 - (ii) Depuration tank design, hydraulics, and typical container configuration are such that process water is evenly circulated throughout all the shellfish containers within a given tank; and [K]
 - (iii) Shellfish containers allow process water to flow freely and uniformly to all shellfish within each container. [K]
- (6) No change.

Section IV Guidance Documents – Chapter III


VIII. Backflow Prevention

Preventing contamination of potable water supplies through proper backflow prevention is a responsibility of every shellfish dealer. Different varieties of backflow and back siphonage devices are designed for specific conditions, thus dealers should work with their plumber to select the proper device for the proper application. Simple hose bib vacuum breakers are designed to protect against back siphon only. As such, they are to be used downstream of all shut-off valves. Their manufacturer's design criteria specify they must not be subjected to continuous pressure, for example, a shut-off valve or shut-off sprayer nozzle being installed downstream from the hose bib vacuum breaker. Observation of water being randomly expelled from vents in the simple hose bib vacuum breaker provides evidence that the device is being subjected to continuous pressure and dealers should be aware the simple devices are prone to failure. The internal mechanism is not robust and will fail under continuous pressure, leading to a loss of back siphonage protection. Hose bib vacuum breakers are inexpensive and ideal for applications where a simple hose is attached to them, without a shut-off sprayer nozzle attached to the end of the hose. In contrast, dual check valve (with or without intermediate atmospheric vent) backflow preventers are specifically designed for service in continuous pressure systems. As such, they are ideal when


	<p><u>located upstream from shut-off sprayer nozzles. Dual check valve backflow preventers are designed to protect against back siphon and pressurized backflow. Shellfish dealers have access to different, free resources for plumbing design questions. A simple query made to the manufacturer of the backflow device in question should provide the dealer with critical information, describing the proper installation, application, and maintenance of the device.</u></p>
<p>13. Public Health Significance</p>	<p>Backflow and back siphonage are easily prevented public health threats that can lead to contamination of the plant water supply. Devices used to prevent backflow and back siphonage have specific application criteria that must be adhered to, for proper operation of the devices. For example, the simple hose bib vacuum breaker is designed to prevent back siphon only and is not designed for continuous pressure, per the manufacture and the International Association of Plumbing and Mechanical Officials, American National Standard, 2018 Uniform Plumbing Code.</p>
<p>14. Cost Information</p>	<p>Hose bib vacuum breakers may continue to be used, provided they are not subjected to continuous pressure. For example, a simple hose attached to a hose bib, which is in turn connected to a faucet is acceptable. Cost is approximately \$6. If, however, a shut-off spray nozzle is added, the hose bib should be removed and a device capable of protecting against backflow and back siphonage under pressure should be installed upstream of the faucet valve. Cost per replacement device varies. For example, a ¾” Watts® LF7R lead free dual check valve, capable of protecting against backflow and back siphonage under continuous pressure in potable water systems, whether mounted vertically or horizontally, will cost approximately \$40. Addition of an atmospheric vent to the dual check valve assembly will increase the cost.</p>


 <p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative</p>
2. Submitter	ISSC Executive Office
3. Affiliation	Interstate Shellfish Sanitation Conference
4. Address Line 1	209 Dawson Road
5. Address Line 2	Suite 1
6. City, State, Zip	Columbia, SC 29223
7. Phone	(803) 788-7559
8. Fax	(803) 788-7576
9. Email	issc@issc.org
10. Proposal Subject	Harvest of Restricted Shellstock In Federal Waters
11. Specific NSSP Guide Reference	Section II. Model Ordinance Chapter XI. Shucking and Packing .01 A
12. Text of Proposal/ Requested Action	<p>A. Receiving Critical Control Point - Critical Limits.</p> <p>(1) The dealer shall shuck and pack only shellstock obtained from a licensed harvester who has:</p> <p><u>(a)</u> Harvested the shellstock from an Approved or Conditionally Approved area in the open status as indicated by the tag; and [C]</p> <p>(a)<u>(b)</u> <u>Harvested restricted shellstock from Federal waters and properly tagged with information describing the restriction.</u></p> <p>(b)<u>(c)</u> Identified the shellstock with a tag on each container or transaction record on each bulk shipment; and [C]</p> <p>(c)<u>(d)</u> Harvested the shellstock in compliance with the time temperature requirements of Chapter VIII. @.02 A. (1), (2), or (3) as determined from records supplied by the harvester described in Chapter VIII. .02 G. (2) [C].</p> <p>NOTE: Should this change be adopted, it may be necessary to make modifications to Section II. Guidance Documents Chapter II. Growing Areas .06 Protocol for the Landing of Shellfish from Federal Waters.</p>
13. Public Health Significance	<p>In 2017, the US FDA submitted Proposals 17-116 and 17-119 for the purpose of integrating shellfish harvested from Federal waters into the National Shellfish Sanitation Program (NSSP). The ISSC voting delegates voted to appoint a committee to evaluate aquaculture activities in Federal waters. Since the meeting in 2017, it has become apparent that the implications of Proposals 17-116 and 17-119 are not limited to aquaculture activities. A Federal Waters Subcommittee has met and identified numerous concerns associated with integrating shellfish from Federal waters into the NSSP that were not addressed in Proposals 17-116 and 17-119. The Subcommittee is continuing to discuss necessary NSSP changes for consideration at the 2019 ISSC Biennial Meeting. As Executive Director, I am submitting several proposals that I expect the Federal Waters Committee to modify. These proposals include 19-202, 19-203, 19-214, 19-223, 19-228, and 19-229,. The purpose of these proposals is to meet the notification requirements for proposals. These proposals have not been reviewed and approved by the Federal Waters Subcommittee or the Federal Waters Committee. They address topics and</p>

	possible solutions that have been discussed to this point.
14. Cost Information	

 <p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative</p>
<p>2. Submitter</p>	<p>ISSC Executive Office</p>
<p>3. Affiliation</p>	<p>Interstate Shellfish Sanitation Conference</p>
<p>4. Address Line 1</p>	<p>209 Dawson Road</p>
<p>5. Address Line 2</p>	<p>Suite 1</p>
<p>6. City, State, Zip</p>	<p>Columbia, SC 29223</p>
<p>7. Phone</p>	<p>(803) 788-7559</p>
<p>8. Fax</p>	<p>(803) 788-7576</p>
<p>9. Email</p>	<p>issc@issc.org</p>
<p>10. Proposal Subject</p>	<p>Restricted Shellstock From Federal Waters</p>
<p>11. Specific NSSP Guide Reference</p>	<p>Section II. Model Ordinance Chapter XI. Shucking and Packing .03 I. Section II. Model Ordinance Chapter XIII. Shellstock Shipping .02 I.</p>
<p>12. Text of Proposal/ Requested Action</p>	<p>Section II. Model Ordinance Chapter XI. Shucking and Packing .03 I. <u>I. Restricted Shellstock from Federal Waters.</u> <u>The dealer shall:</u> <u>1. Obtain permission from the Authority to receive restricted shellstock prior to receipt.</u> <u>2. Develop agreements or memorandum of understanding between the Authority, National Oceanic Atmospheric Administration (NOAA) and the individual harvesters as necessary to comply with the biotoxin controls outlined in Chapter IV.</u></p> <p>Section II. Model Ordinance Chapter XIII. Shellstock Shipping .02 I. <u>I. Restricted Shellstock from Federal Waters.</u> <u>The dealer shall:</u> <u>1. Obtain permission from the Authority to receive restricted shellstock prior to receipt.</u> <u>2. Develop agreements or memorandum of understanding between the Authority, National Oceanic Atmospheric Administration (NOAA) and the individual harvesters as necessary to comply with the biotoxin controls outlined in Chapter IV.</u></p> <p>NOTE: Should this change be adopted, it may be necessary to make modifications to Section II. Guidance Documents Chapter II. Growing Areas .06 Protocol for the Landing of Shellfish from Federal Waters.</p>
<p>13. Public Health Significance</p>	<p>In 2017, the US FDA submitted Proposals 17-116 and 17-119 for the purpose of integrating shellfish harvested from Federal waters into the National Shellfish Sanitation Program (NSSP). The ISSC voting delegates voted to appoint a committee to evaluate aquaculture activities in Federal waters. Since the meeting in 2017, it has become apparent that the implications of Proposals 17-116 and 17-119 are not limited to aquaculture activities. A Federal Waters Subcommittee has met and identified numerous concerns associated with integrating shellfish from Federal waters into the NSSP that were not addressed in Proposals 17-116 and 17-119. The Subcommittee is continuing to discuss necessary NSSP changes for consideration at the 2019 ISSC Biennial Meeting. As Executive Director, I am submitting several proposals that I expect the Federal Waters Committee to modify.</p>


	<p>These proposals include 19-202, 19-203, 19-214, 19-223, 19-228, and 19-229,. The purpose of these proposals is to meet the notification requirements for proposals. These proposals have not been reviewed and approved by the Federal Waters Subcommittee or the Federal Waters Committee. They address topics and possible solutions that have been discussed to this point.</p>
14. Cost Information	


	<p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative</p>
2. Submitter	US Food & Drug Administration (FDA)	
3. Affiliation	US Food & Drug Administration (FDA)	
4. Address Line 1	5001 Campus Drive	
5. Address Line 2	CPK1, HFS-325	
6. City, State, Zip	College Park, MD 20740	
7. Phone	240-402-1401	
8. Fax	301-436-2601	
9. Email	Melissa.Abbott@fda.hhs.gov	
10. Proposal Subject	Shellstock Shipping facility requirements.	
11. Specific NSSP Guide Reference	Section II. Model Ordinance Chapter XIII. Shellstock Shipping <i>Exceptions</i> .	
12. Text of Proposal/ Requested Action	<p><i>Exceptions. Shellstock Shippers are not required to pack shellstock in a building that complies with Sections .02 and .03 of this chapter when the Authority has determined that a shellstock shipper's practices and conditions do not warrant requiring shellstock to be packed in a building.</i></p> <p><i>Exceptions. Shellstock Shippers are not required to comply with the building requirements in Sections .02 and .03 of this chapter when the Authority has determined that a Shellstock Shipper's practices and conditions do not warrant requiring a building.</i></p>	
13. Public Health Significance	<p>This is suggested to make it clear that, depending on practices, Shellstock Shipping may not require a building complying with Section .02 and .03 requirements. Some dealer operations consist of receiving shellstock from harvesters in harvest containers then selling them immediately without handling them in any way other than unloading harvest containers from vessels and loading them onto trucks or possibly into standby coolers if necessary. They must be certified to purchase shellstock from harvesters but there is no reason to require that they have facilities required for Shellstock Shippers who wash, cull, and repack the shellstock.</p> <p>Allowance for dealers without buildings meeting Section .02 and .03 requirements is effectively indicated by XIII.03F, which references provisions for "A dealer whose activity consists of trucks or docking facilities only."</p>	
14. Cost Information	No cost.	

 <p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative</p>
2. Submitter	Blake Millett / Jon Strauss
3. Affiliation	Utah Department of Agriculture and Food / Colorado Department of Public Health & Envrm
4. Address Line 1	350 N Redwood Road / 4300 Cherry Creek Drive South A-2
5. Address Line 2	
6. City, State, Zip	Salt Lake City, UT 84114 / Denver, CO 80246
7. Phone	801-706-9202 / 303-692-3654
8. Fax	801-538-4949 / 303-753-6809
9. Email	bmillett@utah.gov / jon.strauss@state.co.us
10. Proposal Subject	Addition of shipping CCP
11. Specific NSSP Guide Reference	Section II. Model Ordinance Chapter XIII. Shellstock Shipping Chapter XIV. Reshipping
12. Text of Proposal/ Requested Action	<p>Chapter XIII Shellstock Shipping</p> <p>.01 Critical Control Points</p> <p>D. Shellstock Shipping Critical Control Point- The dealer shall ensure that</p> <p>(1) Shellstock that is received bearing a restricted use tag shall only be shipped to a certified dealer and shall include specific language detailing the intended use of the shellstock. The transaction record shall indicate the quantity of restricted use shellstock containers.[C]</p> <p>(2) All shellstock is cooled to meet the requirements outlined in .01 B. (3) and (4) above prior to shipment. The original dealer may elect to ship restricted use shellstock and shellstock which has been harvested in accordance with Chapter VIII. @.02 A. (3) prior to achieving the internal temperature of 50 °F (10 °C). Should the original dealer choose this option the shipment shall be accompanied with a time/temperature recording device indicating continuing cooling. Shipments of four (4) hours or less will not be required to have a time/temperature recording device. [C]</p> <p><u>(3) All shellstock shipments to other certified dealers shall be accompanied by documentation in accordance with Chapter IX. .05 [C]</u></p> <p>Chapter XIV Reshipping</p> <p>.01 Critical Control Points</p> <p>E. Shellstock Shipping Critical Control Point. The dealer shall ensure that:</p> <p>(1) Shellstock that is received bearing a restricted use tag shall only be shipped to a certified dealer and shall include specific language detailing the intended use of the shellstock. The transaction record shall indicate the quantity of restricted use shellstock containers. [C]</p> <p>(2) All shellstock received from a dealer which elected to ship restricted use shellstock or shellstock which has been harvested in</p>


	<p>accordance with Chapter VIII. @.02 A. (3) prior to achieving the internal temperature of 50 °F (10 °C) must be cooled to an internal temperature of 50 °F (10 °C) prior to shipment. The dealer may elect to ship restricted use shellstock and shellstock which has been harvested in accordance with Chapter VIII. @.02 A.</p> <p>(3) prior to achieving the internal temperature of 50 °F (10 °C). Should the dealer choose this option the shipment shall be accompanied with a time/temperature recording device indicating continuing cooling. Shipments of four (4) hours or less will not be required to have a time/temperature recording device. [C]</p> <p><u>(4) All shellstock shipments to other certified dealers shall be accompanied by documentation in accordance with Chapter IX. .05[C]</u></p>
<p>13. Public Health Significance</p>	<p>When a dealer receives shellstock from another dealer, without the required time and pre-chill temperature documentation, then under Chapter XI.01.A.(2)(b), Chapter XIII.01.B, Chapter XIV.01.A.(1).(b), or Chapter XV.01.A.(2).(b), the receiving firm receives a Critical violation if that product is still present at the receiving firm during the Authority’s inspection. Currently, the dealer who ships product without the required time and pre-chill temperature only receives a Key violation under Chapter IX. .04 and .05. Recall the issue that led to modifications of Chapter IX was the discovery of one or more original shippers loading shellstock into hot trailers. It is unclear how penalizing all receiving dealers, (who until the scandal broke, were unknowingly receiving product that was initially temperature abused), was a logical solution to halting a problem caused by a few original shippers. This proposal would create an equal penalty for a dealer who fails to add the required time and pre-chill temperature information to the transportation documents.</p> <p>There have been recurrent, unintended consequences from Chapter IX. Receiving dealers are failing recertifications for receiving shipments that do not contain the time and pre-chill temperature on the shipping documents, if that particular shipment of shellstock is present in the facility during inspection. While it is the receiving dealer’s responsibility to reject these noncompliant shipments, responsibility should fall equally on the dealer who sends out noncompliant shipments. By creating a requirement for a shipping CCP, dealers who ship product without the time and pre-chill temperature as required will receive the same Critical violation that the receiving dealer gets on their inspection.</p> <p>The public health significance of this proposal is that by fairly and equally sharing the responsibility for those shipping and those receiving product, we are placing a stronger emphasis on the importance of keeping product safe during transportation from one dealer to another.</p> <p>The way that the MO is currently written, with the receiving firm getting cited for a Critical deficiency and the shipping firm getting a Key, we are essentially sanctioning the passing of risk to the receiving firm. As further evidence of passing risk to the end user, FDA has gone on record to state that if the Authority’s inspection discovers a receiving dealer lacks proper documentation required by Chapter IX but the live shellfish shipment in question has been shipped out to</p>

	<p>another dealer and is thus not present in the receiving dealer's facility, the Critical deficiency becomes a Key.</p> <p>Proponents of the original change to Chapter IX insist the receiving firm should take responsibility and reject the product. In this way, the shipping firms would have to comply or risk shipments being rejected. History has shown that is not the case. The original change to Chapter IX, adding special shipping document requirements for shellstock to all receiving dealer CCPs, was put into place in 2011. Eight years later, we are still having national issues with some certified shippers not including this required documentation. This proposal will fix these issues.</p>
14. Cost Information	No cost.

	Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting	1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative
2. Submitter	ISSC Executive Office	
3. Affiliation	Interstate Shellfish Sanitation Conference	
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6. City, State, Zip	Columbia, SC 29223	
7. Phone	(803) 788-7559	
8. Fax	(803) 788-7576	
9. Email	issc@issc.org	
10. Proposal Subject	Public Health Explanation of Depuration	
11. Specific NSSP Guide Reference	Section III Public Health Reasons and Explanations Chapter XV. Depuration	
12. Text of Proposal/ Requested Action	<p>@.01 Administration</p> <p>Depuration is intended to reduce the number of pathogenic organisms that may be present in shellfish harvested from moderately polluted (restricted) waters to such levels that the shellfish will be acceptable for human consumption without further processing. The process is not intended for shellfish from heavily polluted (prohibited) waters nor to reduce the levels of poisonous or deleterious substances that the shellfish may have accumulated from their environment.</p> <p>The acceptability of the depuration process is contingent upon the Authority exercising very stringent supervision over all phases of the process.</p>	
13. Public Health Significance	This statement is not accurate.	
14. Cost Information		

 <p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative</p>
2. Submitter	Catalina Sea Ranch, LLC (CSR)
3. Affiliation	Catalina Sea Ranch, LLC (CSR)
4. Address Line 1	2303 S. Signal street, Berth 58
5. Address Line 2	
6. City, State, Zip	San Pedro, CA 90731
7. Phone	844-922-8254
8. Fax	
9. Email	maria@catalinasearanch.com
10. Proposal Subject	Update the Protocol for Marine Biotoxin Control
11. Specific NSSP Guide Reference	Section II. Model Ordinance Chapter IV. Shellstock Growing Areas @.04 B.
12. Text of Proposal/ Requested Action	<p>@.04 Marine Biotoxin Control</p> <p>B. Marine Biotoxin Management Plan.</p> <p>In those areas that have been implicated in an illness outbreak or where toxin-producing phytoplankton are known to occur and the toxins are prone to accumulate in shellfish, and when appropriate at those times when marine biotoxins can be reasonably predicted to occur, representative samples of the water may be collected and shellfish shall be collected during harvest periods. The samples shall be collected from indicator stations at intervals determined by the Authority. Water samples may be assayed for the presence of toxin-producing phytoplankton and shellfish meat samples shall be assayed for the presence of toxins.</p> <p>NOTE: In situations in which the toxin of concern has an established cell count standard, such as <i>Karenia brevis</i>, water and shellfish samples would not be required. Management decisions could be made on either water or shellfish sampling results.</p> <p>(1) The Authority shall develop and adopt a marine biotoxin management plan for all marine and estuarine shellfish growing areas if there is a history of biotoxin closures related to PSP, ASP, NSP, DSP, or AZP; if toxin-producing phytoplankton are known to occur in the growing area; or a reasonable likelihood that biotoxin closures could occur.</p> <p><u>(2) For Federal waters harvesters, each company is considered an Authority and must develop and adopt their own plan.</u></p> <p>(23) The plan shall...</p> <p>(34) The Authority may...</p> <p>(45) Except that the...</p>

	(5 6) The plan may... (6 7) Prior to allowing...
13. Public Health Significance	This proposal would expand the definition of Authority to include harvesters in the definition of Authority.
14. Cost Information	

 <p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative</p>
2. Submitter	ISSC Executive Office
3. Affiliation	Interstate Shellfish Sanitation Conference
4. Address Line 1	209-1 Dawson Road
5. Address Line 2	
6. City, State, Zip	Columbia, SC 29223
7. Phone	803-788-7559
8. Fax	803-788-7576
9. Email	issc@issc.org
10. Proposal Subject	Alternative Pre-harvest Screening
11. Specific NSSP Guide Reference	Section II Model Ordinance – Chapter IV. Shellstock Growing Area @.04 Marine Biotxin Control B. Marine Biotxin Management Plan (6)e
12. Text of Proposal/ Requested Action	<p>(6) Prior to allowing the landing of shellfish harvested from Federal waters where routine monitoring of toxin levels is not conducted, in addition to following State requirements in the Model Ordinance, the State Authority in the landing State, in cooperation with appropriate Federal agencies, shall develop agreements or memoranda of understanding between the Authority and individual shellfish harvesters or individual shellfish dealers. The agreements or memoranda of understanding shall provide strict safety assurances. At a minimum agreements or memoranda of understanding shall include provisions for:</p> <ul style="list-style-type: none"> (a) Harvest permit requirements; (b) Training for individuals conducting onboard toxicity screening using NSSP methods; (c) Vessel monitoring; (d) Identification of shellfish for each harvesting trip to include: <ul style="list-style-type: none"> (i) Vessel name and owner; (ii) Captain’s name; (iii) Person conducting onboard screening tests; (iv) Port of departure name and date; (v) Port of landing name and date; (vi) Latitude and longitude coordinates of designated harvest area; (vii) Onboard screening test results; (viii) Volume and species of shellfish harvested; (ix) Intended processing facility name, address and certification number; and (x) Captain’s signature and date; (e) Pre-harvested (onboard) sampling that includes a minimum of five (5) samples from the intended harvest area be tested for toxins that are likely to be present. <u>Harvesting shall not be permitted if any of the pre-harvested samples contain toxin levels in excess of half of the established criteria listed in Chapter IV@.04(c)(1)As an alternative to pre-harvest (on-board) screening samples, end product (dockside) testing samples alone may be used. Should alternative be chosen, the minimum number of seven (7) dockside samples as stated in section (g) below must be expanded to ten</u>

	<p>(10). (e.g., 44 µg/100 g when using a quantitative test or a positive at a limit of detection of 40 µg/100 g for the qualitative screening test for PSP toxins);</p> <p>(f) Submittal of onboard screening homogenates and test results to the Authority in the State of landing;</p> <p>(g) The collection of a minimum of seven (7) dockside samples by the Authority or designee and the testing of those samples for toxins using a NSSP method by a NSSP conforming laboratory; the Authority may require more samples based on the size of the vessel and the volume of shellfish harvested;</p> <p>(h) Holding and providing separation until dockside samples verify that toxin levels are below the established criteria (e.g., 80 µg/100 g for PSP toxins);</p> <p>(i) Disposal of shellfish when dockside test results meet or exceed the established criteria in Chapter IV@.04C.(1) (e.g., 80 µg /100 g for PSP toxins);</p> <p>(j) Notification prior to unloading;</p> <p>(k) Unloading schedule;</p> <p>(l) Access for Dockside Sampling;</p> <p>(m) Record Keeping; and</p> <p>(n) Early Warning/Alert System.</p>
<p>13. Public Health Significance</p>	<p>The ISSC Executive Board adopted the proposed language as an interim measure to address concerns with the Abraxis PSP Shipboard ELISA Kit. See attached report.</p>
<p>14. Cost Information</p>	

Performance of the Abraxis PSP Shipboard ELISA Kit

An Approved Limited Use Method for Biotoxins

Application: Onboard/Pre-Harvest Screening

Update to the Interstate Shellfish Sanitation Conference Executive Board

March 2019

EXECUTIVE SUMMARY

The U.S. Food and Drug Administration (FDA) and Abraxis have been working together to identify the source of challenges observed by certain users of the Abraxis PSP Shipboard ELISA Kit, which is required under the National Shellfish Sanitation Program (NSSP) for conducting pre-harvest paralytic shellfish poisoning (PSP) toxin screening for molluscan shellfish harvested from federal waters. The first reported problem with the kit's performance (not meeting quality control requirements) was identified by Catalina Sea Ranch (CSR), a user harvesting Mediterranean mussels from an aquaculture site in federal waters six (6) miles off the coast of California. With no other reliable NSSP Approved Limited Use Method options for PSP pre-harvest screening, the Interstate Shellfish Sanitation Conference (ISSC) Executive Board granted an interim adoption to allow additional end product testing to replace pre-harvest screening for PSP until the Spring board meeting. The FDA was requested to provide an update on the status of the Abraxis PSP Shipboard ELISA Kit in advance of the board meeting.

Users on Georges Bank, off the coast of Massachusetts, continue to report successful kit performance as demonstrated by quality control (QC) parameters; however, the FDA has recently performed experiments using three (3) new lots of Abraxis PSP Shipboard ELISA Kits that yielded similar challenges as reported by CSR (i.e., failed QC parameters).

Presently, it remains unknown what is causing the difference in kit performance for certain users in certain locations. The FDA and Abraxis have ongoing investigations planned to help better understand and identify these discrepancies in performance. For example, the FDA will travel to the Abraxis headquarters to assess the Abraxis PSP Shipboard ELISA Kit performance on-site where the kits are manufactured, and quality control performed, but in the hands of the FDA analyst. Further, the FDA will assess performance at sea on Georges Bank in the hands of a key industry user where the kits are reportedly working successfully.

The FDA will provide updates to the ISSC Executive Board on the proposed activities.

FDA RECOMMENDATION – MARCH 2019

The FDA recommends that the ISSC Executive Board extend the interim adoption from December 2018 as follows:

The ISSC Executive Board grant interim approval for the adoption of the FDA recommendation to allow additional end product testing samples as an alternative to pre-harvest screening for harvesting in federal waters when pre-harvest screening is required. The interim approval will be effective until the 2019 Biennial Meeting. At the Biennial Meeting the Executive Board will reassess this situation, unless the proposal process addresses it.

BACKGROUND

The FDA and Abraxis conducted a site visit to CSR in San Pedro, CA December 5-6, 2018 to focus on the implementation of the Abraxis PSP Shipboard ELISA Kit (Abraxis Product Number 52255SB) for detecting PSP toxins in mussels as required for pre-harvest screening by the NSSP. The Abraxis PSP Shipboard ELISA Kit is an Approved Limited Use Method in the NSSP and is used for marine biotoxin control for molluscan shellfish harvested from federal waters where illness outbreaks have occurred due to PSP or where PSP toxin-producing phytoplankton are known to occur. Marine biotoxin control requirements can be found in the *NSSP Guide for the Control of Molluscan Shellfish: 2017 Revision* (Section II Model Ordinance – Chapter IV. Shellstock Growing Areas @.04B and Section II Model Ordinance – Chapter VI. Shellfish Aquaculture @.03 and .07).

The FDA provided training to CSR staff on the use of the Abraxis PSP Shipboard ELISA Kits via WebEx on June 6, 2018 and October 25, 2018. Abraxis also provided training to CSR on March 27, 2017 (on-site) and July 9, 2018 (via Skype). The FDA and Abraxis also provided guidance and advice to CSR by numerous phone and email communications regarding questions about the kit. Like many new users to pipetting assays, such as ELISAs, there is an initial period of learning and acquiring pipetting skills to enhance consistent user results. After a little practice, each CSR staff that would perform kit analysis in support of NSSP requirements was found to perform the kit successfully, as demonstrated by meeting the QC requirements of the kits.

CSR was able to initiate harvest in July 2018 with the successful application of the Abraxis PSP Shipboard ELISA Kit for PSP pre-harvest screening. There were occasions when an analyst did not meet the QC requirements and analyses had to be repeated for making harvesting decisions. While CSR was performing the kits well the majority of time for the intended application, when the Abraxis PSP Shipboard ELISA Kit lot changed (Lot 18H7305 was shipped to CSR for the first time on August 13, 2018) CSR began experiencing difficulty achieving the required QC parameters for any kit performed. Given this challenge, CSR requested that the FDA and Abraxis provide on-site training and work with them to resolve the challenges they were experiencing.

CSR Site Visit Goals: Goals of the site visit were to (1) provide in-person training to CSR on the use of the Abraxis PSP Shipboard ELISA Kit and (2) troubleshoot the challenges CSR has experienced in meeting the QC requirements while performing the ELISA.

CSR Background: CSR, a 100-acre shellfish aquaculture farm located in U.S. federal waters approximately six (6) nautical miles off the coast of California, has been harvesting Mediterranean mussels for human consumption since July 2018. As is the case with all molluscan shellfish produced and sold for human consumption and introduced in interstate commerce, NSSP requirements for safety and sanitary controls must be met. The FDA, National Oceanic and Atmospheric Administration (NOAA), and other federal and state agencies worked collaboratively with CSR to assist them in meeting the NSSP requirements.

Given the reasonable likelihood of toxin-forming phytoplankton that produce PSP toxins and amnesic shellfish poisoning (ASP) toxins in the CSR shellfish growing area, CSR is required to control for marine biotoxins. In accordance with the NSSP, CSR must conduct pre-harvest screening for PSP and ASP toxins using an NSSP method (i.e., Approved Limited Use Method) to ensure that product is safe for harvest. If the pre-harvest samples demonstrate that toxin levels are below the established NSSP criteria for pre-harvest, harvest may commence within 24 hours. Immediately upon harvest, CSR must also collect representative harvest samples to be sent to an NSSP conforming laboratory for confirmatory testing of PSP and ASP toxins using NSSP Approved Methods. The harvested product must be retained in a secure location until laboratory results confirm that toxin levels are below the established NSSP criteria. At that time, product may be released into commerce.

Most of CSR's harvest attempts to date have been successful. The main challenge however is related to the pre-harvest PSP toxin testing using the Abraxis PSP Shipboard ELISA Kit. While the FDA and Abraxis trained CSR staff in the use of the pre-harvest screening kits via WebEx/Skype and provided troubleshooting assistance by phone, on occasion CSR staff continues to have difficulty performing the PSP screening kits successfully. Specifically, results have shown that they are often unable to meet the QC requirements for the Abraxis PSP Shipboard ELISA Kit (e.g., achieving non-linear regression requirements for quantitation [i.e., $r^2 > 0.99$] and measuring the positive controls within the acceptable range [i.e., 42-78 $\mu\text{g}/100\text{ g}$]). Such a failure in meeting QC requirements means that the PSP pre-harvest screening results are unreliable. In such cases, CSR has had to rerun analyses within 24 hours to determine if harvesting is permissible, which is costly and jeopardizes their ability to harvest. In at least one (1) case, harvesting plans were canceled altogether after several attempts to reanalyze the PSP screening samples failed.

Site Visit Summary: During the opening meeting with CSR staff on December 5, 2018, CSR reported that they started having trouble passing the QC required parameters with the Abraxis PSP Shipboard ELISA Kit when the kit lot changed. The questionable lot, which is currently in distribution, is 18H7305 (produced in August 2018). The FDA and Abraxis proceeded by offering training to CSR in a systematic manner to simultaneously enhance knowledge and skills of the users and troubleshoot the issues and isolate the source of the problem(s) encountered with the ELISA. During the first half of the day on December 5, 2018, CSR staff were trained in the use of their pipettes and absorbance plate reader using a series of dyes prepared to emulate the absorbance of the standards used in the test kit. Using the prepared dye and the equipment in use at CSR, data supported that CSR staff members were skilled at

pipetting and their equipment also performed well. This was evident based on the non-linear regression ($r^2 > 0.99$) of the dyes as pipetted by each user as well as the repeatability (coefficient of variation [CV]) of absorbances of the same dye (i.e., $< 5\%$ CV) using both the single channel and multi-channel pipettes.

After demonstrating that CSR's plate reader, pipettes, and users of the ELISA were not the source of the problem, focus shifted to the actual use of the Abraxis PSP Shipboard ELISA Kit. The Abraxis representative ran the first analysis as a training opportunity to explain the steps of the ELISA as well as the opportunity to evaluate CSR's ELISA test kit materials in the hands of an experienced user. The Abraxis representative was not able to achieve the required QC parameters using the Abraxis PSP Shipboard ELISA Kit and equipment at CSR. This led to a focus of troubleshooting the ELISA test kit. Several attempts were made by different individuals and using different approaches such as changing the plate map of where on the plate different standards were added. Over the course of the day, the absorbances of the standards decreased out of the range of being quantitative. This represented an additional aberrant behavior, which made it more difficult to troubleshoot the original problem with the ELISA kit. The Abraxis representative ran the ELISA kit at the hotel later that night using fresh test kit materials that were brought from Abraxis and with the field kit components as used by Georges Bank users (instead of using CSR's pipettes and plate reader). The results were more encouraging but still failed to pass QC.

Several attempts were made on December 6, 2018 at CSR using their equipment and kits on hand as well as the materials and reagents brought by Abraxis. Some ELISA kits passed QC, but most failed. A pattern was observed that there was overlap in absorbances for standards of successive concentrations, which is ultimately what is causing the QC to fail. Furthermore, it was observed that the absorbance values changed over the course of the day, becoming more compressed (i.e., the dynamic range of the standard curve was decreasing). It was also learned that the Abraxis PSP Shipboard ELISA Kit has a smaller dynamic range than other Abraxis ELISA kits due to the need of tailoring this kit for use in the NSSP for the purpose of making pre-harvest decisions at the level of $40 \mu\text{g}$ saxitoxin-equivalents per 100 grams. Having a limited dynamic range means that the kit is more susceptible to small variations compared to other Abraxis ELISA kits.

Concurrently, Abraxis representatives at headquarters in PA were informed of the issues and were simultaneously addressing the QC of the kit. They also observed the same patterns seen at CSR with the Abraxis PSP Shipboard ELISA Kit.

By the end of December 6, 2018 there was no resolution. The FDA informed CSR that they would write a summary report and recommendations for consideration by the ISSC, as appropriate. Abraxis informed CSR that they would continue to troubleshoot to identify the source of the problem.

On December 7, 2018, Abraxis notified the FDA that they thought that the standards in the current lot of the Abraxis PSP Shipboard ELISA Kit may play a role in the problems observed. When Abraxis went back to their bulk standards and used those with the current plate and reagents an $r^2 = 1.0$ was achieved

(ideal). In hopes that this could solve the problem, Abraxis shipped aliquots of the bulk standards overnight to CSR be used with the kit. Meanwhile, Abraxis continued to investigate isolating the source of the problem. The FDA received a letter from Abraxis dated December 10, 2018 summarizing their efforts to date to address CSR's challenges with the Abraxis PSP Shipboard ELISA Kit and emphasizing their commitment to resolve the issue by highlighting short-term and long-term recommendations. On December 10, 2018 CSR ran three (3) trials using the new bulk standards from Abraxis with the existing test kit components. All three (3) tests failed both the r^2 value and the positive control, demonstrating that standards were not, at least the only, source of the problem.

Site Visit Conclusion: CSR staff representatives were found to be performing the Abraxis PSP Shipboard ELISA Kit properly; however, the source of the challenges observed with the ELISA kit resulting in inadequate QC parameters remained elusive.

Post-Site Visit Testing and Results

Following the site visit by Abraxis and the FDA, Abraxis continued to work with CSR concerning troubleshooting, keeping the FDA informed throughout the process. Abraxis tested the stability of standards over a one (1) month time frame at multiple temperatures (0, 4, 37 °C, and room temperature). No significant difference in results was observed in assays using these different stored standards over the one (1) month time frame. All QC parameters were met in performing this testing.

Abraxis requested and received back from CSR the remaining kits that were both opened/used and unopened/un-used. It was noted that in the open/used kits, the wash solution bottles had not been opened/used while the other standards and reagents were opened and used, as expected. Abraxis performed an expanded QC protocol, running a standard curve and additional standards/blanks in subsequent wells; all data passed QC specifications for both opened and unopened kits.

Additional testing was subsequently performed by Abraxis to evaluate potential performance differences between and within different lots of the test kits and with different analysts. For this testing, three (3) new lots of test kits were prepared and testing was performed by four (4) different analysts. All r^2 values were ≥ 0.993 (minimum acceptable r^2 value is > 0.99) and no overlap of absorbances was observed in any of the calibration curves.

As noted above, opened/used kits had been returned to Abraxis with only the Wash Solution as an "untouched" reagent. Abraxis attempted to investigate wash bottle/solution use and contamination with CSR, who, at this time, determined that they were going to cease using test kits, per the ISSC's interim adoption. Evaluations of the effect of modifications to the wash solution were performed at Abraxis to further understand the impacts. Diluted wash solution was prepared as described in the test kit user's guide using a variety of water sources (i.e., deionized water, distilled water, unchlorinated tap water, chlorinated municipal tap water, and bottled spring water containing minerals). Tests were performed using these wash solutions and also using each of the different water sources as-is for the

washing steps. All r^2 values were ≥ 0.996 and no overlap of absorbances was observed in any of the calibration curves.

On February 22, 2019 the FDA received a shipment of five (5) Abraxis PSP Shipboard ELISA Kits representing three (3) different lots (a total of 15 kits) for evaluation. Thirteen standard curves were performed the week of March 11, 2019 evaluating 1) kits from different lots, 2) field pipettes versus laboratory pipettes, 3) handheld readers versus plate readers, 4) wash bottle versus multi-channel pipette for wash delivery, 5) deionized water versus high performance liquid chromatography water for making the wash solution, and 6) two (2) different analysts. None of the standard curves passed the QC requirements. While one (1) experiment resulted in an $r^2 = 0.99$, the positive control for that assay was out of range.

Ongoing investigations will include evaluating the benchtop Abraxis PSP ELISA at the FDA since the reagents are the same yet in a different format (i.e., the assay would eliminate the reagents themselves as the source of the error). The FDA will travel to the Abraxis headquarters in PA to perform experiments where the assays are currently performing accurately (i.e., this would eliminate the user as the source of the error). The FDA will also go to sea on Georges Bank to perform and observe assays where they are reportedly still performing successfully (i.e., this would confirm the continued success of the Abraxis PSP Shipboard ELISA Kit for the specific use/user that was originally adopted into the NSSP).

Raw data for the experiments conducted to date are available upon request. The FDA will continue to update the ISSC Executive Board on developments related to the kit performance.

SUMMARY AND RECOMMENDATION PREVIOUSLY PROVIDED TO THE ISSC – DECEMBER 2018

Problem that Requires the Proposed Interim Consideration:

The requirement for pre-harvest screening, per Section II Chapter IV @.04B(6), relies on the reliability of the Abraxis shipboard enzyme linked immunosorbent assay (ELISA) for the detection of paralytic shellfish poisoning (PSP) toxins. It has been brought to the FDA's attention, and confirmed by the FDA, that there appears to be either a quality control problem with the Abraxis PSP Shipboard ELISA or an onsite issue at a key industry user. The manufacturer is aware of the problem and is currently working to isolate the source of the problem and seek a resolution. However, a key industry user is unable to harvest shellfish from federal waters in areas where PSP testing is required without an NSSP pre-harvest screening method.

The FDA has been monitoring data collected from the pre-harvest screening and dockside testing samples to date for shellfish harvested from federal waters off the east and west coasts of the United States. Approximately ten (10) years of data on PSP toxins for samples collected off the east coast demonstrate that toxicity is often present but in low levels. Originally, the pre-harvest screening was intended primarily to be an economic protection for the industry that would prevent the landing of vessels filled with contaminated product that industry would then have to destroy. However, dockside

samples demonstrate that toxicity has not been high enough that product had to be destroyed. Inclusion of the pre-harvest screening samples adds to the overall assessment of the safety of the product even though the primary intent was to serve as an economic protection. Based on the scientific data reviewed to date and the challenges associated with an industry user's experience with the Abraxis PSP Shipboard ELISA, the FDA requests that the ISSC Executive Board adopt an interim amendment to marine biotoxin control for shellfish harvested from federal waters. In lieu of the pre-harvest screening samples, the FDA proposes that in addition to the existing minimum requirements for dockside samples, three (3) more end product (dockside) testing samples be collected from the harvest vessel and tested for marine biotoxins prior to the release of product.

The FDA seeks interim adoption of this proposal. Concurrently, the FDA will work with Abraxis on the PSP Shipboard ELISA and will continue to evaluate active ISSC proposals on alternative PSP methods for consideration. Furthermore, interim adoption of the end product testing model will provide valuable information on such a marine biotoxin control strategy. As a result, the ISSC will be able to refine marine biotoxin control requirements for shellfish harvested from federal waters accordingly.

FDA Recommendation:

Recommends that the ISSC Executive Board adopt end product (dockside) testing for marine biotoxins in shellfish harvested from Federal waters on an interim basis.

Model Ordinance Context:

Section II Model Ordinance – Chapter IV Shellstock Growing Areas

@.04 Marine Biotoxin Control

B. Marine Biotoxin Management Plan

Proposed Amendment:


(6) Prior to allowing the landing of shellfish harvested from Federal waters where routine monitoring of toxin levels is not conducted, in addition to following state requirements in the Model Ordinance, the State Authority in the landing State, in cooperation with appropriate Federal agencies, shall develop agreements or memoranda of understanding between the Authority and individual shellfish harvesters or individual shellfish dealers. The agreements or memoranda of understanding shall provide strict safety assurances. At a minimum agreements or memoranda of understanding shall include provisions for:


- (a) Harvest permit requirements;
- (b) Training for individuals conducting onboard toxicity screening using NSSP methods;
- (c) Vessel monitoring;
- (d) Identification of shellfish for each harvesting trip to include:
 - (i) Vessel name and owner;
 - (ii) Captain's name;
 - (iii) Person conducting onboard screening tests;
 - (iv) Port of departure name and date;
 - (v) Port of landing name and date;
 - (vi) Latitude and longitude coordinates of designated harvest area;
 - (vii) Onboard screening test results;
 - (viii) Volume and species of shellfish harvested;
 - (ix) Intended processing facility name, address and certification number; and
 - (x) Captain's signature and date;


- (e) Pre-harvested (onboard) sampling that includes a minimum of five (5) samples from the intended harvest area be tested for toxins that are likely to be present. Harvesting shall not be permitted if any of the pre-harvested samples contain toxin levels in excess of half of the established criteria listed in Chapter IV@ .04 C. (1). As an alternative to pre-harvest (onboard) screening samples, end product (dockside) testing samples alone may be used. Should alternative be chosen, the minimum number of 7 dockside samples as stated in section (g) below must be expanded to ten (10).
- (f) Submittal of onboard screening homogenates and test results to the authority in the state of landing;
- (g) The collection of a minimum of seven (7) dockside samples by the Authority or designee and the testing of those samples for toxins using an NSSP method by an NSSP conforming laboratory; the Authority may require more samples based on the size of the vessel and the volume of shellfish harvested;
- (h) Holding and providing separation until dockside samples verify that toxin levels are below the established criteria (e.g., 80 µg/100 g for PSP toxins);
- (i) Disposal of shellfish when dockside test results meet or exceed the established criteria in Chapter IV@.04(c)(1) (e.g., 80 µg /100 g for PSP toxins);
- (j) Notification prior to unloading;
- (k) Unloading schedule;
- (l) Access for Dockside Sampling;
- (m) Record Keeping; and
- (n) Early Warning/Alert System.

ISSC INTERIM MOTION AND ADOPTION – DECEMBER 2018


The ISSC Executive Board grant interim approval for the adoption of the FDA recommendation to allow additional end-product testing samples as an alternative to pre-harvest screening for harvesting in federal waters when pre-harvest screening is required. The interim approval will be effective until the Spring ISSC Executive Board Meeting. At the Spring Board meeting the Executive Board will reassess this situation. The FDA is requested to provide an update 30 days prior to the Executive Board Meeting. The update should include the status of the Abraxis kit and an overview of the use of additional end-product testing samples.

 <p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative</p>
2. Submitter	Tom Dameron
3. Affiliation	Surfside Foods
4. Address Line 1	2838 High St
5. Address Line 2	
6. City, State, Zip	Port Norris, NJ, 08349
7. Phone	(856) 785-2115
8. Fax	
9. Email	capttomd@gmail.com
10. Proposal Subject	Shellstock Receiving and Shipping
11. Specific NSSP Guide Reference	Section II. Model Ordinance Chapter I. Shellfish Sanitation Program for the Authority @.01 E
12. Text of Proposal/ Requested Action	<p>E. Administrative Procedures. The Authority shall have administrative procedures sufficient to:</p> <p>(1) Regulate shellfish harvesting, sale, and shipment;</p> <p>(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;</p> <p>(3)(2) Detain, condemn, seize, and embargo shellfish; and</p> <p>(4)(3) Assure compliance with Shellfish Plant Inspection Standardization.</p>
13. Public Health Significance	There is no public health significance associated with this requirement. Dealer receiving critical control points address the source of the shellfish. There is no public health reason for prohibiting a company which has a harvester license and is certified as a dealer from landing in one state and trucking shellfish to their dealer location in another state.
14. Cost Information	

 <p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative</p>
2. Submitter	ISSC Executive Office
3. Affiliation	Interstate Shellfish Sanitation Conference
4. Address Line 1	209 Dawson Road
5. Address Line 2	Suite 1
6. City, State, Zip	Columbia, SC 29223
7. Phone	(803) 788-7559
8. Fax	(803) 788-7576
9. Email	issc@issc.org
10. Proposal Subject	Aquaculture Operational Plan for Birds and/or Mammals
11. Specific NSSP Guide Reference	Section II . Model Ordinance Chapter VI. Shellfish Aquaculture .04
12. Text of Proposal/ Requested Action	<p>.04 Aquaculture That Attracts Birds or Mammals</p> <p>A. Operational Plan. Each aquaculture site that the Authority determines may attract sufficient birds and/or mammals that their waste presents a human health risk shall have a written operational plan. The plan shall be approved by the Authority prior to its implementation and shall include:</p> <ul style="list-style-type: none"> (1) A description of the design and activities of the culture facility; (2) The specific site and boundaries in which shellfish aquaculture activities will be conducted; (3) The types and locations of any structures, including rafts, pens, cages, nets, or floats which will be placed in the waters; (4) The species of shellfish to be cultured and harvested; (5) Procedures to assure that no poisonous or deleterious substances are introduced from the aquaculture activities; and <u>(6) An evaluation of the potential pollution impact of the birds and/or mammals.</u> (6) Maintenance of the required records.
13. Public Health Significance	As currently written section .04 does not require a pollution assessment.
14. Cost Information	

 <p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative</p>
2. Submitter	ISSC Executive Office
3. Affiliation	Interstate Shellfish Sanitation Conference
4. Address Line 1	209 Dawson Road
5. Address Line 2	Suite 1
6. City, State, Zip	Columbia, SC 29223
7. Phone	(803) 788-7559
8. Fax	(803) 788-7576
9. Email	issc@issc.org
10. Proposal Subject	Dealer Receiving Critical Control Points
11. Specific NSSP Guide Reference	Section II. Model Ordinance Chapter XI. Shucking and Packing .01 A. (2) Chapter XIII. Shellstock Shipping .01 A (2). Chapter XIV. Reshipping .01 A (1)
12. Text of Proposal/ Requested Action	<p>Chapter XI. Shucking and Packing</p> <p>.01 Critical Control Points</p> <p>A. Receiving Critical Control Point - Critical Limits.</p> <p>(1) The dealer shall...</p> <p>(2) The dealer shall shuck and pack only shellstock obtained and transported from a dealer who has:</p> <p>(a) Identified the shellstock with a tag on each container as outlined in Chapter X. .05 or transaction record with each bulk shipment as outlined in Chapter VIII. .02 F. (8); and [C]</p> <p>(b) Provided documentation as required in Chapter IX. .05; and [C]</p> <p>(c) Adequately iced the shellstock; or [C]</p> <p>(d) Shipped the shellstock in a conveyance maintained at or below 45 °F (7.2 °C) ambient air temperature; or and [C]</p> <p>(e) Cooled the shellstock to an internal temperature of 50 °F (10 °C) or less.[C]</p> <p>Chapter XIII. Shellstock Shipping</p> <p>.01 Critical Control Points</p> <p>A. Receiving Critical Control Point - Critical Limits.</p> <p>(1) The dealer shall...</p> <p>(2) The dealer shall ship or repack only shellstock obtained and transported from a dealer who has:</p> <p>(a) Identified the shellstock with a tag on each container as outlined in Chapter X. .05; and [C]</p> <p>(b) Provided documentation as required in Chapter IX. .05; and [C]</p>

	<p>(c) Adequately iced the shellstock; or [C] (d) Shipped the shellstock in a conveyance maintained at or below 45 °F (7.2 °C) ambient air temperature; or <u>and</u> [C] (e) Cooled the shellstock to an internal temperature of 50 °F (10 °C) or less. [C]</p> <p>Chapter XIV. Reshipping</p> <p>.01 Critical Control Points</p> <p>A. Receiving Critical Control Point - Critical Limits.</p> <p>(1) The dealer shall reship only shellfish obtained and transported from a dealer who has:</p> <p>(a) Identified the shellstock with a tag as outlined in Chapter X. .05, identified the in-shell product with a tag as outlined in Chapter X. .07, and/or identified the shucked shellfish with a label as outlined in Chapter X. .06; and [C] (b) Provided documentation as required in Chapter IX. .05; and [C] (c) Adequately iced the shellstock; or [C] (d) Shipped the shellstock in a conveyance maintained at or below 45 °F (7.2 °C) ambient air temperature; or <u>and</u> [C] (e) Cooled the shellstock to an internal temperature of 50 °F (10 °C) or less; [C] or (f) Shipped the shucked shellfish and/or in-shell product adequately iced or in a conveyance at or below 45 °F (7.2 °C) ambient air temperature. [C]</p>
<p>13. Public Health Significance</p>	<p>A record to document that the temperature has been maintained would require a time/temperature recording device in all shellstock. The requirement in (2) (e) was never intended to be an option at receiving. This is a shellstock storage critical control point at</p>
<p>14. Cost Information</p>	

 <p>Proposal for Task Force Consideration at the ISSC 2019 Biennial Meeting</p>	<p>1. a. <input type="checkbox"/> Growing Area b. <input checked="" type="checkbox"/> Harvesting/Handling/Distribution c. <input type="checkbox"/> Administrative</p>
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7. Phone	(803) 788-7559
8. Fax	(803) 788-7576
9. Email	issc@issc.org
10. Proposal Subject	Definition of Processed Shellfish
11. Specific NSSP Guide Reference	Section I Definitions
12. Text of Proposal/ Requested Action	<p>The National Shellfish Sanitation Program (NSSP) is the Federal/State cooperative program recognized by the U. S. Food and Drug Administration (FDA) and the Interstate Shellfish Sanitation Conference (ISSC) for the sanitary control of shellfish produced and sold for human consumption. The purpose of the NSSP is to promote and improve the sanitation of shellfish (oysters, clams, mussels and whole or roe-on scallops) moving in interstate commerce through Federal/State cooperation and uniformity of State shellfish programs. Only shellfish harvested under the NSSP is allowed for market access, whether consumed raw or transformed by further processing post-harvest (e.g. breaching, canning, cooking, marinating, smoking, etc.). Shellfish subjected to further processing by which the organoleptic characteristics have been altered are beyond the scope of the NSSP controls for safe handling of raw shellfish and subject to the Seafood HACCP regulations (21CFR123). Historically the recognized purpose of the NSSP was to address shellfish as defined in Definition (112) as follows:</p> <p>(112) Shellfish means all species of:</p> <ul style="list-style-type: none"> (a) Oysters, clams or mussels, whether: <ul style="list-style-type: none"> (i) Shucked or in the shell; (ii) Raw, including post-harvest processed; (iii) Frozen or unfrozen; (iv) Whole or in part; and (b) Scallops in any form, except when the final product form is the adductor muscle only. <p>There are other definitions included in the Guide for the Control of Molluscan Shellfish that suggest that the NSSP includes certain types of processed shellfish. Below are two examples:</p> <p>(91) Processing means any activity associated with the handling, shucking, freezing, packing, labeling or storing of shellfish in preparation for distribution. This would include the activities of a shellstock shipper, shucker packer, repacker, reshipper, or depuration processor.</p> <p>(from NSSP Guide Section IV, Chapter III .01 Shellfish Industry Equipment Construction Guide) 27. Molluscan Shellfish - All edible species of oysters, clams, mussels and whole scallops or roe-on scallops (scallop are excluded when the</p>

	<p>final product is the shucked adductor muscle only). Shellfish products which may contain any material other than the meats and /or shell liquor of oysters, clams, mussels or scallops will be regarded as a "processed food" and will not be included in the Cooperative Program.</p> <p>The FDA will be recommending language for inclusion in Section I. Purpose of the NSSP Guide to clearly define the shellfish product forms to which the NSSP should apply.</p>
<p>13. Public Health Significance</p>	<p>The purpose of this proposal is to provide consistent language throughout the NSSP Guide and clarity on the types of shellfish products that the NSSP Guide is intended to cover, while giving consideration to the advances in shellfish processing that have occurred over time.</p>
<p>14. Cost Information</p>	