



Interstate Shellfish Sanitation Conference

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**M E M O R A N D U M**

TO: Reciprocity Work Group Members

FROM: Ken B. Moore, Executive Director *Ken B. Moore*

DATE: May 22, 2009

RE: 2009 Work Group Charges

This memorandum is to confirm your appointment by the Conference Executive Board Chairman to a Reciprocity Work Group. Kirk Wiles will serve as Chair of the Work Group.

The Reciprocity Work Group is assigned the following task:

- Determine if the State of Virginia violated reciprocity during the Mississippi illness outbreak and recall.

If you are unable to participate in the activities of this Work Group, please contact us at 803-788-7559 or [issc@issc.org](mailto:issc@issc.org). Thank you for your interest and support of the ISSC and we look forward to working with you.

/hjt

Reciprocity Workgroup			
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## **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 shellfish. 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;
- 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.

## **PROCEDURE XVII. RECIPROCITY (continued)**

### **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.

### **Section 3.** 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.
- Alternate Actions for consideration.

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

### **Section 4.** 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.