

Submitter

Proposal Subject
Specific NSSP
Guide Reference
Text of Proposal/
Requested Action

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Emergency Conditions/closed status to reflect Chapter II use of harvest area
Section II. Model Ordinance Chapter IV. Shellstock Growing Areas @.03
Growing Area Classification A. General (1) and (5)
@.03 Growing Area Classification

A. General. Each growing area shall be correctly classified as approved, conditionally approved, restricted, conditionally restricted, or prohibited, as provided by this Ordinance.

(1) Emergency Conditions. A growing area or a portion of a growing area (harvest area) shall be placed in the closed status under Section @.03 A. (5) when unpredicted pollution conditions exist ~~which were not included in the database used to classify the area~~. If it is determined that an emergency condition or situation exists, then the growing area or harvest area will be immediately (within twenty-four (24) hours) placed in the closed status.

(a) If the growing area or harvest area is already closed due to resource conservation under existing fishery laws or regulation, the area is considered to be in the closed status. If the authority choses to uses this approach, an MOU detailing coordination and communication between agencies and patrol shall be required.

~~(a)~~(b) If no harvest areas are impacted by Emergency Conditions, placement into the closed status is not required.

(2).....

(3).....

(4).....

(5) Status of Growing Areas. The status of a growing area is separate and distinct from its classification and may be open, closed or inactive for the harvesting of shellstock. Supporting information for all changes in the status of growing areas shall be documented by a written record in the central file.

(a) Open Status. Except for an area in the prohibited classification, any correctly classified growing area is normally open for the purposes of harvesting shellstock, subject to the limitations of its classification.

(b) Closed Status. Any classified growing area or harvest area may be closed for a limited or temporary period because of:

(i) An emergency condition or situation;

(ii) The presence of biotoxins in concentrations of public health significance;

(iii) Conditions stipulated in the management plan of conditionally approved or conditionally

- restricted areas;
- (iv) Failure of the Authority to complete a written sanitary survey or triennial review evaluation report; or
- (v) The requirements for biotoxins or conditional area management plans as established in Section @.04 and Section @.03, respectively, are met.

- (c) Reopened Status. A growing area **or harvest area** temporarily placed in the closed status as provided in (b) above, shall be returned to the open status only when:

Public Health Significance	Closed status following an emergency situation can include an entire growing area or a harvest area within the growing area; This change is consistent with Chapter II where, if appropriate, only a harvest area is closed due to an outbreak and not necessarily the entire growing area. In addition, the text stating conditions that were not included in the data base makes no sense related to emergency conditions and actually state the obvious. Deletion of that statement clarifies this part of the MO.
Cost Information	There should be no need to close an area that has no shellfish resource or is already closed by existing regulation. If this proposal is accepted by the Conference, it would save money for any state that is required to post closures in the newspaper (public notice); For Maryland the cost is ~\$1500, so it would represent a significant savings.
Action by 2019 Task Force I	Recommended referral of Proposal 19-115 to an appropriate committee determined by the Conference Chair
Action by 2019 General Assembly	Adopted recommendation of Task Force I on Proposal 19-115.
Action by FDA February 21, 2020	Concurred with Conference action on Proposal 19-115.