

Interstate Shellfish Sanitation Conference

ARTICLE XI. PROCEDURE FOR THE SUBMISSION OF PROPOSALS

- iv. 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.
- v. All proposals must be submitted to the Executive Office no later than one hundred twenty (120) days prior to the Conference meeting.
- vi. Proposals submitted by any Conference participants requiring Conference action are to be referred to the Executive Director for assignment to the appropriate Task Force. Proposals that lack required information will be deemed incomplete and returned to the submitter for completion. The Executive Director will consult with the Proposal Review Committee before declaring any problem or proposal invalid.
- vii. 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 XI. Section 5., Section 6., and Section 7. of the Constitution of the Conference.
- viii. 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.
- ix. 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.
- x. 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.
- xi. Proposals that are deemed technical in nature may be submitted to a committee for review.

The committee will provide a recommendation to the appropriate Task Force(s).

- xii. 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 or New Business.
- xiii. Proposals submitted after the deadline, established in Article XI 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.
 - a. Why is the proposal being submitted after the deadline?
 - b. Was the information available prior to the deadline?
 - c. What is the criticality of the proposal to the safety of molluscan shellfish or the future of the ISSC?
 - d. Does the proposal involve an NSSP Guide for the Control of Molluscan Shellfish change or an ISSC administrative change?

BY-LAWS OF THE INTERSTATE SHELLFISH SANITATION CONFERENCE

ARTICLE I. TASK FORCES

1. There shall exist three (3) Task Forces in the Conference to provide for continuity of action in carrying out the objectives of the Conference. The Task Forces shall be known as Task Force I, Task Force II, and Task Force III.
2. Each Task Force shall have a total voting membership of eight (8) members to be appointed by the Board Chairperson with the approval of the Board.
 - a. Four (4) of the voting members shall be selected from Authorities and four (4) shall be selected from industry providing that each ISSC Region shall be represented by at least one (1) Task Force member, either industry or regulatory. The Chairperson (the ninth voting member who will vote only in case of a tie vote) shall alternately be selected from an Authority and from industry as outlined in Article I., Section 3. of the By-Laws.
 - b. Three (3) of the Authority members shall be from producing states and one (1) shall be from a non-producing state, except for Task Force I where at least four (4) authority members shall be from producing states. Prior to the March Board meeting, the industry and regulatory Board member from each region may submit a list of Task Force nominees of up to three (3) candidates each per Task Force to the Board Chairperson. The Board Chairperson shall appoint a member from each ISSC Region to each Task Force from the list of candidates submitted. The Board shall approve the candidates selected. In the absence of any nominees submitted from a region, the Board Chairperson, with Board approval, shall appoint the Task Force member.
3. The Board Chairperson, with approval of the Board, shall appoint a Chairperson and Vice-Chairperson for each Task Force.
 - a. If the Task Force Chairperson represents an authority, the Vice-Chairperson shall be an industry representative.
 - b. At the end of the Task Force Chairperson's term of office, the Vice-Chairperson will become Chairperson and a new Vice-Chairperson will be appointed who represents the same segment of the Conference as the outgoing Task Force Chairperson.
4. The Task Force Chairperson and Vice-Chairperson shall serve for a four (4) year period, i.e., through two (2) consecutive Conference Biennial meetings. Task Force members may not serve more than two (2) consecutive Biennial Meetings on the same Task Force.
5. A quorum for conducting Task Force business shall consist of five (5) voting members.
6. Each Task Force shall deliberate all proposals during the times specified at the Conference meeting. Each Task Force Chairperson shall report the actions recommended by his/her respective Task Force to the voting delegates at the Conference under the heading of New

Business for final Conference consideration. Any "No Action" recommended by a Task Force shall contain the reasons for the "No Action" recommendation.

7. If a Task Force member is unable to attend the Biennial Meeting, he/she shall notify the Executive Director prior to the first Executive Board meeting. The Board Chairperson, with approval of the Board, shall appoint a replacement that represents the same segment of the Conference as the member who is unable to attend to serve the remainder of the unexpired term. The Board Chairperson will confer with Board members from the affected region before appointing a replacement.

ARTICLE II. TASK FORCE CONSULTANTS

1. The Board Chairperson shall appoint a consultant for each Task Force from the Board.
2. FDA, EPA, and NMFS may provide a consultant for each Task Force.
3. Consultants will have no voting rights in Task Force action but will attend Task Force deliberations to offer advice as needed.

ARTICLE III. AMENDMENTS

Section 1. These By-Laws may be amended at a duly called Conference meeting, the Delegates having had sixty (60) days' notice from the Executive Director of proposed amendments. Adoption of an amendment to the By-Laws shall require at least a two-thirds (2/3) majority vote.

Section 2. Amendments to the By-Laws will become effective at the close of the Conference meeting at which they are adopted.

PROCEDURES OF THE INTERSTATE SHELLFISH SANITATION CONFERENCE

PROCEDURE I. PURPOSE

The Interstate Shellfish Sanitation Conference (ISSC) is intended to foster and improve the sanitation of shellfish through cooperation and through uniformity of state shellfish programs.

PROCEDURE II. PROGRAM

1. To achieve its goal, the ISSC will adopt a NSSP Guide for the Control of Molluscan Shellfish for sanitary control of shellfish that is adequate to ensure that the shellfish produced in a state that complies with these guidelines will be safe and sanitary. This NSSP Guide for the Control of Molluscan Shellfish shall be called the National Shellfish Sanitation Program (NSSP).
2. The ISSC shall adopt an NSSP Guide for the Control of Molluscan Shellfish as the NSSP, effective January 1998.

PROCEDURE III. RESPONSIBILITIES OF THE STATE

1. The state shall have adequate laws and regulations to provide a legal basis for sanitary control of all interstate phases of the shellfish industry.
2. The state shellfish growing area classification authority shall forward the classification of shellfish growing waters in the state to the appropriate Food and Drug Administration (FDA) Regional Office. The most recent classification shall be reported. When the classification of growing waters changes, the most recent classification shall apply and shall be submitted to FDA. The state shellfish growing area classification authority shall keep current the classification of all growing waters within its state.
3. The Authority of the shipping state shall certify the results of inspections of each interstate shellfish shipper meeting NSSP requirements to the FDA headquarters office for inclusion in the Interstate Certified Shellfish Shippers List (ICSSL), with copies to the appropriate FDA Regional Office. The certification inspection report, together with other pertinent information, shall be forwarded with the appropriate FDA form number FDA 3038b. The most recent certification status of a shipper shall be reported. When the sanitation compliance status of a listed shipper changes, as a result of a new inspection made with the twelve (12) month eligibility period, the most recent status shall apply and shall be submitted to FDA. When a certified interstate shellfish shipper changes status because of certificate revocation, the shipping state shall immediately notify the FDA headquarters office, all known receiving states, the ISSC, and the appropriate FDA Regional Office. Receiving states shall immediately notify shipping states in writing with a copy of irregularities in shellfish received, which may raise questions concerning the source or quality of the product.

4. The Authorities shall accept responsibility for having trained personnel to implement the state programs. Methods should be developed so that personnel who have completed the training can demonstrate proficiency at appropriate intervals.
5. Shellfish growing area patrol activities shall be carried out by an enforcement authority designated by the state in any productive shellfish growing areas failing to meet the approved area criteria of the NSSP.
6. All phases associated with the relaying of shellfish from closed areas to approved areas shall be under the immediate supervision of the appropriate responsible Authority.
7. Depuration may be permitted only under the effective supervision of the Authority(ies).
8. Laboratories shall be provided and staffed to effectively support the state shellfish program. Sample analysis shall be performed in accordance with the latest approved edition of the APHA, AOAC, or ISSC approved methods.

PROCEDURE IV. RESPONSIBILITIES OF THE FDA

1. The FDA should promote uniformity among FDA personnel through a national shellfish-training program, which will be conducted at least every three (3) years. Methods should be developed so that personnel who have completed the course can demonstrate proficiency in lieu of attending the course at subsequent intervals. The FDA should administer an ISSC approved training course at least every three (3) years for Authority personnel. The FDA should evaluate and ensure the uniformity of methods of state shellfish laboratory personnel who are responsible for the operation of the state laboratories. The FDA annual state program evaluation should include: a listing and the date of most recent training of the Authority personnel who have completed the appropriate training, a list of FDA personnel who have completed the appropriate training, and a list of state shellfish laboratory personnel whose competence in interpreting and evaluating shellfish laboratory methods has been demonstrated to and evaluated by the FDA.
2. The FDA should publish the ICSSL monthly. The ICSSL should include certification of shellfish shippers as submitted by the states.
3. The FDA should prepare an annual evaluation of the shellfish program of each state in accordance with the Procedures of the NSSP. This evaluation should consider the program as a whole and should also specifically address the legal authority, the classification of shellfish growing waters, the shellfish sanitation control and certification, personnel training, patrol, relaying, depuration and laboratory phases of the program, and the status of state authorities Memorandums of Understanding. The state evaluation prepared by the Regional Shellfish Specialist should be reviewed and discussed with the appropriate state shellfish officials prior to submission to FDA headquarters.
4. Interpretations of the FDA recommended National Shellfish Sanitation Program and FDA evaluation procedures should be furnished periodically to the Authorities. Administrative

procedures developed by the FDA should be drafted and forwarded to the ISSC for review and comment prior to their adoption. The ISSC should stand ready to deal with such problems on a continuing basis.

PROCEDURE V. GUIDELINES

The NSSP as adopted by the ISSC and the FDA, without footnotes except as the Conference may adopt, shall be used as the basic guidelines for the classification of shellfish growing waters and the basic sanitation guidelines in making shellfish sanitation certification inspections of interstate shellfish shippers. The Conference discourages the use of separate guidelines for intrastate shellfish shippers. Shellfish from any state participating in the ISSC should be accepted for sale in any other member state under the principles of reciprocity, provided the state's program is in compliance with the NSSP. Such states shall be indicated on the ICSSL. For the purpose of the NSSP and ISSC in total, the District of Columbia shall be considered as a state with all the rights, duties, responsibilities, and privileges of a state.

PROCEDURE VI. GROWING WATERS CLASSIFICATION

The state shellfish classification authority shall survey and classify the shellfish growing waters of the state in accordance with the methods outlined in the NSSP. Classification of shellfish growing waters shall be made by qualified state shellfish classification personnel who have successfully completed training. Classification shall be reappraised at least every twelve (12) months, a complete resurvey shall be completed at least every three (3) years, and a comprehensive sanitary survey at least every twelve (12) years.

PROCEDURE VII. SHIPPER CERTIFICATION

A shipper desiring classification of his plant for the purpose of interstate shipment of shellfish shall submit a request to the state shellfish sanitation control authority in his own state. Shellfish sanitation certification inspections shall be made by qualified state shellfish sanitation control personnel who have completed the appropriate training. State shellfish sanitation certification inspections shall be made at least annually. The names, certification numbers, and locations of all certified interstate shippers shall be published monthly in the ICSSL.

PROCEDURE VIII. BILL OF LADING AND LABELING

1. All interstate shipments of shellfish must be accompanied by copies of a bill of lading which includes the following information: (a) shipper's name, address and certification number; (b) point of origin of shipment; (c) quantity of product; (d) type of product; (e) date of shipment. All entries on bills of lading shall be legible. When the interstate shipment is derived from more than one shipper, separate bills of lading for each of the sources shall accompany the shipment.
2. All individual containers of shellfish in interstate shipment shall be labeled in accordance with applicable FDA and NSSP requirements.

PROCEDURE IX. PROCEDURES FOR HANDLING COMPLAINTS AND CHALLENGES
REGARDING THE ADEQUACY OF CERTIFICATION CONTROLS

1. Complaints from any state or non-state party regarding possible non-conformities in a producing and/or shipping state shall be handled as follows:
 - a. Only complaints regarding the sanitary quality and effectiveness of public health controls shall be covered under this procedure.
 - b. Complaints shall be made in writing to the Authority as listed in the ICSSL, with a copy to the appropriate FDA Regional Office.
 - c. The complaint shall provide specific and complete factual information concerning all items not in conformity and shall specifically verify that all sampling and testing has been conducted in accordance with the NSSP.
 - d. The Authority shall make an investigation of the complaint within twenty (20) working days of receipt, promptly notify the complainant in writing of the findings and any actions being taken, and provide a copy to the appropriate FDA Regional Office.
 - e. Upon receipt of the response or upon the failure to receive a response within thirty (30) days, the complainant may request in writing to the ISSC Board Chairperson that further investigation by FDA be conducted. FDA may also undertake further investigation at their own initiative.
 - f. FDA shall provide a written report of its findings or the status of the complainant within thirty (30) days to the parties involved and the ISSC Board Chairperson.
 - g. If FDA's investigation does not lead to a satisfactory resolution of the problem, the problem shall be handled as an unresolved issue according to Procedure IX. Section 3.
2. When an FDA field inspection or an overall program evaluation indicates a state program is not meeting the minimum requirements of the NSSP Model Ordinance, the following actions shall be taken:
 - a. FDA shall provide written notification to the Authority of the item(s) requiring action with supporting documentation and recommendations as appropriate.
 - b. The state shall investigate the item(s) and provide a written response within thirty (30) days that it has been corrected, that a corrective action plan has been developed and will be implemented within a specific time frame, or that it disagrees with FDA's finding. The state shall provide supporting documentation regarding any disagreements. FDA shall review the materials submitted by the state and respond to the state within thirty (30) days.
 - c. When a state does not disagree with FDA observations, but disagrees with an FDA report or FDA findings in the report regarding the state's NSSP compliance status, the state shall provide written notification to FDA of the areas of disagreement with supporting documentation and recommendations as appropriate. FDA shall review the information submitted and provide a written response within thirty (30) days that it agrees and the report has been corrected, that it agrees but the report cannot be corrected, or that it disagrees with the state. FDA shall provide supporting documentation regarding any inability to correct a report or any disagreement. The state shall review the materials submitted by FDA and respond to FDA within thirty (30) days.

- d. If corrective action is taken by the state or by the FDA or a mutually agreed upon action plan is developed and implemented, no action by the Conference will be necessary.
 - e. If the state and FDA are unable to find a mutually agreeable resolution to the disagreement, or FDA considers the action (or lack of action) taken by the state to be inadequate to resolve the item(s), FDA shall notify the state and the ISSC Executive Director of an unresolved issue. In response to the FDA notice, the State may pursue one of the following actions:
 - 1. The State may request consultation from the Consultation Subcommittee of the ISSC Unresolved Issues Committee. The purpose of this consultation will allow the State the opportunity to seek guidance from the Consultation Subcommittee regarding program requirements and FDA findings; or
 - ii. The State shall notify the ISSC Executive Director of an unresolved issued.
 - f. Upon notification from both FDA and the state of an unresolved issue, the ISSC Executive Director shall consult with both the state and FDA and prepare recommendations, which will be submitted to the Board with the unresolved issue. The referred unresolved issue shall be handled according to Procedure IX., Section 3. FDA may also take any actions it considers appropriate to deal with any adulterated product.
3. After receipt of an unresolved issue, the Executive Director shall immediately send the unresolved issue to the Executive Board. Within thirty (30) days of receipt of the unresolved issue by the Executive Director, the Executive Board shall take one (1) of the following actions:
 - a. Resolve the issue on their own initiative.
 - b. Refer the matter to the Unresolved Issues Committee.
 4. When an issue has been referred, the Unresolved Issues Committee shall convene a meeting, giving all involved parties an opportunity to participate. The Committee shall review the issue, and considering input from involved parties, submit its recommendations to the Executive Board.
 5. The following list of deficiencies and sanctions shall serve as a guide for actions should the Executive Board confirm the findings of the FDA evaluation.
 - a. State program deficiencies, which may result in ISSC sanctions, are as follows:
 - i. Administrative - Inadequate State Laws/Regulations to Enforce the Program
 - ii. Growing Areas
 - a. Failure to properly classify.
 - b. Failure to close in an emergency situation.
 - c. Repeated failure to comply with conditional management plans.
 - d. Lack of sanitary survey and supporting documentation justifying classifications.
 - e. Lack of Biotoxin contingency plan.
 - f. Failure to comply with contingency plans.
 - iii. Plant Sanitation
 - a. Failure to have a standardization officer.

- b. Certification of plants by non-standardized inspector.
 - c. Failure to take action on critical deficiencies.
 - d. Significant differences between state vs. state/FDA inspections.
 - e. Repeated Critical and Key items at significant number of firms.
 - f. Inadequate state laws/regulations to enforce program.
- iv. Other Program Areas
 - a. Inadequate tagging and records by shellfish dealers.
 - b. Refusal to participate/provide cooperation in FDA program evaluations.
 - c. Failure to control relaying.
- b. The following actions shall be taken by the Executive Board as appropriate:
 - i. Meeting(s) with responsible state officials to express ISSC concern about the unresolved issue and to develop an acceptable action plan.
 - ii. A letter to top state program administrators, including the governor, expressing ISSC concern regarding state program deficiencies.
 - iii. Notification to ISSC members of the unresolved issue for their information.
 - iv. Recommendation to FDA to include a notice in the ICSSL regarding the unresolved issue.
 - v. Recommendation to the Authority to remove affected dealers from the ICSSL.
 - vi. Recommendation to FDA to remove all certified dealers from future ICSSL publications.
 - vii. Notification to all states and other appropriate authorities describing the unresolved issue and that action against products from a state with significant control problems may be appropriate for their consideration.
 - viii. A letter to FDA expressing ISSC concern regarding the position of FDA.

PROCEDURE X. PROCEDURE FOR HANDLING ISSC SUMMARY OF ACTIONS

Unless explicitly specified otherwise by a vote of the voting delegates, recommended changes in the NSSP or Procedures shall be implemented in accordance with the following schedule:

1. The Summary of Actions for the Biennial meeting shall be forwarded to FDA within sixty (60) days of the close of the Biennial meeting.
2. FDA will review the actions of the ISSC and within sixty (60) days of the receipt will notify the Board Chairperson of the ISSC of which actions conflict with existing federal laws, regulations or policies. NSSP changes, with which FDA concurs, will be effective upon posting on the FDA website unless otherwise stated in the Summary of Actions or in the NSSP Model Ordinance. The Task Force may recommend a specific implementation date.
3. For those actions which FDA feels conflict with existing federal laws, regulations or written policies or when a federal law, regulation or written policy does not address the issue, a written decision made by the Director, FDA Office of Food Safety, along with supporting rationale, will be provided to the ISSC Chairperson within sixty (60) days of receipt of the Summary of Actions.

4. The ISSC Chairperson will refer those actions which FDA feels conflict with existing federal laws, regulations, or written policies with FDA's rationale, to the Executive Board for further discussion or referral to the next Biennial meeting for reconsideration.

PROCEDURE XL PROCEDURE FOR HANDLING RESOLUTIONS

1. The Board Chairperson, with approval of the Board, shall appoint a four-member Resolutions Committee. Membership shall consist of one member from regulatory, one member from industry, one representative from FDA, and one member from NMFS. The appointment of the Committee and the duties of the Committee will be as outlined in the ISSC Constitution, By-Laws, and Procedures.
2. The objective of the Resolutions Committee shall be to review all proposed resolutions with respect to criteria for content and format and for adherence to time frames for submission and posting to permit adequate review by all Conference participants prior to the final Voting General Assembly. Depending on circumstances and timing, resolutions may be submitted by any Conference member for consideration by the General Assembly or by the Board at interim meetings.
3. For the purpose of resolution procedures, there shall be two types of resolutions.
 - a. Housekeeping resolutions are routine resolutions for acknowledging accomplishments or recognition of services, such as hotel staff and volunteers, for activities performed. Housekeeping resolutions may be submitted at any time prior to the voting of the General Assembly.
 - b. Substantive resolutions are relevant to the objectives to the ISSC. Substantive resolutions shall be submitted to the Resolutions Committee Chairperson no later than two days prior to the issuance of the final Task Force Reports. Copies of the resolutions, including Resolution Committee recommendations, shall be included with the Task Force Reports when they are distributed for membership consideration.
4. There are two prescribed criteria for resolutions.
 - a. Resolutions shall not propose changes in major ISSC policies, the Constitution, By-Laws, or Procedures or the NSSP. These changes are considered Proposals and must be submitted as outlined in Article XI. of the Constitution for consideration by Task Forces.
 - b. Resolutions shall be submitted uniformly using a standard ISSC Resolution Form.
5. The Resolutions Committee, in reviewing the submitted resolution, may:
 - a. Make editorial changes (grammatical, spelling, or format only); and
 - b. Make substantive changes (must discuss with submitter).
6. The Resolutions Committee shall make recommendations that may include:
 - a. Referral to the General Assembly and/or the Board for consideration; and
 - b. Referral to the Board for assignment to a Task Force for appropriate action.The Committee must provide in writing its reason for the action it has taken.

PROCEDURE XII. PROCEDURE FOR HANDLING AND DISSEMINATING
INTERPRETATIONS OF THE NSSP GUIDE FOR THE CONTROL OF MOLLUSCAN
SHELLFISH BY FDA.

1. A request for Interpretation must be submitted to FDA Headquarters (Office of Food Safety) through either an FDA Regional Office or the ISSC Executive Director according to the following routes:
 - a. The interpretation request is submitted to the Office of Food Safety following the administrative chain of communication from industry to the State and, to the FDA Regional Office; or
 - b. The interpretation request is submitted to the ISSC Executive Director by industry, a State, or the general public. The ISSC forwards the interpretation request to Office of Food Safety for a response.
2. The interpretation request submitted to Office of Food Safety must be written and include the following:
 - a. The question to be interpreted. Clearly state what the issue(s) is and include the NSSP Guide for the Control of Molluscan Shellfish reference(s) that is unclear and requires interpretation. Include any NSSP Guide for the Control of Molluscan Shellfish references related to the question.
 - b. Who is requesting the interpretation? Give the name, state, area of interest (i.e., an industry person who operates an oyster shucker/packer operation, a State Shellfish Standardization Officer, etc.) and his/her address and phone number.
 - c. The background surrounding the interpretation request. It is very important to understand the circumstances, motivation, and purpose for an interpretation to put it into context.
 - d. An opinion on resolving the problem. Include ideas on what the Interpretation should be. This includes what the NSSP Guide for the Control of Molluscan Shellfish means, the intent of the NSSP Guide for the Control of Molluscan Shellfish, how appropriate reference (CFR, EPA Guidance Document, etc.) should be interpreted.
3. Within seven (7) days, the Office of Food Safety will acknowledge receipt of the letter to the requestor and FDA's Division of Federal and State Relations (DFSR).
4. All requests for interpretations must be sent to the Office of Food Safety.
 - a. Within sixty (60) days of acknowledgment of the letter, the Office of Food Safety will provide a draft proposal to the FDA Regional Offices, the ISSC Executive Director, and DFSR for comment. The ISSC Executive Director shall distribute the draft proposal to the requestor and ISSC members from states, industry, and the general public.
 - b. An additional thirty (30) days may be permitted for draft development if circumstances warrant. The requestor must be notified of the additional development time.
5. Comments on the Draft Interpretation.
 - a. The FDA Regional Offices, ISSC Executive Director, and DFSR have thirty (30) days from receipt to comment on the draft proposal to the Office of Food Safety.

- The ISSC Executive Director is responsible for receiving, consolidating, and forwarding to the Office of Food Safety comments from ISSC members from states, industry, and the general public.
- b. The FDA Regional Offices, ISSC Executive Director, and DFSR may request, in writing to the Office of Food Safety, an additional thirty (30) days to comment on the draft proposal.
6. Action on Draft Interpretation Comments.
 - a. The Office of Food Safety has thirty (30) days from receipt of comments to complete the final interpretation by:
 - i. Incorporating the comments and issuing a final interpretation; or
 - ii. Issuing the final interpretation without revision.
 - b. FDA may request an additional thirty (30) days for issuance of the final interpretation if circumstances warrant. The requestor and ISSC Executive Director must be notified of the additional development time.
 7. The Office of Food Safety shall disseminate final interpretations to the ISSC and DFSR for dissemination as follows:
 - a. Upon receipt of the final interpretation, the ISSC Executive Director shall distribute it to the requestor and ISSC members from states, industry, and the general public.
 - b. Upon receipt of the final interpretation, DFSR shall distribute it to the FDA Regional Offices and the Office of Food Safety.
 - c. Final interpretation shall be incorporated into the NSSP Guide for the Control of Molluscan Shellfish.

PROCEDURE XIII. PROCEDURE FOR INCORPORATION OF APPENDICES INTO THE NSSP MODEL ORDINANCE.

Reference materials related to Satisfactory Compliance will be included in the NSSP Model Ordinance. All other reference materials will be referenced by title only.

PROCEDURE XIV. PROCEDURE FOR ADDRESSING PATHOGENS AND DELETERIOUS SUBSTANCES NEWLY RECOGNIZED IN SHELLFISH.

1. Issues or concerns regarding pathogen(s) or deleterious substances newly recognized in shellfish, which may not be presently addressed in the NSSP submitted to the Conference for action, shall be immediately referred to the Pathogen Review Committee. The committee shall review the issue or concern, gather information, and provide a written report and recommendation to the Executive Board or Task Force for appropriate action. The intent of this procedure is to provide a base of knowledge in an expeditious manner for effective action by the ISSC. The written report shall include:
 - a. Characterization of the pathogen or deleterious substance. Characterization shall address, as a minimum, the following:
 - i. The illness and symptoms
 - ii. Dose/response relationship
 - iii. Route of transmission
 - iv. Incidence of illness
 - v. Population affected

- vi. Source of pathogen
- vii. Pollution level association
- viii. Geographic scope
- ix. Type of shellfish implicated
- b. A detailed summary of the literature search conducted by the committee. The search shall include, as a minimum, the following:
 - i. Published literature
 - ii. Grey literature
 - iii. White papers
 - iv. Personal communication
- b. Recommendation on the adequacy of present NSSP or other controls in addressing the pathogen or deleterious substance.
- c. Recommendation of additional NSSP controls or alternative controls if appropriate.
- d. Recommendation of additional data or information needs critical to development of effective controls.
- ii. The Pathogen Review Committee shall include representatives from FDA, NMFS, EPA; Authorities, the shellfish industry, and academia with knowledge of the pathogen(s) or deleterious substances of concern and risk analysis and risk management.
- iii. The ISSC Executive Board shall set a date for completion of the report to ensure that the ISSC membership is informed. The written committee report shall be presented to the Executive Board or appropriate Task Force for use in its deliberation of the issue.

PROCEDURE XV. PROCEDURE FOR THE APPROVAL OF ANALYTICAL METHODS FOR THENSSP

- iv. Prior to NSSP adoption, all laboratory methods shall be evaluated by the ISSC. Persons interested in submitting a method for inclusion in the NSSP must submit a pre-proposal outlining the following:
 - a. Description of Method;
 - b. Proposed Use of Method; and
 - c. Time Table for SLV
- v. The submitter of the proposal will be notified by the ISSC Executive Office of the action taken on the pre-proposal by the ISSC.
- vi. Submitters of pre-proposals receiving approval will be requested to submit a full proposal to the ISSC and a liaison from the Laboratory Committee will be assigned.
- vii. The full proposal shall be submitted to the ISSC in proposal form requesting approval of the analytical method for use in the NSSP.
 - a. All proposals shall include a completed ISSC Method Application and Single Laboratory Validation Summary of Required Elements for Acceptance of a Method for Use in the NSSP. AOAC approved methods that have undergone the AOAC Official Methods of Analysis (OMA) or FDA Office of Foods Level 3 or 4 validations may be accepted as an NSSP method without Single Lab Validation providing the AOAC or FDA multi-laboratory validation was performed in the raw molluscan shellfish matrix for which the Conference intends it to be used and is deemed by ISSC as fit for purpose. Submitters of AOAC and FDA validated methods will provide an ISSC Method Application and Single Laboratory

Validation Summary of Required Elements for Acceptance of a Method for Use in the NSSP, along with the AOAC OMA or FDA Office of Foods Level 3 or 4 validations.

- b. The ISSC Executive Director shall submit the proposal to the Laboratory Committee for review and development of recommendations to Task Force I.
- viii. Within six (6) months of receipt, the Laboratory Committee will review the proposal package for completeness and recommend to the Executive Board the suitability of the method for a full review for possible inclusion into the NSSP. The recommendation of the Executive Board will be presented to the ISSC Voting Delegates for approval.
- ix. Review by Laboratory Committee:
 - a. Within six (6) months of receipt of a complete application proposal, the Laboratory Committee shall conduct an evaluation of the data which describes the performance characteristics of the new proposal, the AOAC approved method or FDA Office of Foods Level 3 or 4 method;
 - i. These performance characteristics include:
 - (a) Accuracy (Trueness);
 - (b) Measurement uncertainty;
 - (c) Precision;
 - (d) Recovery;
 - (e) Specificity;
 - (f) Linear range;
 - (g) Limit of detection;
 - (h) Limit of quantitation (sensitivity);
 - (i) Ruggedness;
 - (j) Comparability if applicable (comparison of the performance of the new/modified method to the accepted method).
 - ii. Method documentation including:
 - (a) Method title, scope and references;
 - (b) Equipment and reagents required;
 - (c) Sample collection, preservation and storage requirements;
 - (d) Safety requirements;
 - (e) Step by step procedure;
 - (f) Specific quality control measures associated with the method;
 - (g) Laboratory Evaluation Checklist for use during evaluations of proper method implementation;
 - (h) Cost of the method;
 - (i) Sample turnaround time.
 - iii. Specific application(s);
 - b. Review of need for the method;
 - i. Method meets an immediate or continuing need;
 - ii. Improves analytical capability under the NSSP as an alternative to an accepted method(s);
 - iii. Replaces other approved or accepted method(s).
- x. The Laboratory Committee shall submit one of the following recommendations to Task Force I within six (6) months of receiving a complete proposal application for a method:
 - a. Non-acceptance (no action) pending further information as defined by the

Committee. The method submitter has eighteen (18) months from the date of the written request from the ISSC to provide the information/data necessary to complete the evaluation of the method. If there is no response from the submitter within this timeframe, the Laboratory Committee will recommend no action on the Proposal;

- b. Accept as an Approved NSSP Method;
 - c. Accept as an Approved Limited Use NSSP Method;
 - d. Accept as an Emergency Use NSSP Method.
- xi. Requests for ISSC recantation of an approved method shall be submitted using the ISSC proposal form. The request for recantation must include reason for the request, i.e. the need no longer exists, poor performance, equipment or reagents no longer available, etc.
- xii. Types of NSSP Analytical Methods.
- a. Approved NSSP Methods.
Approved NSSP Methods are the primary/core methods used in the NSSP and cited in the NSSP Guide for the Control of Molluscan Shellfish, Guidance Documents Chapter II. Growing Areas .14 Approved NSSP Laboratory Tests. These methods have been described in scientific or other peer-reviewed professional publications; have been used historically or are used throughout the NSSP and elsewhere to effectively detect or quantify and have been extensively evaluated and the performance characteristics for specific applications in the NSSP determined as fit for purpose through long use in the NSSP and/or Single Laboratory Validation (SLY) testing and/or collaborative study.
 - b. Approved Limited Use Methods.
Approved Limited Use Methods are permanent methods accepted for use in NSSP and listed in the NSSP Guide for the Control of Molluscan Shellfish, Guidance Documents Chapter II. Growing Areas .11 Approved National Shellfish Sanitation Program Laboratory Tests. These methods include new methods, alternative methods or screening methods within the NSSP that meet an immediate need of the NSSP, improve turnaround time, cost effectiveness, and/or increase analytical capacity. These methods have been evaluated and the performance characteristics for specific applications in the NSSP have been determined through the Single Laboratory Validation Method Protocol (SLV) to be fit for purpose within the NSSP. These methods are referred to as being of limited use within the NSSP either because of their status as newly adopted methods with little corroborating data beyond the SLV or because the application for which the method can be or is used within the NSSP is limited in scope with little laboratory participation within the NSSP and little to no subsequent corroborating data or because of the nature of the test method itself and/or restrictions that have been placed on its use that limit its usefulness within the NSSP.
 - c. Emergency Use Methods.
Emergency Use Methods are methods used to meet an immediate or ongoing critical need for a method of analysis and no NSSP approved method exists. Emergency Use Methods may be given interim approval by the ISSC Executive Board provided the criteria in Procedure XV. of the ISSC Constitution, Bylaws, and Procedures are provided.
- xiii. Matrix Extensions.

For methods already adopted into the NSSP, additional work must be done in order to expand

the use of that method to a new molluscan shellfish matrix. To determine if a Matrix Extension is needed, please refer to the guidance provided in the NSSP Guide for the Control of Molluscan Shellfish, Section IV. Guidance Documents, Chapter II. Growing Areas .21 - Guidance for Laboratory Method Matrix Extensions. If a matrix extension is needed, the necessary information, studies, and data to be provided to the Laboratory Committee for consideration are summarized on the “ISSC Method Application Format for Biotxin Methods Matrix Extension” and the “ISSC Method Application Format for Microbiology Methods Matrix Extension” documents available on the Laboratory tab of the ISSC website. This simplified, reduced approach to method validation for expanding an NSSP method to a new molluscan shellfish matrix is visually represented in the “Matrix Extension Guidelines” schematic, also available on the ISSC website.

PROCEDURE XVI. PROCEDURE FOR *Vibrio vulnificus* (V.v.) ILLNESS REVIEW COMMITTEE PROCEDURES

1. Committee Charge

On at least an annual basis, FDA and the Centers for Disease Control and Prevention (CDC) shall complete and reconcile all reported *V.v.* cases involving the consumption of shellfish. The *V.v.* Illness Review Committee will review all *V.v.* cases submitted by FDA and CDC . The Committee will determine which cases meet the case definition of a National Shellfish Sanitation Program (NSSP) *V.v.* case as outlined in Model Ordinance Section IL Chapter IL @.06. All cases meeting the NSSP definition will be included in an annual report which will be presented to the Interstate Shellfish Sanitation Conference (ISSC) Executive Board and the Vibrio Management Committee. Following ISSC Executive Board approval the report will be made available to the ISSC membership and posted on the ISSC website. This data is expected to be used by USFDA, State Authorities, and the ISSC for the following purposes:

- a. Conducting annual *V.v.* Risk Evaluations;
- b. Risk per serving determinations;
- c. *V.v.* Control Plan Evaluations;
- d. *V.v.* Contingency Plan Evaluations; and
- e. Reviewing illness trends.

2. Procedures.

- a. The Committee will only consider cases that are reported on a CDC and Prevention Cholera Vibrio Illness Surveillance Report (COVIS) Form CDC 52.79 or other electronic means.
- b. FDA will coordinate the collection of cases and COVIS forms, and other information and after redacting identifying information will make this information available to the ISSC Executive Office .
- c. The information from the COVIS forms will be shared with the *V.v.* Illness Review Committee for review.
- d. The *V.v.* Illness Review Committee will review the cases and- apply the criteria and guidelines in Section 3. 2016 is the first full year to which these criteria will be applied. The Committee will incorporate the appropriate information into a chart

which will serve as the Committee report.

- e. The report will be presented to the ISSC Executive Board for approval and then forwarded to the Vibrio Management Committee.
- f. The availability of the report will be announced to the ISSC membership.

A copy of the report will be posted on the ISSC website.

3. Criteria and Guidelines.

The Committee will use the following criteria and guidelines in reviewing reported cases:

- a. Was the illness etiologically confirmed? In this context "etiologically confirmed" shall mean laboratory confirmation by wound, stool or blood culture. Confirmation may be by a laboratory other than a State laboratory."
- b. Was the illness epidemiologically linked to shellfish? Epidemiologically linked will mean "associated with" the consumption of oysters. Consumption means ingested; eaten within 7 days of onset of symptoms. Date of onset may be before hospitalization. Further information may be warranted; discretion may be exercised.
- c. Were the shellfish commercially harvested? Commercially harvested shall mean the shellfish were intended for sale or distribution in commerce. Commercial harvest will include those cases involving a foreign state.
- d. From what State was the shellfish harvested?
- e. A case of severe *V.v.* is defined as illness in a person who had *V. vulnificus* infection confirmed by bacterial culture and either of the following:
 - i. *V. vulnificus* was isolated from blood or a site that likely indicates invasive disease (see specimen source table).
 - ii. For patients with no report on the COVIS form of wound exposure to a body of water or drippings from raw or live seafood during the 7 days before illness began any of the following were indicated on the COVIS case report form:
 - (a) Septic Shock
 - (b) Death
 - (c) Any of the following: necrosis; or invasive procedure, such as surgery, amputation, skin graft, wound debridement, fasciotomy, or incision and drainage
 - iii.

4. Challenges to Committee Findings.

Persons wishing to challenge the information included in the report must notify the ISSC Executive Director within sixty (60) days of the posting of the report on the ISSC website. The ISSC Executive Board will review all challenges at the next scheduled Executive Board meeting.

5. *V.v.* Case Appeal Procedure

- a. Appropriate *V.v.* information will be provided to the reporting and source States at least 60 days prior to committee review. The States will be given 30 days from the date of receipt to respond.
- b. Following *V.v.* Illness Review Committee review, each source State with a countable case will be notified.
- c. Should a source State disagree with the Committee determination on a specific case,

- the source State will be provided thirty (30) days to file an appeal.
- d. Should the Committee, based on the information provided by the appellant, conclude that the original determination should be reversed, the appellant will be notified.
 - e. Should the Committee, based on the information provided by the appellant, conclude that the original determination was appropriate; the Committee will provide the appellant an opportunity to state their position. This opportunity will be either by telephone conference call or in person. The choice of venue will be determined by the Committee and will not exceed fifteen (15) minutes.
 - f. The Committee will consider information presented by the appellant in the oral presentation. The appellant will be notified of the final decision of the Committee.
 - g. The appellant will receive a final decision from the Committee no more than 30 days after the date the appeal is submitted; if a decision can NOT be made after 30 days, then an appeal extension must be granted by the committee, or the appeal will be considered denied.

Table: Specimen sources that likely reflect invasive disease

Blood: Includes plasma and blood components
Vascular: Includes heart, heart valves, aorta, blood vessels
Lymphatic: Includes lymph, lymph nodes, thymus
Spleen: Includes spleen, splenic abscesses
Bone: Includes bone, bone marrow
Placenta and products of conception: Includes fetus, cord blood
Nervous System Cerebrospinal fluid (CSF) Other nervous tissue: Includes brain abscess
Pleural fluid
Peritoneal fluid
Joint: Includes synovial/joint fluid
Hepatobiliary: Gallbladder, bile, liver (includes abscesses)
Pancreas: Includes pancreas, pancreatic cysts and abscesses
Reproductive: Ovary, fallopian tube, uterus (includes cysts and abscesses in these sites), pelvic abscesses, amniotic fluid
Kidney: Includes renal and perinephric abscesses

ISSC *Vibrio vulnificus* Illness Review Criteria Table

Review Date: _____

Case Identifier/Number:			Criteria Status Determination	
Criteria	Yes	No	Unknown	
1. Etiologically Confirmed				
2. Epidemiologically Linked?				
3. Severe Illness?				
4. Reporting State?				
5. Commercial Harvest?				
6. Were shellfish consumed?				
a. Specify shellfish consumed:	Oysters	Clams	Specify Other	
b. Date of consumption: _____				
c. Is onset consistent with consumption of shellfish? Date of onset _____				
7. Trace-back Information				
a. Were shipping tags available? If other trace-back information reported, list:				
b. State of harvest, harvest area (s), and harvest date (list all reported).				
Harvest Area	Harvest State	Harvest Date	Species	Comment

ISSC Vv. Illness Review Form (06/28/2013)

PROCEDURE XVII. RECIPROCITY

Reciprocity for the purpose of ISSC agreements shall mean that no action or requirements on the part of any regulatory authority will cause or require any action in excess of the requirements of the NSSP or the ISSC agreements. The intent of this procedure is to ensure that state actions do not unnecessarily restrict interstate shipment of shellfish conforming to the reciprocity of the NSSP. The ISSC recognizes that States should be allowed to appropriately respond to public health emergencies that could restrict interstate shipment of shellfish. Procedure XVII. Section 1. Notification and Consultation provides adequate opportunity for communication between interested parties that could include State and Federal regulatory agencies and the industry.

1. Notification and Consultation.

A State, prior to taking an action that may fail to meet the definition of "reciprocity," must first notify and consult with the Executive Board. Notification should be as far in advance as is reasonably possible in order to take into account the views of the ISSC prior to a decision to take the action. The State should provide the rationale for the proposed action by describing, at a minimum:

- The potential effect on the public health within that State;
- The potential effect on the public health in other States;
- The potential economic impact on States;
- The necessity for the action within the proposed timeframe; and
- How the proposed actions are consistent with Procedure I. requirements relating to uniformity and the importance of operating within a collective framework.

A State may also notify the ISSC Executive Board upon learning of another State's intention to take action that may violate Procedure V.

2. Consideration.

If, after fully considering the State's rationale for the proposed actions, the Executive Board determines that the State's actions are unwarranted and contrary to the interests of the collective membership, the Executive Board shall so advise the State. If the State takes the proposed action after being so advised, or fails to follow Procedure V., the Executive Board will commence a formal Procedure V. process.

3. Formal Procedure V. Process.

The process will include written notification to all States involved (initiating and affected States), to present findings on the scientific and public health issues raised, which support their respective views or actions on the issue, along with identification of the formal procedural process and timeline.

All affected States (initiating and affected States), shall present the following information to the ISSC Executive Board:

- Scientific and related public health issues.

- Economic issues.
- Other relevant issues.
- Rationale why Procedure V. has/has not been violated.
- Alternate Actions for consideration.

The Executive Board determination will include Findings of Facts and Conclusions.

4. Censure.

If the State takes the proposed action after being so advised, or fails to follow Procedure V., the Executive Board may place the State under censure until such time as removed from the censure by the Executive Board and so inform the Governor of that State in writing. A State under censure may attend all functions and otherwise exercise rights as a member of the ISSC, but may not vote, either in committees, task forces, or in the General Assembly. The Executive Board reserves the right to take additional actions against the non-compliant State.

PROCEDURE XVIII. EXECUTIVE BOARD PROCEDURES FOR ESTABLISHING MEMBERSHIP FEES

The ISSC Executive Board will follow these guidelines in establishing membership fees for State and individual members.

1. Membership fees will be established as necessary to provide at a minimum ten percent (10%) of the operating costs of the ISSC.
2. The Executive Board will consider appropriate changes to the minimum of ten percent (10%) should decreases in other funding sources occur.
3. The Executive Board will allocate travel assistance to member States when the revenue acquired from membership fees is not critical to support the Conference operating budget.

PROCEDURE XIX. PROCEDURE FOR DISSOLUTION

Upon the dissolution of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or shall be distributed to the federal government, or a state or local government, for a public purpose. Any such assets not so disposed of by a Court of Competent Jurisdiction of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.