

Proposal Subject: ISSC Constitutional Cost-Benefit Requirement for New Proposals that have a Significant Financial Impact on the States and Shellfish Industry

Specific NSSP Guide Reference:

Text of Proposal/ Requested Action: Article XIII. Procedure for the Submission of Proposals

- Section 1. The Executive Director shall provide each registrant of the preceding Conference meeting at least one hundred sixty-five (165) days prior to the next Conference meeting with forms on which proposal for problems are to be submitted to the Executive Director for assignment to the appropriate Task Force.
- Section 2. All proposals must be submitted to the Executive Office no later than one hundred twenty (120) days prior to the Conference meeting.
- Section 3. Proposals submitted by any Conference participants requiring Conference action are to be referred to the Executive Director for assignment to the appropriate Task Force.
- Section 4. Proposals submitted by any Conference participant that may have a significant cost to implement by either the SSCA or the shellfish industry must include an independent cost benefit analysis and an economic impact study.
- Section 54. The Executive Director shall review and assign all problems or proposals received for Task Force and Conference deliberation. Problem or proposal assignment shall be made according to subject matter and in accordance with Article XIII. Section 4., Section 5., Section 6., and Section 7. of the Constitution of the Conference.
- Section 65. Task Force I - Growing Areas: all proposals submitted to the Conference dealing with the classification or patrol of shellfish growing waters, relaying, training and research, or similar items concerning growing areas shall be assigned to Task Force I by the Executive Director.
- Section 76. Task Force II – Harvesting, Handling, and Distribution: all proposals submitted to the Conference dealing with the sanitation of harvesting, depuration, processing, labeling, transporting, storage, fill or content, training and research, or similar items concerning processing and distribution shall be assigned to Task Force II by the Executive Director.
- Section 87. Task Force III - Administration: all proposals submitted to the Conference dealing with Conference agreements, memorandums of understanding, complaints and challenges of reciprocity and program evaluations, or similar items, or items not specifically relating to Task Force I or II shall be assigned to Task Force III by the Executive Director.

Section ~~98~~. The Executive Director shall provide the appropriate shellfish control authorities in each state and all members, at least ninety (90) days prior to each Conference meeting, with the proposals to be discussed under the heading of Unfinished Business.

Section ~~109~~. Proposals submitted after the deadline, established in Article XIII Section 2 of the Constitution, will be reviewed and may be accepted by the Executive Board for Task Force Consideration. The Executive Board will use the following criteria in accepting late proposals.

Subdivision a. Why is the proposal being submitted after the deadline?

Subdivision b. Was the information available prior to the deadline?

Subdivision c. What is the criticality of the proposal to the safety of molluscan shellfish or the future of the ISSC?

Subdivision d. Does the proposal involve an NSSP Guide for the Control of Molluscan Shellfish change or an ISSC administrative change?

Section ~~1140~~. The Executive Director will consult with the Proposal Review Committee before declaring any problem or proposal invalid.

Section ~~1244~~. The Proposal Review Committee will review and prioritize proposals for Task Force consideration. The Committee will also provide consultation as needed to the Executive Director in assigning proposals to Task Forces.

Public Health Significance: Cost-Benefit Analyses and Economic Impact Studies are required by Federal and State Agencies prior to imposing new regulations. For too many years the ISSC through amendments made to the NSSP without any regards to the costs imposed on the SSCA and Shellfish Industry to implement the new guidelines.

Cost Information (if available): The cost to conduct cost-benefit analyses and economic impact studies will be much less on the SSCA'S and Shellfish Industry than the cost to implement by the SSCA's or by the shellfish industry.

Action by 2011 Task Force III Recommended referral of Proposal 11-305 to the appropriate committee as determined by the Conference Chairman. The committee is instructed to identify ways to better utilize the cost information portion of the proposal submission form.

Action by 2011 General Assembly Adopted the recommendation of Task Force III on Proposal 11-305.

Action by FDA February 26, 2012 Concurred with Conference action on Proposal 11-305.