

 <p>Proposal for Task Force Consideration at the ISSC 2017 Biennial Meeting</p>	<input type="checkbox"/> Growing Area <input checked="" type="checkbox"/> Harvesting/Handling/Distribution <input type="checkbox"/> Administrative
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Proposal Subject	Temperature Control Following Receipt from Harvesters
Specific NSSP Guide Reference	Section II. Model Ordinance Chapter XI. Shucking and Packing .03 Other Model Ordinance Requirements F. Shellfish Storage and Handling (11) and Chapter XIII. Shellstock Shipping .03 Other Model Ordinance Requirements F. Shellfish Storage and Handling (6)
Text of Proposal/ Requested Action	<p>Chapter XI. Shucking and Packing .03 Other Model Ordinance Requirements</p> <p>F. Shellfish Storage and Handling</p> <p>(11) All shellstock obtained from a licensed harvester shall be</p> <p>(a) Adequately iced <u>within two (2) hours of receipt;</u></p> <p>(b) Placed in a storage area maintained at 45°F (7.2°C) <u>within two (2) hours of receipt;</u> or</p> <p>(c) Shucked within two (2) hours of receipt. [SC/K]</p> <p>Chapter XIII. Shellstock Shipping .03 Other Model Ordinance Requirements</p> <p>F. Shellfish Storage and Handling</p> <p>(6) All shellstock obtained from a licensed harvester shall be</p> <p>(a) Adequately iced <u>within two (2) hours of receipt; or</u></p> <p>(b) Placed in a storage area maintained at 45° F (7.2° C) <u>within two (2) hours of receipt.</u> or</p> <p>(c) Processed within two (2) hours of receipt. [SC/K]</p>
Public Health Significance	<p>2009 Model Ordinance Chapter IX. .02 C. (2) required that the dealer "Place shellstock under temperature control within two (2) hours after receipt from the harvester, or when the dealer is also the harvester, when shellstock reaches the dealer's facility; "The ISSC removed that requirement in 2011 and there was no requirement pertaining to how long a dealer had to place shellstock under refrigeration after receipt from harvesters in the 2011 Model Ordinance.</p> <p>In 2013 the ISSC added Chapter XI. .03 F. (11) and Chapter XIII. .03 F. (6) to the Model Ordinance. However, if taken literally, the language of those two sections does not require that shellstock be placed under temperature control within two (2) hours of receipt from harvesters. There are, literally, two (2) hour time limits involving shucking in Chapter XI. .03 F. (11) and involving being "processed" in Chapter XI. 03 F. (6) but no time limits for icing and refrigeration.</p> <p>Additionally, Chapter XIII. .03 F. (6) (c) is literally an exclusion to temperature control requirements. For example: Because of the use of "or" Chapter XIII. .03 F. (6) literally</p>

	<p>means that if a dealer repacks shellstock into boxes that dealer does not have to place the shellstock under temperature control. The dealer will have processed the oysters within two (2) hours and thereby satisfied the requirements.</p> <p>Clear and unambiguous Model Ordinance requirements for placing shellstock under temperature control with two (2) hours of harvest are particularly important because there is no unambiguous Model Ordinance requirement that "All other shellstock..." referenced in Chapter VIII. @.02 A. (3) be placed under temperature control within any particular period after harvest. Chapter VIII. @.02 A. (3) references a matrix and the matrix specifies "Maximum Hours from Exposure to Receipt at a Dealer's Facility."</p> <p>NSSP Guide for the Control of Molluscan Shellfish Section IV, Chapter III, Guidance Documents .07 indicates, "All shellstock obtained from a licensed harvester shall be placed in a storage area maintained at 45°F (7.2°C) or less within two (2) hours of receipt."</p> <p>However, language in a Section IV. Guidance Documents is not satisfactory compliance language unless it is referenced as such in Model Ordinance language and the subject language is not so referenced. Also, the purpose of the Model Ordinance format is to provide language a State or other jurisdiction can adopt in order to provide a legal basis for controlling molluscan shellfish. If a State adopts the language of the 2013 Model Ordinance without adding a clear requirement pertaining to how long a dealer has to place shellstock under temperature control after receiving from harvesters the State may not have the legal authority to require any particular time to temperature control. In fact, if the 2013 Model Ordinance language is taken literally it certainly will not.</p>
<p>Cost Information</p>	<p>Cost will be the same as it was before the referenced 2009 Model Ordinance requirement was removed.</p>
<p>Action by 2015 Task Force II</p>	<p>Recommended referral of Proposal 15-213 to an appropriate committee as determined by the Conference Chairperson.</p>
<p>Action by 2015 General Assembly</p>	<p>Adopted recommendation of Task Force II on Proposal 15-213.</p>
<p>Action by FDA January 11, 2016</p>	<p>Concurred with Conference action on Proposal 15-213.</p>