

Submitter	J. Michael Hickey Massachusetts Division of Marine Fisheries Michael.hickey@mass.gov
Proposal Subject	Adding a time frame to the limited or temporary period an area can be remain under a closed status prior to being reclassified.
Specific NSSP Guide Reference	Section II, Model Ordinance Chapter IV. Shellstock Growing Areas @.03 Growing Area Classification A. (5) (b).
Text of Proposal/ Requested Action	(b) Closed Status. Any classified growing area may be closed for a limited or temporary period, <u>not to exceed more than one year prior to a reclassification</u> because of: <ul style="list-style-type: none"> (i) An emergency...; (ii) The presence...; (iii) Conditions stipulated...; (iv) Failure of...; or (v) The requirements....
Public Health Significance	<p>The M. O. Chapter IV @.03 A. (5) (b) states that any classified growing area may be closed for a limited or temporary period because of: (i) through (vi). The time frame “limited or temporary period “is not defined in the “Guide”. The authority is required by @.03 A. (1) to place a growing area in the closed status ...” under Section @.03 A. (5) when 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 will be immediately (within 24 hours) placed in the closed status.”</p> <p>Once the area is in the closed status, harvesting, attempting to harvest, possession, or sale of shellfish from the closed area is prohibited. A time limit of up to but not to exceed one year from the time the area was placed in the closed status allows the authority time with defined maximum to determine the source /cause(s) of a pollution or contamination problem before initiating a reclassification while still protecting public health by virtue of the area being in a closed status.</p> <p>The proposed change will not lessen public health protection.</p>
Cost Information	Does not add any cost and may actually save administrative cost by averting multiple reclassifications in the process of sorting out the final correct classification.
Action by 2019 Task Force I	Recommended referral of Proposal 19-116 to an appropriate committee as determined by the Conference Chairperson.
Action by 2019 General Assembly	Adopted recommendation of Task Force I on Proposal 19-116.
Action by FDA February 21, 2020	Concurred with Conference action on Proposal 19-116.