

**ISSC 2007 Biennial Meeting**  
**August 11-17, 2007 – Albuquerque, New Mexico**  
**Committee Report**

<b>Committee Name:</b>	Reciprocity Committee
<b>Chairperson:</b>	Bill Eisele
<b>Date of Meeting:</b>	Sunday, August 12, 2007
<b>Roster:</b>	<div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> Mike Hickey <input type="checkbox"/> Lori Howell <input type="checkbox"/> Rob Wittman</div><div><input type="checkbox"/> Larry Simns <input type="checkbox"/> Kirk Wiles</div></div>
<b>Charge:</b>	Proposal 03-302 - The Executive Board continue to pursue appropriate language to identify the circumstances under which reciprocity may not be honored.
<b>Recommendations:</b>	<p>ISSC Constitution, Bylaws, and Procedures amend Procedure V. and move deleted sections to a new Procedure XVII.</p> <p style="text-align:center"><b><u>PROCEDURE V. GUIDELINES</u></b></p> <p>The NSSP as adopted by the ISSC and the FDA, without footnotes except as the Conference may adopt, shall be used as the basic guidelines for the classification of shellfish growing waters and the basic sanitation guidelines in making shellfish sanitation certification inspections of interstate shellfish shippers. The Conference discourages the use of separate guidelines for intrastate shellfish shippers. Shellfish from any state participating in the ISSC should be accepted for sale in any other member state under the principles of reciprocity, provided the state's program is in compliance with the NSSP. Such states shall be indicated on the ICSSL. <del>Reciprocity for the purpose of ISSC agreements shall mean that no action or requirements on the part of any regulatory authority will cause or require any action in excess of the requirements of the NSSP or the ISSC agreements.</del> For the purpose of the NSSP and ISSC in total, the District of Columbia shall be considered as a state with all the rights, duties, responsibilities, and privileges of a state</p> <p><b>Section 1. — Intent</b></p> <p><del>The NSSP as adopted by the ISSC and the FDA, without footnotes except as the Conference may adopt, shall be used as the basic guidelines for the classification of shellfish growing waters and the basic sanitation guidelines in making shellfish sanitation certification inspections of interstate shellfish shippers. The Conference discourages the use of separate guidelines for intrastate shellfish shippers. Shellfish from any state participating in the ISSC should be accepted for sale in any other member state under the principles of reciprocity, provided the state's program is in compliance with the NSSP. Such states shall be indicated on the ICSSL. Reciprocity for the purpose of ISSC agreements shall mean that no action or requirements on the part of any regulatory authority will cause or require any action in excess of the requirements of the NSSP or the ISSC agreements. For the purpose of the NSSP and ISSC in total, the District of Columbia shall be considered as a state with all the rights, duties, responsibilities, and privileges of a state.</del></p> <p><b>Section 2. — Notification and Consultation</b></p> <p><del>A state, prior to taking an action that may fail to meet the</del></p>

definition of “reciprocity,” must first notify and consult with the Executive Board. Notification should be as far in advance as is reasonably possible in order to take into account the views of the ISSC prior to a decision to take the action. The state should provide the rationale for the proposed action by describing, at a minimum:

- The potential effect on the public health within that state;
- The potential effect on the public health in other states;
- The potential economic impact on states;
- The necessity for the action within the proposed timeframe; and
- How the proposed actions are consistent with Procedure I requirements relating to uniformity and the importance of operating within a collective framework.

A state may also notify the ISSC Executive Board upon learning of another state’s intention to take action that may violate Procedure V.

### **Section 3. Consideration**

If, after fully considering the state’s rationale for the proposed actions, the Executive Board determines that the state’s actions are unwarranted and contrary to the interests of the collective membership, the Executive Board shall so advise the state. If the State takes the proposed action after being so advised, or fails to follow Procedure V, the Executive Board will commence a formal Procedure V process.

### **Section 4. Formal Procedure V. Process**

The process will include written notification to all states involved (initiating and affected states), to present findings on the scientific and public health issues raised, which support their respective views or actions on the issue, along with identification of the formal procedural process and timeline.

All affected states (initiating and affected states), shall present the following information to the ISSC EXECUTIVE BOARD:

- Scientific and related public health issues;
- Economic issues;
- Other relevant issues;
- Rationale why Procedure V has/has not been violated.
- Alternative Actions for consideration.

The Executive Board determination will include Findings of Facts and Conclusions.

### **Section 5. Censure**

If the state takes the proposed action after being so advised, or fails to follow Procedure V, the Executive Board may place the state under censure until such time as removed from the censure by the Executive Board and so inform the governor of that state in writing. A state under censure may attend all functions and otherwise exercise rights as a member of the ISSC, but may not vote, either in committees, task forces, or in the general assembly. The Executive Board reserves the right to take additional actions against the non-compliant State.

## **PROCEDURE XVII. RECIPROCITY**

Reciprocity for the purpose of ISSC agreements shall mean that no action or requirements on the part of any regulatory authority will cause or require any action in excess of the requirements of the NSSP or the ISSC agreements. The intent of this procedure is to ensure that state actions do not unnecessarily restrict interstate shipment of shellfish conforming to the reciprocity of the NSSP. The ISSC recognizes that states should be allowed to appropriately respond to public health emergencies that could restrict interstate shipment of oysters. Chapter XVII. Section 1. Notification and Consultation provides adequate opportunity for communication between interested parties that could include state and federal regulatory agencies and the industry.

### **Section 1. Notification and Consultation**

A state, prior to taking an action that may fail to meet the definition of “reciprocity,” must first notify and consult with the Executive Board. Notification should be as far in advance as is reasonably possible in order to take into account the views of the ISSC prior to a decision to take the action. The state should provide the rationale for the proposed action by describing, at a minimum:

- The potential effect on the public health within that state;
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- How the proposed actions are consistent with Procedure I requirements relating to uniformity and the importance of operating within a collective framework.

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### **Section 2. Consideration**

If, after fully considering the state’s rationale for the proposed actions, the Executive Board determines that the state’s actions are unwarranted and contrary to the interests of the collective membership, the Executive Board shall so advise the state. If the State takes the proposed action after being so advised, or fails to follow Procedure V, the Executive Board will commence a formal Procedure V process.

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#### **Additional Information:**

**Recorder:** Nancy Daniel

**Approved by:**