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Proposal Subject	Clarification of Surf Clams and Ocean Quahogs Exemption from Time/Temperature Requirements when "intended for thermal processing".
Specific NSSP Guide Reference	Section II. Model Ordinance Chapter VIII. Control of Shellfish Harvesting @.02 Shellstock Time to Temperature Controls G. Section IV. Guidance Documents Chapter II. Handling, Processing, and Distributing B.
Text of Proposal/ Requested Action	Section II. Model Ordinance Chapter VIII. Control of Shellfish Harvesting @.02 Shellstock Time to Temperature Controls G. Ocean Quahogs (*Arctica islandia*) and surf clams (*Spisula solidissima*) are exempt from this temperature control plan when these products are intended for thermal processing, which includes when a Processor represents, labels, or intends for the products to be cooked prior to consumption pursuant to the Processor's HACCP Plan as defined in FDA 21 CFR Part 123 Seafood HACCP regulations. For clarity, if Surf Clams or Ocean Quahogs are distributed live with the intention they could eaten raw, those Surf Clams and Ocean Quahogs are not exempt from this temperature control plan. Section IV. Guidance Documents Chapter III. Handling, Processing and Distributing B. Ocean Quahogs (*Arctica islandia*) and Surf Clams (*Spisula solidissima*) are excluded from the time to temperature controls of State Vibrio Control Plans or the matrix outlined in Chapter VIII. @.02 A. (1) (2) and (3). This exclusion applies only when these products are intended for thermal processing, which includes when a Processor represents, labels, or intends for the product to be cooked prior to consumption pursuant to the Processor's HACCP Plan as defined in FDA 21 CFR Part 123 Seafood HACCP regulations. Authorities may exclude other species when intended for thermal processing. For clarity, if Surf Clams or Ocean Quahogs are distributed live with the intention they could eaten raw, those Surf Clams and Ocean Quahogs are not exempt from this temperature control plan.
Public Health Significance	There is no adverse public health significance by this clarification of the meaning of the exemption for surf Clams and Ocean Quahogs *"intended for thermal processing"*. There will be no change from current practices, which include HACCP process controls adopted by each Processor. The additional wording merely clarifies a misinterpretation that the definition of *"intended for thermal processing"* is limited to low acid canning of 21 CFR 113.3(o). The Surf Clam and Ocean Quahog processors have been shucking surf clams and selling them in the uncooked state (both as fresh clam meats and frozen clam meats) for decades to customers with the

	intention that all of their customers will fully cook the Surf Clam meats and Ocean Quahogs prior to consumption. Thermal processing and cooked is not limited to only low aid canning, but also includes other forms of cooking and thermal processing as defined in the NSSP MO in Definitions (B) (94). Intended use guidance and controls are already established, this proposal simply clarifies and documents current practices, and aligns with common use of Surf Clams and Ocean Quahogs. As per FDA 21 CFR Part 123 Seafood HACCP regulations the Surf Clam and Ocean Quahog processors shall identify the intended use of their products. Additionally the Surf Clam and Ocean Quahog processors shall be required, consistent with their HACCP Plans, to issue annual HACCP Compliance Letters to all their customers which also identify the intended use of their products.
Cost Information	None. There will be no additional cost to industry, public, or the regulators by this clarification.
Action by 2017 Task Force II	Recommended referral of Proposal 17-225 to an appropriate committee as determined by the Conference Chair. Task Force Member Joe Jewell (Mississippi) requested the record reflect he abstained from the vote.
Action by 2017 General Assembly	Adopted the recommendation of Task Force II on Proposal 17-225.
Action by FDA February 7, 2018	Concurred with Conference action on Proposal 17-225.
Action by 2019 Time Temperature Committee	Recommended Task Force II refer Proposal 17-225 back to the committee as the Subcommittee is still collecting data needed to make a recommendation.
Action by 2019 Task Force II	Recommended referral of Proposal 17-225 back to Time Temperature Committee with instruction to develop a definition for thermal processing and to request FDA to extend the exemption from the time temperature requirements until the study is completed.
Action by 2019 General Assembly	Adopted recommendation of Task Force II on Proposal 17-225.
Action by FDA February 21, 2020	Concurred with Conference action on Proposal 17-225.
Action by Time Temperature Committee, 2023	Recommendations: The Committee recommends Proposal 17-225 be referred to an appropriate committee as determined by the conference chair.
Action by Task Force II, 2023	Recommends adopting Time Temperature Committee's recommendation that Proposal 17-225 be referred to an appropriate committee as determined by the conference chair.
Action by 2023 General Assembly	Adopted recommendation of Task Force II on Proposal 17-225.
Action by FDA July 7, 2023	Concurred with Conference action on Proposal 17-225