

I. CALL TO ORDER

The meeting was called to order by Mike Hickey at 8:05 AM.

II. ROLL CALL

Nancy Daniel conducted Roll Call with the following Board members in attendance:

Kathy Brohawn	Task Force I Chair
Robin Downey	Industry - Region 6
Paul DiStefano	FDA Representative
Bill Eisele	Office Manager
Steve Fleetwood	Industry - Region 2
David Fyfe	Northwest Indian Fisheries Commission
Spencer Garrett	NOAA
David Guilbeau	Regulatory – Region 5
William Hastback	Regulatory - Region 2
J. Michael Hickey	Regulatory Region 1
Lori Howell	Industry - Region 1 / VMC Chair
Bill Kramer	EPA Representative
Dan Leonard	Industry - Region 4
Chris Nelson	Industry – Region 5 Alternate
Charles Newell	Regulatory – Region 4
Larry Simms	Industry - Region 3 / Task Force III Chair
Keith Skiles	Vice Chair / Task Force II Chair
Manny Soares	Regulatory - Region 6
Ed Watson	Non-Producing State
Robert Wittman	Program Chairman

Board members absent were:

Donna Garren	National Restaurant Association (Consumer Advisor)
Johnathan Gerhardt	Non-Producing State
Terri Gerhardt	Non-Producing State
John Jenkins	Patrol Advisor
Ken B. Moore	Executive Director
Doris Nelson	Industry – Region 5

Committee chairs, regulatory members, industry members, and others were also present.

III. APPROVAL OF AGENDA

Bill Eisele made a motion, seconded by Bill Kramer, that the Board approve the agenda items as submitted. The motion carried with a voice vote by the Board.

IV. EXECUTIVE BOARD

Seating of New Officers

Mike Hickey explained to the Board that with the recent decision by the Board that he serve the remainder of Kirk Wiles' term, the only office that the Board needed to seat was Keith Skiles as Vice Chair.

V. MINUTES

A. August 13 and 17, 2007

Bill Kramer made a motion, seconded by Bill Hastback, that the Board approve the minutes of the August 13 and 17, 2007, meetings of the Executive Board that had previously been furnished to Board members for review.

B. March 11, 2008

Bill Kramer made a motion, seconded by David Guilbeau, that the Board approve the minutes of the March 11, 2008, conference call meeting of the Executive Board that had previously been furnished to Board members for review.

VI. INTRODUCTORY COMMENTS

A. Chairman Mike Hickey

- Pleased to be serving as Chair again.
- Always accessible to members.

B. FDA Paul DiStefano

- ISSC Funding
- Plant Standardization Position
- CODEX
- Document being prepared for comparative document for EU. US program far more protective and conservative.
- Status of Lab Methods Proposals to submit additional data for approval of methods into NSSP.
- First DSP bloom in Texas. How can this be addressed in MO. Marine toxin standards do not currently exist. Develop proposal for 2009.

C. NMFS Spencer Garrett

- Administrative Changes
- National Seafood Inspection Lab Dr. Calvin Walker staff addition
- Funds – shrinking federal resources. Still has \$75,000 for ISSC. Funding transfer cannot be signed until 3rd quarter.
- Farm Bill every 5 years. Catfish industry has strong lobbying influence. They added quality grading program for catfish. They

are urging that all seafood inspection be moved to USDA. Spencer will update later.

D. EPA

Bill Kramer & Joel Hansel

- EPA Program Assessment Measure (PAM) – EPA would like to continue working with the ISSC to improve the measure and the basis for calculation. The PAM for Shellfish in the 2006-2011 Strategic Plan http://www.epa.gov/ocfo/plan/2006/goal_2.pdf. A recalculation of the measure using the revised 2003 and 2005 acre totals yields 81% for both years. Additionally, both years are new historical high classified acreage totals: 2003 = 22,973,000; 2005 = 23,594,000. This suggests the need for EPA to consider revising the Measure baseline, acreage, and target.
- Access to Shellfish Data - Calculating the national PAM currently depends on historical and the 2005 State acreage data from the ISSC's "Inventory of State Classification"; and in the future, will depend on a access to data such as found in the Shellfish Information Management System (SIMS). The ability of systems like SIMS to locate program data in time and space (e.g., maps) allows the overlay of data from other Programs to facilitate coordination. EPA would like to continue to work with the ISSC to include in the ISSC Work Plan a way to establish the long-term availability of shellfish data for states' program management and to guide EPA's nationwide Programs; and to discuss the availability of state 2007 shellfish harvesting acreage data. This data could also fill gaps on molluscan shellfish data in EPA's series of Coastal Condition Reports as well as EPA's Report on the Environment, and NOAA-led Aquaculture, Fish Habitat, and Ocean Initiatives.
- Vibrio Education - The 2009 Fish Advisory Conference [TBD]. EPA would like the ISSC to provide an abstract of a presentation on how to reach at-risk consumers and their health care providers and how to evaluate the effectiveness of those efforts.
- Water Quality Criterion for Recreational Exposure – EPA held a multi-stakeholder meeting on February 20, 2008, in Washington, D.C. to provide an update on EPA's ongoing work toward the development of new/revised recreational water criteria by 2012 and to receive input on key areas of work. The main focus of the meeting was to discuss the Critical Path Science Plan (CPSP).
- EPA emphasized that although secondary contact criteria are important, EPA will focus on developing new or revised primary recreational water criteria. Additionally, EPA is ready and willing to collaborate, seek technical expertise, utilize research partners, and value added opportunities in support of new or revised criteria, which is expected to be published by the end of 2012.
- New EPA person in Gulf area is Danny Weigherdt.

- Budget situations are now receiving considerable scrutiny.

VII. APPROVAL OF COMMITTEE ROSTERS

Bill Kramer made a motion, seconded by Lori Howell, that the Board approve the following ISSC committee charge memos and rosters that had previously been furnished to Board members. Mike Hickey explained that committee rosters and charges are updated periodically and request to serve on a committee should be submitted to the Executive Office.

- A. Audit
- B. Biotoxin
- C. Chemical Contamination
- D. Communications
- E. Education
- F. Foreign Relations
- G. Growing Area Classification
 - 1. MSC Workgroup
- H. Import Assessment
- I. Laboratory Methods Review Committee
- J. Laboratory Quality Assurance
- K. NSSP Evaluation Criteria
- L. Patrol
- M. Plant Standardization Advisory
- N. Post Harvest Processing
 - 1. PHP Workgroup
- O. Use of Press
- P. Product Recall
- Q. Proposal Review
- R. Research Guidance
- S. Resolutions
- T. Shellfish Restoration
- U. *Vibrio* Management
 - 1. *Vibrio* Education Subcommittee
 - 2. *Vv* Illness Review Subcommittee
 - 3. *Vp* Control Plan Workgroup

VIII. PROGRAM CHAIRMAN’S REPORT

Rob Wittman

- A. **2008 Fall Meeting**
 - Proposals will be submitted through the meeting planning website previously used.
- B. **2009 Biennial Meeting**
 - A list of cities in the Northeast States that have not been visited will be compiled and requests for proposals submitted to those identified cities.

- Board voted to hold 2009 Biennial Meeting in October.
- Will ask the hotels to respond to the second half of October 2009.
- Coordinate date with Mid-Atlantic Shellfish Conference normally held the first week of October.
- Directed Nancy Daniel to poll Board members for dates preferred for 2008 Fall meeting.
- Will report progress at the next meeting.

IX. COMMITTEE REPORTS

A. Executive Committee

Mike Hickey

1. 2006-2007 (March 1, 2006 – December 31, 2007)
Executive Office Work Plan Evaluation
 - The one deficiency noted in the Work Plan involved two grant proposals for education efforts that were not awarded.
 - A motion to approve was made by Lori Howell. The motion was seconded and approved with a voice vote by the Board.
2. 2008 Executive Office Work Plan
 - Work Plan dates changed to coincide with calendar accounting year (January 1, 2008 – December 31, 2008).
 - A motion to approve the Work Plan as submitted was made by Lori Howell and seconded by Paul DiStefano.
 - Spencer Garrett asked that the Program Deficiencies item be amended to reflect “None at this time”.
 - Bill Kramer commented on the Agency Interactions item and asked that the item not be limited to EPA. He suggested “members of the conference” be substituted.
 - Spencer Garrett suggested adding a brief explanation under the Financial Accounting item to explain the dual accounting system process since it is an improvement of the financial accounting system.
 - The Work Plan for 2009 will be submitted to the Board for approval at the 2008 Fall meeting.
 - The 2008 Work Plan Evaluation will be submitted to the Board for approval at the 2009 Spring meeting.
 - Amendments to the motion were accepted by Lori Howell and the motion carried with a voice vote by the Board.
3. Grant Updates
 - a. FDA Cooperative Agreement
Mike Hickey advised the Board that the FDA Cooperative Agreement is expected to zero out by end of grant period June 30, 2008.
 - b. FDA Carryover Funds
Mike Hickey advised that this grant has a zero balance and we don’t expect carryover from the current grant.

- c. Small Conference Grant
Mike Hickey reported that the FDA Small Conference Grant has a zero balance and all money was expended during the Biennial Meeting.
 - d. Gulf & South Atlantic Fisheries Foundation
Mike Hickey advised that there were three months remaining for this grant contract which funds the ISSC Vv Education Coordinator (Dot Leonard). Ken Moore is discussing future funding with the Foundation.
 - e. SC Sea Grant Vv Education Program
Mike Hickey reported that all funds have been expended and the most recent grant applications submitted by ISSC were not funded.
4. Current Financial Statement
Mike Hickey reported that monies from the ISSC Certificate of Deposit that were used during the time in early 2007 when we did not have an FDA Cooperative Agreement in place have been returned to our Money Market Account in the amount of \$30,000.
 5. 2007 Expenses Report
Mike Hickey advised the Board that there was nothing unusual to report for fiscal year 2007.
 6. 2008 Budget Report
Mike Hickey reported that there is nothing unusual in the budget report with the exception of projecting funds for the Executive Director position.
 - Spencer Garrett asked if monies had been identified for the pending lawsuit. Nancy Daniel responded that the monies would come from the General Account but no reserve has been set up.
 - Lori Howell commented that it is a common practice to set a reserve.
 - Spencer Garrett made a motion that the 2008 budget be approved with an amendment to reflect the vacant position for Executive Director and the funds currently reserved to expend on that position. The motion was seconded by Robin Downey and carried with a voice vote by the Board

B. Audit Committee

Lori Howell presented the Audit Committee report and advised that all charges to the Audit Committee have been met.

1. Auditor's Report 12/31/07; 12/31/06; and 02/28/06
 - Three different budget periods were reviewed due to the fiscal year changes.
 - Audits for the periods March 1, 2005 – February 28, 2006 and March 1, 2006 – December 31, 2006 have been completed and reviewed.

- A draft of the audit report for fiscal year January 1, 2007 – December 31, 2007 has been received and reviewed. The pending litigation will be noted in the final audit report.
 - Conference call held with new auditing firm. No particular concerns by auditors. The only request from the auditors was that an accounting code be recorded on invoices when paid.
2. Bid Solicitation for Audit Services 2008 – 2011
- Solicitations sent to eight firms.
 - Received two proposals.
 - Audit Committee reviewed proposals and recommended the firm of Burkett, Burkett & Burkett of West Columbia, SC.
 - Clark Parker, CPA firm continues to maintain ISSC accounting system for a monthly fee. The firm creates reports for the auditing firm.
 - The final audit report will be distributed to the Board.
 - Dan Leonard commented that the auditors were very pleased with the ISSC staff and their level of expertise.
 - Spencer Garrett made a motion to accept the report and recommendations of the Audit Committee. The motion was seconded by Lori Howell and carried with a voice vote by the Board.
 - Spencer Garrett requested that it be noted in the minutes that a NOAA representative had requested a copy of the audit and the request was so noted by Mike Hickey.

C. MSC Workgroup Report (Proposal 05-105)

Mike Hickey reported that the minutes of the workgroup had previously been furnished to the Board and that the effort to evaluate MSC as an indicator is underway.

D. Use of Press Committee Report (Proposal 07-305)

- Mike Hickey advised that a conference call was held on March 13, 2008. The group has planned a meeting in Washington for April 30, 2008.
- FDA will put together a draft agenda. Mike Hickey shared a tentative list of items that will be discussed.
- Chris Nelson asked that the issue of using of company names in the recall be addressed at the meeting with FDA.
- Dan Leonard recommended Chris Nelson be added to the committee roster as the Gulf Coast representative.
- Spencer Garrett advised that he intends to change the current NOAA representative (Angela Ruple) on the committee to a NOAA public affairs specialist.
- The Board received this report as information and will be updated at the 2008 Fall meeting.

E. *Vibrio* Management Committee

The VMC report was distributed to Board members and Lori Howell presented the following recommendations for Board approval.

1. Request Martha Iwamoto and Marc Glatzer to review the cases included in the baseline and provide COVIS form information to the Vv Illness Review Work Group. The work group will review the data utilizing the form: “Criteria for Including Vv Cases in Illness Reduction Calculations and Determining Source States.”
2. Request FDA to provide a Vv Refrigeration Illness Reduction Refrigeration Curve.
3. That Source States must have Vv Illness Reduction Plans (Vibrio Management Plans) authorized and in place so that controls become effective on May 1, 2010.
4. One week prior to the fall meeting of the Executive Board Source States shall submit their Action Plans for implementing their Vibrio Management Plans. The plan submitted by the state shall include the actions that will be taken for various levels of illness rate reduction to achieve the goal.
5. Form a work group to compare the Gulf Regulators Matrix with the approach presented by FDA and as addressed by the *Vp* Control Plan Template Work Group. The work group should develop recommendations for VMC consideration.
6. Accept the recommendations of the Vibrio Education Sub-committee.
7. Adopt the amended *Vp* Control Plan Template (attached).
8.
 - a. Adopt interim guidance for use by state authorities in developing and by FDA in evaluating *Vp* Control Plans.
 - b. “Reasonably likely to occur” as referred to in Proposal 07-202 may be determined by utilizing:
 - (1) A risk assessment as described in the *Vp* Control Plan Template (with the understanding that ISSC has not adopted nor endorsed the FDA *Vp* Risk Assessment); or
 - (2) The risk factor decision tree developed by the VMC using the risk factors included in Proposal 07-202; or
 - (3) Other approaches approved by the State Authority that provide at least an equivalent level of protection and reduce the risk so that it no longer constitutes an annual occurrence.
 - c. Appoint a work group to further develop 8. b. (2).
9. To assist with implementation of the *Vp* Control Plan Template C. 1. authorize the Validation/Verification workgroup convene to quickly develop a protocol that firms or states can use this summer to implement this aspect of the *Vp* Control Plan.
10. Approve the following recommendation:

The VMC recognizes that without additional action it is not likely that the Vv illness reduction goals will be reached. The VMC recognizes

that the *Vp* Control Measures taken by the source states consistent with the provisions of Proposal 07-202 and the interim guidance will reduce the risk of *Vv* illness by an estimated 10-15%. The VMC finds that this is an appropriate step and thus, no additional *Vv* control measures are necessary at this time.

11. Adopt VMC recommendation that the Interstate Shellfish Sanitation Conference encourage states to investigate pre dawn harvesting as a public health tool to decrease potential illness.

X. OLD BUSINESS

Mike Hickey advised that the Board would go into Executive Session (12:40 PM) for discussion and action on Item X. A. Executive Director Position; Item X. B. PICC Legal Matter; and Item XII. Staff Performance Evaluations.

The Board reconvened in open session at 1:59 PM with the following recommendations:

A. Executive Director Position

Larry Simms made a motion, seconded by Lori Howell, that the Board adopt the Executive Committee's recommendation with regard to the ISSC Executive Director position which was to retain Ken Moore in his current position and status but to amend his contract to a new date so that the contract terminates commensurate with his approximately remaining 18 months of South Carolina state employment. The recommendation also directed that Ken's contract be amended to reflect office management duties, performance evaluations, clarify the title of Executive Director, and retain the 30-day notice provision.

The motion carried with a voice vote by the Board.

B. Legal Matter (Board Memo 03/26/2008)

- Chris Nelson made a motion, seconded by Ed Watson, that the Board approve a budget line item reserve in the General Account for a pending legal matter. The motion carried with a voice vote by the Board.
- Lori Howell instructed everyone in attendance that although a reserve was established for litigation and although the Board is not in Executive Session, that this is a number of confidential nature that should not be disclosed because it would influence the settlement or judgment in the case and the matter should be treated as confidential.

C. Renewal of Liability Insurance

A report was furnished to the Board that included the following information with no action required by the Board

- Directors and Officers Liability Insurance Policy provided through Philadelphia Insurance Company
- Coverage includes Directors and Officers Liability, Employment Practices Liability, and Internet Liability. Policy is available electronically to Board members.
- The policy provides coverage for members of the ISSC Executive Board.
- The annual premium was \$2,825.00

D. FDA Oyster Retail Study Andy Depaola

- Andy will be presenting a PowerPoint on the Retail Study at the NESSA, PAC RIM, and GSASSC meetings.
- FDA is not ready to publish any findings or reports at this time.
- Spencer Garrett asked if the information is protected by the Data Management Act which requires peer review prior to publishing any reports.
- Chris Nelson concerned with press reaction to study results.
- A motion was made by Robin Downey that the Board make a recommendation to FDA that ISSC and the FDA press office work to develop a communication strategy for communicating the preliminary results of the Oyster Retail Study information to the public. Chris Nelson seconded the motion. The motion carried with a voice vote by the Board.
- When available a copy of Andy’s PowerPoint will be distributed to the ISSC Use of Press Committee.
- Presently the targeted audience is regional conferences.
- There is no effort by FDA to publicize the retail study results.
- The intent of FDA is to share any reports with ISSC prior to release.

E. Dockside Biotxin Testing in Federal Waters

Paul DiStefano provided the Board a brief update on this item. The report was received as information with no action required by the Board.

F. Pacific Shellfish Institute Research Project Final Report

Mike Hickey informed Board members that the final report for the “*Vibrio parahaemolyticus* Levels in Pacific Oysters” research project had been received from the Pacific Shellfish Institute. A copy of the report was furnished in Board member materials. The Board received this report as information.

G. Research Needs Proposals

Mike Hickey advised the Board that Ken Moore and Joel Hansel, Chairman of the Research Guidance Committee, had been asked by the Board at its meeting in August 2007 to make a recommendation regarding research

needs proposals. Joel explained that allowing the submission of research needs proposals not associated with program change proposals is problematic. Joel suggested the incorporation of research needs into the Proposal submission form and only accept research needs associated with program proposals. There is no mention of Research Needs Proposal in the ISSC Constitution, Bylaws, and Procedures.

A motion was made by Spencer Garrett and seconded by Lori Howell to make research needs solely an item associated with a proposal, not a standard. The motion carried with a voice vote by the Board.

H. Follow-Up to Intergovernmental Coordination Discussion

Spencer Garrett reported that he held a special session at the ISSC Biennial Meeting in Albuquerque, NM and there were discussions regarding the ISSC conducting a survey of states to determine our next steps. The Executive Board with input from Spencer should decide our next steps.

A motion was made by Ed Watson and seconded by David Guilbeau to design a survey and have the ISSC Executive Office distribute the survey. NOAA will take the lead with Al Rainosek to design survey.

XI. NEW BUSINESS

A. FDA Response to 2007 Summary of Actions

1. Proposals 05-107 Real Time PCR Methods for Determining Levels of *Vp* and *Vv*
2. Proposal 05-113 Microbiology Checklist, Isolation of Male-Specific Coliphage, MSC

Mike Hickey explained to the Board that these two proposals addressed laboratory methods and the actions by the Voting Delegates was no action, but directed the Conference advise the submitter to resubmit. FDA asked that this be treated as “referred to Committee”. Pending resubmission of necessary information, the Executive Office interpreted conference action as is being recommended by FDA.

A motion was made by Spencer Garrett and seconded by Lori Howell that the Board approved the FDA recommendation on Proposal 05-107 and Proposal 05-113. The motion carried with a voice vote by the Board.

3. Proposal 00-201 *Vibrio vulnificus* (*Vv*) Risk Management Plan
4. Proposal 07-202 *Vibrio parahaemolyticus* (*Vp*) Control Plan
Mike Hickey advised the Board that the concerns addressed by FDA were discussed by the Vibrio Management Committee and does not require Board action.

5. Proposal 05-209 New Temperature Requirement at Receiving (Shucking and Packing)
6. Proposal 05-217 New Temperature Requirement at Receiving (Shellstock Shipping)
7. Proposal 05-219 New Temperature Requirement at Receiving (Reshipping)

Mike Hickey advised that the three proposals are basically the same and that FDA offers its interpretation for the purpose of information for record. Paul DiStefano confirmed that no action is needed by the Board.

8. Proposal 03-302 Constitution, Bylaws, and Procedures

A discussion was held concerning changing the definition of molluscan shellfish to read “bi-valve molluscan shellfish”. Board members felt this was not necessary. No action was taken by the Board

9. Proposal 05-310 Shellfish Sanitation Plant Element Evaluation
 Mike Hickey advised that the Board had previously accepted FDA’s recommendation by email communication.

B. 2007 NSSP Guide for the Control of Molluscan Shellfish

Mike Hickey reported that the ISSC Executive Office will have a final document to FDA within two weeks. FDA hopes to have the Guide published on their website in three to four months.

C. FDA Status of State Programs Paul DiStefano

- 15 states visited – 169 growing areas.
- 13 states visited – plants 113 dealers.
- All coastal states.
- 21 states for patrol.
- Lab evaluations conducted in 4 states
- 2 international labs
- Only 2 states found in noncompliance
- 2 states on action plans

The Board received this report as information.

D. ISSC Response Letter Regarding *Vibriosis*

Mike Hickey advised the Board that the next three items are a request for an economic analysis. The Board needs to decide what our response should be.

E. Florida Letter 02/12/2008 Regarding *Vibriosis*

F. US Senate Letter 02/29/2008 Regarding *Vibriosis*

G. Louisiana Letter 02/12/2008 Regarding *Vibrios*

A motion was made by Chris Nelson and seconded by Dan Leonard that the Board endorse and agree that a cost benefit analysis is in order given the level of burden of the control plan. Spencer Garrett advised that he would abstain from the vote. The motion carried with a voice vote by the Board.

Chris Nelson made a motion that the ISSC:

1. Response letter to Congress should acknowledge the points raised and advise of the need for money to conduct the study.
2. Advise States what the ISSC is asking from Congress and ask States to share the request being made with the industry.
3. Do not obligate ISSC Conference to additional funds.

The motion was seconded by Dan Leonard and carried with a voice vote by the Board. Paul DiStefano and Spencer abstained from the vote.

H. Virginia & Maryland Letter 02/15/2008 Regarding Recalls

A motion was made by Ed Watson and seconded by Lori Howell that the Conference review the protocol for recall and report back to the Board and to also send this item to a Committee. The motion carried with a voice vote.

I. Louisiana Letter 03/24/2008 Regarding *Vp* Control Plan

Mike Hickey advised that all points in the letter were discussed by the VMC and unless the Board objects, Ken and Mike will respond based on the outcome of Board actions on VMC recommendations.

A motion was made by Ed Watson and seconded by Keith Skiles that this item had been addressed by the VMC. The motion carried with a voice vote.

J. East Point Oyster Company Letter 03/28/08

Steve Fleetwood inquired as to any additional actions that should be taken by the Board beyond our actions to date or recommendations of VMC. After a brief discussion no action was taken by the Board.

XII. OTHER INFORMATION**A. Congressional Briefing/2008 Walk on the Hill**

Mike Hickey advised the Board that Ken Moore had participated in the Molluscan Shellfish Interstate meeting in February and gave the industry update with a focus on *Vp*.

B. International Conference on Shellfish Restoration

Mike Hickey advised the Board that the next meeting of the International Conference on Shellfish Restoration is November 19-22 in Charleston, SC and the ISSC is requesting to provide the same level of financial support as in recent years, \$1,000. A motion was made by Spencer Garrett and seconded by Lori Howell to approve a \$1,000 sponsorship to the 2008 International Conference on Shellfish Restoration. The motion carried with a voice vote by the Board.

XII. EXECUTIVE SESSION

A. Staff Performance Evaluations

A motion was made by Robin Downey, seconded by Ed Watson, that the Board approve the recommendation of the Executive Committee concerning staff performance appraisals.

The motion carried with a voice vote by the Board.

XIII. OTHER ITEMS

- Spencer Garrett made a motion to form a workgroup to identify funding sources and grant writers for the Conference.

XIV. ADJOURNMENT

A motion was made by Larry Simms to adjourn the meeting. The motion was seconded by Ed Watson and carried with a voice vote by the Board.