

Proposal Subject	Reciprocity and Uniformity
Specific NSSP Guide Reference	ISSC Constitution, Bylaws, and Procedures Amend Procedure V and Add New Section
Text of Proposal/ Requested Action	<p>Procedure 5</p> <p>Section 1. The NSSP <u>and Model Ordinance</u> 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 <u>shall</u> 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 and <u>Model Ordinance</u>. Such states <u>that do not comply with the NSSP and Model Ordinance</u> shall <u>not</u> be indicated on the ICSSL. 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. 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.</p>
Public Health Significance	None
Cost Information (if available)	None
Action by 2003 Task Force III	Recommended postponing discussion on Proposal 03-302 until 8:30 AM on Wednesday, August 6, 2003. In the interim, there will be a working committee that will attempt to develop a proposal that addresses the concerns identified in the discussion. The committee will be made up of one industry and one regulatory representative from each ISSC region and one representative from each of the federal agencies. The representative from the region will be determined by the Task Force members and reported to the Chair as soon as possible.
Action by 2003 Task Force III Workgroup	<p>Recommended the following language be substituted for the language in Proposal 03-302.</p> <p>Procedure V</p> <p>Section 1. <u>Intent</u>: 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. <u>Circumstances under which a State may refuse to exercise reciprocity should be limited to newly emergent public health issues that are not being adequately addressed by the NSSP.</u> 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. For the purpose of the NSSP and ISSC in total, the District of Columbia shall be considered as a state with all</p>

the rights, duties, responsibilities, and privileges of a state.

Section 2. 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 in 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.

**Action by 2003
Task Force III**

Recommended adoption of the Work Group recommendations as amended.

Procedure V

Section 1. Intent: 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. ~~Circumstances under which a State may refuse to exercise reciprocity should be limited to newly emergent public health issues that are not being adequately addressed by the NSSP.~~ 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. 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.

Further recommended that the Executive Board establish a working group to determine the appropriate language to identify the circumstances under which reciprocity may not be honored.

Further recommended that the new Procedure V take effect immediately after adoption by the General Assembly.

**Action by 2003
General Assembly**

Adopted recommendations of Task Force III.

Action by USFDA

Concurred with Conference Action.

**Action by 2005
Executive Board**

The ISSC Executive Board did not take action on this proposal due to a pending Procedure V complaint.

**Action by 2005
Task Force III**

Recommended the Executive Board continue to pursue appropriate language to identify the circumstances under which reciprocity may not be honored.

**Action by 2005
General Assembly**

Adopted recommendation of 2005 Task Force III that the Executive Board continue to pursue appropriate language to identify the circumstances under which reciprocity may not be honored.

Action by USFDA

Concurred with Conference action.