

To: Board of Directors of the ISSC

February 24, 2012

RE: Proposed Time Temperature Changes to the Model Ordinance

We appreciate the opportunity to offer comments on the proposed changes to the Model Ordinance. These proposed changes will have broad impacts on dealers and harvesters and we hope these comments will be considered in the positive light in which they are intended. We expect that many of these regulatory changes should reduce thermal abuse of shellfish that should reduce illnesses, however we also believe that many of these rules will require significant increases in paperwork and document storage as well as challenges for harvester and dealer training, time consuming and expensive changes to our HACCP plans and the need to print new forms. Our primary goal in offering these comments is to help make the intent of these changes as clear as possible to reduce confusion in both the industry and the regulatory community. Many of our comments request clarifications that can probably be achieved with guidance documents issued at a later date, but we encourage you to at least consider these and discuss plausible solutions to these issues before a final rule is issued.

Section II. Chapter VIII .02 G. 2. All harvesters shall provide trip records to the initial dealer demonstrating compliance with the time to temperature requirements.

We request clarification on the point when does the “harvest” begin.

When the harvester is working on product that is exposed to the air at low tide, does the start of his harvest begin when he picks up the first shellfish, or should it be when the shellfish is first exposed to air? Since the shellfish stop pumping and bacterial doubling starts to occur as soon as the animals are exposed, it may be prudent to suggest that the start time is actually mid tide or devise some other way to determine when the animals are exposed.

It is common practice for growers in Rhode Island to harvest, sort and then stockpile product in submerged trays during throughout the day. At the end of the day they will haul the product (usually from a previous day’s harvest) and bring it to shore to be placed in a cooler at the end of the day. In this case, the act of “harvesting” is more akin to sorting prior to wet storage. In a situation like this the actual time of the start of the harvest should not be when they hit the water in the morning and start dredging or bull raking since that product is re-submerged for harvest on a future date, but rather it should be the time when they haul the product to be landed. Since this practice results in a very short air exposure time before refrigeration we should ensure that the regulations do not unintentionally prohibit this practice.

We suggest that it is important that the requirement for trip records be relaxed for those months when *Vibrio* are not a concern. When industry perceives that regulatory requirements have no basis in public health concerns then they may start to doubt the validity of all of the regulations and the entire program is weakened. When regulations are perceived as “busy work” without a valid basis in public health, then compliance becomes shoddy and enforcement officers are resented. Requiring trip records in winter would be an unnecessary burden that would not provide a public health benefit. Furthermore, limiting the times of year when these records are required will help reinforce the message that there is a specific health risk we are trying to address during these critical months.

Section II. Chapter IX .01 C. When transporting shellstock within the applicable time to temperature controls the temperature inside the conveyance or truck shall not exceed the ambient air temperatures when the ambient air temperatures is (sic) above 50° Fahrenheit (10° Centigrade)

This regulation will encourage more open-air transport. This practice can have its own set of health risks (eg. contamination from road spray or bird droppings). We would like to encourage covered transport when ever possible, but concur that the thermal abuse considerations probably outweigh the other health concerns. We suggest that language be included to discourage covering shellstock under a tarpaulin or plastic sheet when exposed to direct sunlight as this is a common practice that can rapidly elevate temperatures unless there is adequate air flow under the tarp. Shade has been proven to drop shellstock temperatures by as much as 10 degrees C (in comparison to shellstock exposed to sunlight), but only when the airflow over the shellstock is maintained.

Covering the load with a wet cloth or burlap will also help keep temperatures down. We understand that there may be concerns associated with bacterial growth on wet cloth or burlap, but weighed against the risk of contamination from bird droppings, road spray and the thermal effect of direct sunlight, it is probably the “lesser of two evils.” When developing guidance on these matters we encourage latitude to enforcement authorities in these types of situations. For instance; is the use of “uncertified ice” to cool shellstock a greater health risk than no ice at all?

Section II. Chapter IX .03 B. Shellfish dealers shall ensure that all containers shall be cleaned....

And .04 Shipping Temperatures

And .05 Transportation Records

This section becomes problematic when you consider that many dealers use common carriers to transport product. We may drop our product at a holding facility and never see the truck that picks it up. There is no way for us to access the SSOP records of the common carrier to determine when that truck was cleaned and to what standards, and we seldom have control over (or records of) the temperature in the truck. The only way to properly ensure that this works for common carriers is to mandate that they maintain SSOP records and temperature recorder records for each trip in an online format where we can access them. This would be a welcome improvement.

Furthermore, many dealers ship their product in Styrofoam boxes via UPS or FedEx. I don't think we want to inadvertently mandate that we wash and sanitize these “containers” prior to use.

Section II. Chapter XI Shucking and Packing

Requirements for Dealers .01 Critical Control Points 2. (c) and elsewhere

References to “internal temperature”

This needs to be spelled out in detail in guidance, as most dealers have no experience with measuring internal temperatures. There are many approaches to this and many new devices being sold that claim to measure the internal temperature. If this is a Critical Control Point then it becomes pretty important. Infrared thermometers presumably must be calibrated periodically and records maintained.

Section II. Chapter XI Shucking and Packing

Requirements for Dealers .01 Critical Control Points A. Receiving Control Point

3. (a) (iv) the internal temperature of the product at the time of shipment;

(v) the time of shipment; and

(Similar language is used in Chapter XIII D. (2) (d)

Does “at the time of shipment” mean when the dealer started loading the truck (probably the last opportunity to check the temperature) or when the dealer finished the loading truck or when the truck left the facility?

Does “the time of shipment” mean the start time or the duration?

Section II. Chapter XI Shucking and Packing

Requirements for Dealers .01 Critical Control Points

B. Shellstock Storage Critical Control Point

(Should the ambient air temperature exceed 70°F (21.1°C), the maximum time allowed at points of processing or transfer shall not exceed thirty (30) minutes.)

(Similar language is used in Chapter XIV. Reshipping .01 CCP, B (3))

This could prove to be challenging. Presumably one would need to maintain records to show compliance with this CCP. For those dealers who experience a steady stream of deliveries from harvesters, simply keeping these records straight could slow down the process of getting them into refrigeration.

If shellstock has been cooled properly then we probably need to investigate at how fast it warms up during processing, sorting and packing under typical plant conditions. Because of the high specific heat of shell and tissue it should take more than 30 minutes to reach temperatures high enough to promote *Vibrio* growth under typical plant conditions. Mandating a 30-minute maximum as a CCP is a logistical and record keeping nightmare and would be virtually impossible to enforce.

Section II. Chapter XIII Shellstock Shipping

Requirements for Dealers .01 Critical Control Points

B. Shellstock Storage Critical Limits

(3) and (4) These sections mandate that dealers achieve an internal temperature within a specified time frame

If this is a CCP then dealers would need to measure the internal temperature of each shellfish batch until it reaches the appropriate temperature. This is an impossible requirement to meet with every batch. Some dealers will purchase 50 -100 lots of shellfish from as many harvesters and would be challenged to meet this requirement even with a full time staffer working in the refrigeration unit round the clock.

However, some level of assurance could be achieved with a periodic test of the refrigeration capacity and loading test to determine if the unit is capable of achieving target temperatures under typical operating conditions.