Proposal No. 2 7 - 2 2 8

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	Returning Shellstock to the Aquaculture Site
10. Specific NSSP Guide Reference	Section I. Purposes & Definitions, Definitions Section II. Model Ordinance, Chapter VI. Shellfish Aquaculture
11. Text of Proposal/ Requested Action	Section I. Purposes & Definitions, Definitions **(108) Resubmergence** means the placement by an aquaculture grower of shellstock, arranged so that water flows freely to all shellstock, below the water surface. **(131) Wet Storage** means the storage, by a dealer, of shellstock from growing areas in the approved classification or in the open status of the conditionally approved classification in containers or floats in natural bodies of water or in tanks containing natural or synthetic seawater at any permitted land-based activity or facility. Wet storage does not include the transfer of shellstock back to the aquaculture site, for the purposes of reconditioning following illness outbreaks or recalls or for other purposes, before subsequent harvest. Chapter VI. Shellfish Aquaculture @ .01 General A. Aquaculture activities which may pose a significant public health concern and are regulated in this Chapter include, but are not limited to: (1) Seed production in waters classified as Prohibited or Unclassified; (2) Aquaculture structures that attract birds or mammals; and (3) Land based aquaculture. B. The Authority shall: (1) Approve the written operational plan for operations as outlined in @.01A above; (2) Inspect operations outlined in @.01A above at least annually; and (3) At a minimum inspect operator records to verify that appropriate permits are up to date and operational plans required in @ .01 A (1). are being implemented~~.~~; (4) ~~Consistent with Chapter IV @ .01 D(1)(e) w~~When aquaculture as defined in the Model Ordinance attracts birds or mammals, consider their presence ~~should be considered~~ for possible adverse effects on growing area water quality, consistent with Chapter IV @ .01 D(1)(e); (5) Determine whether any controls are necessary to ensure compliance with Chapter VIII. @.02 A. and other Model Ordinance requirements for shellstock brought by the aquaculture grower on land for husbandry activities then returned to the aquaculture site before harvest; and (6) Determine whether harvested shellstock may be placed back on the aquaculture site, and determine any necessary controls, including controls

for unsold shellstock, recalled shellstock, and situations when shellstock does not comply with HACCP critical limits, Vibrio control plan requirements, or other requirements of this Ordinance. This determination shall consider whether the following factors are necessary controls:

(a) Restriction of placement back on the aquaculture site to shellstock that have not left the possession of the harvester, original dealer, or dealers;

(b) Development by the grower of a resubmergence strategy that ensures identified controls will be met, and submission of the resubmergence strategy to the Authority;

(c) Notification to or approval from the Authority before transfer back to the aquaculture site;

(d) A minimum time period of resubmergence on the aquaculture site required before re-harvest to allow shellstock to purge;

(e) Methods to ensure shellstock are held below the water surface and arranged to allow the free flow of water to all shellstock;

(f) Segregation of shellstock from other shellstock on the aquaculture site, and methods for ensuring segregation;

(g) Documentation methods to facilitate accurate state reporting of shellfish harvest volume to the ISSC;

(h) Notification to or approval from the Authority before shellstock are re-harvested; and

(i) The actions to be taken when shellstock do not comply with identified controls.

.02 General

A. Any person who performs aquaculture as defined in the Model Ordinance or operates an aquaculture facility to raise shellfish for human consumption shall obtain:

(1) A permit from the Authority for the activity and functioning of his facility;

(2) A harvester's license; and

(3) Certification as a dealer, where necessary.

B. Shellfish aquaculture as defined in the Model Ordinance shall be practiced only in strict compliance with the provisions of the permit issued by the Authority for the aquaculture activity. Authorization shall be based on the operator's written operational plan.

C. Prior to beginning his activity, an operator shall obtain the permission of the Authority for use of his facility.

D. Any shellfish seed raised in aquaculture that exceeds the maximum seed size established by the Authority shall be subjected to relaying or depuration prior to direct marketing if the culture area or facility is located in or using water which is in:

(1) The closed status of the conditionally approved classification;

(2) The restricted classification; or

(3) The open status of the conditionally restricted classification.

E. Only drugs sanctioned by the FDA shall be used for shellfish treatment.

F. Harvesting, processing, storage, and shipping requirements for shellfish raised in a land-based aquaculture facility or a seed rearing facility or system that exceeds the maximum seed size established by the Authority shall be the same as the requirements for shellfish specified in Chapters V., VII., VIII., IX., X., XI., XII., XIII. and XIV.

G. When placing harvested shellstock back on the aquaculture site, the grower shall follow any controls established by the Authority in accordance with @.01 B. (6).

	~~G~~H. Complete and accurate records shall be maintained for at least two (2) years by the operator of the aquaculture facility and shall include the: (1) Source of shellfish, including seed if the seed is from growing areas which are not in the approved or conditionally approved classification; and (2) Water source, its treatment method, if necessary, and its quality in land based systems.
12. Public Health Significance	Aquacultured shellstock is different than traditional shellstock in numerous ways, including that aquacultured shellstock may be (unless not allowed by the Authority in their state regulations) brought on land then returned to the aquaculture site. This may be done prior to harvest for husbandry purposes, such as tumbling or sorting on land. Or it may be done after harvest, wherein shellstock are "un-harvested" and transferred back to the aquaculture site for various reasons, including product that is unsold but still remains safe for consumption, or as a corrective action for recalled product or product that may be unsafe for consumption. This is different than wet storage because wet storage is the storage of market ready product by a dealer, while in these activities, shellstock are transferred back to the grower then re-harvested later. It has been a challenge to figure out how to regulate these activities and determine requirements for everything from how to recondition unsafe product to ensuring that accurate harvest quantities can be reported to ISSC, but in Delaware we have gradually worked it out. In this proposal, we are offering the ideas we have developed as a framework for Authorities to optionally follow. This proposal does not require Authorities to take any actions, as it is not required for Authorities to establish any controls for the placement of shellstock back on the aquaculture site – it is merely intended to offer an optional framework for Authorities to follow if they think it's necessary. This proposal is in the spirit of providing suggestions for Authorities if they determine that controls are necessary for shellstock that are placed back on the aquaculture site following harvest, and does not require that the Authority institute any of the requirements listed in the framework of suggestions. The intent is to help the NSSP take a small step toward ensuring appropriate, but not excessive, controls for aquacultured shellfish, which is different than the wild-caught shellfish that the NSSP has traditionally considered.
13. Cost Information	None
14. Changes Needed to Guidance (if proposed change is adopted)	None