Proposal No. 2 7 - 1 0 5

Proposal for Task Force Consideration at the ISSC 2027 Biennial Meeting *(Tab to go to next field)*	1. a. ☒ Growing Area b. ☐ Harvesting/Handling/Distribution c. ☐ Administrative
2. Submitter	US Food & Drug Administration (FDA)
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9. Proposal Subject	Definition of mooring areas
10. Specific NSSP Guide Reference	Section I Purposes & Definitions
11. Text of Proposal/ Requested Action	**(74) Marina** means any water area with a structure (docks, basin, floating docks, etc.) which is used for docking and constructed to provide temporary or permanent docking space for more than ten (10) boats. **(79) Mooring Area** means any water area that is used to provide temporary or permanent anchorage for more than ten ~~twenty~~ (2~~1~~0) boats ~~with marine sanitation devices~~. Mooring areas do not include any structures for docking boats.
12. Public Health Significance	**Background** The current NSSP Model Ordinance (2023) defines a **mooring area** as: *"any water area that is used to provide temporary or permanent anchorage for **more than twenty (20) boats with marine sanitation devices**. Mooring areas do not include any structures for docking boats."* By contrast, a **marina** is defined as: *"any water area with a structure (docks, basin, floating docks, etc.) which is used for docking and constructed to provide temporary or permanent docking space for **more than ten (10) boats**."* FDA proposes reverting the mooring area threshold to **>10 boats** and **eliminating the MSD qualifier**. The following provides the science-based public health rationale. The 10-boat threshold proposed for mooring areas is grounded in established Federal science. EPA's *Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters* (EPA-840-B-92-002, January 1993), issued under Coastal Zone Act Reauthorization Amendments (CZARA), explicitly applies management measures to "any mooring field where 10 or more boats are moored"

	— the same scientific baseline from which the NSSP's marina definition derives. The 2023 NSSP amendment, which doubled the threshold to >20 boats and added an MSD qualifier, departed from this Federal standard without a supporting public health rationale. Restoring the >10-boat threshold eliminates an irrational public health regulatory disparity: marinas and mooring areas concentrate equivalent numbers of boats in fixed water areas and generate equivalent per-boat fecal coliform loading. The only difference between them is the presence of docking structures — a factor with no established relationship to pathogen risk. The public health consequences of the current definition are direct and documentable. The NSSP's own dilution analysis methodology calculates fecal coliform loading based on boat count and occupancy — not MSD presence — at a rate of 2×10^9 fecal coliforms per person per day. A cluster of 11–20 boats at an unqualified mooring area generates loading sufficient to shift adjacent shellfish growing area classifications, yet the current definition excludes this range from required sanitary survey consideration entirely. EPA CZARA guidance identified boating activities as a contributing source in the closure of millions of acres of East Coast shellfish-growing waters. Shellfish bioaccumulate fecal pathogens — including norovirus and hepatitis A virus — at concentrations far exceeding surrounding waters, creating direct, foreseeable risk of foodborne illness when growing area classifications do not account for all proximate pollution sources. This proposal closes that gap.
13. Cost Information	No cost.
14. Changes Needed to Guidance (if proposed change is adopted)	TBD