

Proposal Subject: New Food Safety Training Requirements for Harvesters and Dealers

Specific NSSP Guide Reference: NSSP Guide Section II. Model Ordinance Chapter VIII. Control of Shellfish Harvesting

Text of Proposal/ Requested Action .02 Shellstock Harvesting and Handling.

- A. Harvesters. Any harvester who engages in-shellfish packing as defined in this Ordinance shall:
 - (1) Be a dealer; or
 - (2) Pack shellstock for a dealer.

B. Harvester/Dealer Education

Requirement for States that have determined, through a *Vibrio* risk assessment, that assessment that *Vibrio* illnesses are reasonably likely to occur.

- (1) If a harvester or dealer elects to harvest oysters intended for raw consumption during months that are typically associated with *Vibrio* illnesses, the harvester or dealer shall obtain a minimum of two hours of training in harvest and post-harvest practices, held bi-annually; or an equivalent level of training, as determined by the State authority
- (2) The training shall cover all phases of harvest and post harvest handling likely to result in temperature abuse or growth of *Vibrio* bacteria. The training shall include harvest and post harvest practices, transportation and handling and processing methods designed to minimize the growth of *Vibrio* and to reduce the risk of illness from *Vibrios*.
- (3) Based upon harvest practices and environmental conditions, the State Authority may determine the exact requirements of the training program, including the length and frequency of the training session.
- (4) Harvesters and dealers must receive a certificate for training that has been approved by the Authority prior to issuance of a new license, or before a license shall be renewed.
- (5) At least one representative from each company with a harvester or dealer license shall obtain the training.
- (6) The Authority may provide the required training course, or approve other training classes or courses provided by other government agencies, educational institutes, academic meetings, private institutions, non profit organizations or trade associations.

- BC. Non-Vessel Harvesting
- CD. Vessels
- DE. Disposal of Human Sewage from Vessels
- EF. Shellstock Washing
- FG. Shellstock Identification

Public Health Significance: The risk of *Vibrio* illness can be greatly reduced through appropriate harvesting, post harvesting, transportation, handling, and processing of oysters intended for raw

consumption. Because harvesters are not required to obtain HACCP training, it has been recognized that critical information about temperature abuse and the growth of *Vibrio* bacteria is not being conveyed to a large number of growers that only have a harvester's license. Further, it is recognized that dealers will benefit from learning more about the advantages of utilizing certain harvest, post harvest, transportation, handling and processing techniques designed to prevent the growth of *Vibrio* bacteria.

- Cost Information (if available):** Undetermined cost implications. Recommend ISSC assistance in providing training materials or support.
- Action by 2009 Task Force II:** Recommended referral of Proposal 09-212 to an appropriate committee as determined by the Conference Chairman.
- Action by 2009 General Assembly:** Adopted recommendation of 2009 Task Force II on Proposal 09-212.
- Action by USFDA 02/16/2010:** Concurred with Conference action on Proposal 09-212.
- Action by 2011 Education Committee:** Recommended no action on Proposal 09-212.
Rationale: Every State has certification requirements which include demonstration of knowledge through experience or education. In addition, source States that have implemented a *Vibrio* Management Plan have already implemented some type of training requirement into the Plan. No further education requirement is needed at this time.
- Action by 2011 Task Force II:** Tabled consideration of Proposal 09-211 until Wednesday, October 5, 2011.
- Action by 2011 Task Force II:** Recommended adoption of the following substitute proposal:
HARVESTER:
Model Ordinance Chapter VIII. Control of Shellfish Harvesting
Requirements for Harvesters
.01 General.
A. Each harvester shall have a valid license, and a special license if necessary, in his possession while engaged in shellstock harvesting activities.
B. Prior to licensing each harvester shall obtain Authority approved training every two 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.
(1) A harvester shall obtain proof of completion of the required training. Proof of training obtained by the harvester within the past two years shall be presented to the Authority prior to certification, recertification, or licensing.
(2) At a minimum, one individual involved in the shellfish operations shall obtain the required training.
(3) The harvester shall maintain record of the completed training.

- ~~B-C.~~ Persons who are working in a boat crew under the supervision of a licensed harvester need not have a valid harvester's license.
- ~~C-D.~~ In the case of riparian or leased land, unless the riparian owner or lessee employs a licensed harvester, the riparian owner or lessee shall be licensed as a harvester prior to harvesting his shellstock. A licensed riparian owner or lessee may employ unlicensed harvesters to work his property or lease.

DEALER:

Model Ordinance Chapter X General Requirements for Dealers
.04 Certification Requirements.

A. General.

- (1) No person shall act as a dealer prior to obtaining certification.
- (2) Any person who wants to be a dealer shall:
 - (a) Make application to the Authority for certification;
 - (b) Have and implement a HACCP Plan, and have a program of sanitation monitoring and record keeping in compliance with 21 CFR 123 as it appears in the *Federal Register* of December 18, 1995, except for the requirement for harvester identification on a dealer's tag.
 - (c) Obtain Authority approved training every two years. The training shall include required processing, handling, and transportation practices as determined by the Authority. A dealer shall be allowed ninety (90) days following initial licensing to obtain the required education.
 - (i) A dealer shall receive proof of completion of the required training. Proof of training obtained by the dealer within the past two years shall be presented to the Authority prior to certification, recertification, or licensing.
 - (ii) At a minimum, one individual involved in the shellfish operations shall obtain the required training.
 - (iii) The dealer shall maintain the record of the completed training.
- (3) Each dealer shall have a business address at which inspections of facilities, activities, or equipment can be conducted.

NOTE: These provisions take effect January 1, 2014.

**Action by 2011
General Assembly**

Adopted the recommendation of Task Force II on Proposal 09-212.

**Action by FDA
February 26, 2012**

Concurred with Conference action on Proposal 09-212.