Proposal No. 2 7 - 2 0 9

Proposal for Task Force Consideration at the ISSC 2027 Biennial Meeting *(Tab to go to next field)*	1. a. ☐ Growing Area b. X Harvesting/Handling/Distribution c. ☐ Administrative
2. Submitter	Andrew Bell
3. Affiliation	State of Delaware, Department of Natural Resources & Environmental Control
4. Address Line 1	285 Beiser Boulevard
5. Address Line 2	Suite 102
6. City, State, Zip	Dover, DE 19904
7. Phone	302-608-5511
8. Email	andrew.bell@delaware.gov
9. Proposal Subject	Notification of Certification Revocation
10. Specific NSSP Guide Reference	ISSC Constitution, Bylaws, and Procedures, Procedures of the Interstate Shellfish Sanitation Conference, Procedure III. Responsibilities of the State; Section II Model Ordinance, Chapter I. Shellfish Sanitation Program Requirements for the Authority, @.02 Dealer Certification
11. Text of Proposal/ Requested Action	ISSC Constitution, Bylaws, and Procedures PROCEDURES OF THE INTERSTATE SHELLFISH SANITATION CONFERENCE PROCEDURE III. RESPONSIBILITIES OF THE STATE 3. The Authority of the shipping state shall certify the results of inspections of each interstate certified shellfish ~~shipper~~ dealer 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~~ through form number FDA 3038b. The most recent certification status of a ~~shipper~~ dealer shall be reported. When the sanitation compliance status of a listed ~~shipper~~ dealer 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 an ~~certified~~ interstate ~~shellfish shipper~~certified shellfish dealer changes status because of certificate suspension or revocation, the shipping state shall immediately notify ~~the~~ FDA ~~headquarters office~~through form number FDA 3038b~~, all known receiving states,~~ and the ISSC, which shall distribute the notification to all states with contact information for the shipping state~~, 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. Chapter I. Shellfish Sanitation Program Requirements for the Authority @.02 Dealer Certification D. Revocation or Suspension of Certification. (1) The Authority shall not allow any dealer whose certification has been suspended or revoked under Section H. to deal in shellfish. (2) The Authority shall not issue certification to a dealer whose certification has been suspended or revoked to deal in shellfish until the dealer meets the requirements for initial certification. (3) The Authority shall notify the ISSC of the suspension or revocation of a certified shellfish dealer. The notification shall include, if known, the type of shellfish product and the dealers or retailers to whom the suspended or revoked dealer was shipping shellfish. The ISSC will distribute the notification to states. (a) After such a notification is made, receiving states should investigate potential receiving dealers or retailers to ascertain that shellfish is not still being shipped from the suspended or revoked dealer. Receiving states shall immediately notify the shipping state of any irregularities in shellfish received which may indicate that the dealer whose certification was revoked is continuing to ship shellfish

	product. The shipping state shall then take any further action required to not allow the dealer whose certification has been suspended or revoked to deal in shellfish.
12. Public Health Significance	While reading the ISSC Constitution, Bylaws, and Procedures, I noticed the existing requirement for shipping states to notify FDA, ISSC, and receiving states when a dealer certification is revoked. This existing requirement is not contained in the Model Ordinance where it belongs; as a result, although it is currently required, states aren't aware of it. It makes sense that after suspending or revoking a dealer certification for significant or chronic non-compliance with sanitation controls, receiving states should be notified so they have the opportunity to investigate (an investigation is not required) to ascertain that shellfish from the suspended or revoked dealer is not still being shipped. If the receiving state becomes aware that shellfish is still being shipped from the suspended or revoked dealer, they would notify the shipping state so that further action can be taken. This procedure, already required by the current ISSC Constitution, is necessary because, even after the suspended or revoked dealer has been removed from the ICSSL, receiving dealers might not be aware that the certification of a dealer from whom they routinely receive shellfish has been suspended or revoked, making communication between the states necessary. This proposal copies this existing requirement from the Constitution into the Model Ordinance, where it belongs so that states can be aware of it. It updates some of the language to be consistent with the current method for states to submit changes in dealer certification to the ICSSL, and it also adds some supporting details. Other than that, this proposal makes one change to this existing requirement: currently, the shipping state is required to notify the ISSC and receiving states whenever a dealer certification is revoked, and this proposal simplifies that process by modifying it so that the receiving state would notify the ISSC, which would then notify receiving states. This change is consistent with existing requirements in Chapter II that require states issuing a product recall to notify the ISSC, which then notifies other states.
13. Cost Information	None
14. Changes Needed to Guidance (if proposed change is adopted)	None