PROCLAMATION

RE: TEMPERATURE AND SANITATION CONTROLS – CLOSED SEASON OYSTER HARVEST

This proclamation supersedes SS-4-2017 dated May 16, 2017. It reestablishes the National Shellfish Sanitation Program requirements that mandate measures to control the temperature of oysters after harvest. It also reestablishes National Shellfish Sanitation Program requirements that mandate measures to protect shellfish from contamination during harvest, handling, transport and storage. It expands the requirement of receiving oysters at a licensed shellfish dealer and placing under mechanical refrigeration within 5 hours from the time of harvest from May 1 through October 14.

It establishes new National Shellfish Sanitation Program mandates that modifies required language on shellfish dealer tags, as well as requiring that employees of shellfish dealers receive training related to food hygiene and food safety. It also establishes the requirement to record the shellfish lease or franchise number on harvest tags.

Stephen W. Murphey, Director, Division of Marine Fisheries, hereby announces that effective immediately the following restrictions will apply to the harvest, transport, and storage of oysters taken from shellfish leases or franchises in Coastal Fishing Waters:

I. Time Period

The following restrictions are in effect for all commercial oyster harvesting operations for the time period of April 1 through October 14.

Relaying and transplanting activities are not considered harvesting operations.

II. NOTIFICATION AND TAGGING REQUIREMENTS

A. It is unlawful for shellfish lease or franchise holders to fail to notify the N.C. Marine Fisheries, Habitat and Enhancement Section by telephone at 800-682-2632 extension 8048 or 252-808-8048 prior to beginning oyster harvest from shellfish leases or franchises during the April 1 through October 14 time period. Only one call for the entire April 1 through October 14 time period is required.

B. Harvest Tags- It is unlawful to possess oysters in a commercial fishing operation without a harvest tag recording the time of the start of harvest, shellfish lease or franchise number and the information as described in 15A NCAC 03K .0109, affixed to each container of oysters. The time of the start of harvest shall be the time when the first oyster is initially removed from the water.
C. Dealer Tags- The following text additional to requirements in 15A NCAC 18A .0425 (a) (7) shall be printed in bold capitalized type on shellfish dealer tags along with other required information as described in 15A NCAC 18A .0425:

“This Tag is required to be attached until container is empty or is retagged and thereafter kept on file, in chronological order, for 90 days.” “Retailers: Date when last shellfish from this container sold or served (insert date)____________.”

D. Dealer tags shall also contain the statement “Keep Refrigerated”.

III. TRANSPORT AND STORAGE RESTRICTIONS

A. It is unlawful for harvesters to fail to deliver oysters harvested from shellfish leases or franchises in Coastal Fishing Waters to a licensed shellfish dealer within 12 hours of the time of the start of harvest from April 1 through April 30.

B. It is unlawful for harvesters to fail to deliver oysters harvested from shellfish leases or franchises in Coastal Fishing waters to a licensed shellfish dealer within 5 hours of the start of harvest from May 1 through October 14.

C. It is unlawful for a licensed shellfish dealer to receive oysters from Coastal Fishing Waters where the interval between the time of the start of harvest on the harvest tag attached to the container of oysters and the time of receipt exceeds 12 hours from April 1 through April 30.

D. It is unlawful for a licensed shellfish dealer to fail to place oysters under mechanical refrigeration within two hours of receipt from a harvester from April 1 through April 30.

E. It is unlawful for a licensed shellfish dealer to receive oysters from Coastal Fishing Waters where the interval between the time of the start of harvest on the harvest tag attached to the container of oysters and the time of receipt exceeds 5 hours from May 1 through October 14.

F. It is unlawful for a licensed shellfish dealer to fail to place oysters under mechanical refrigeration within 5 hours after start of harvest from May 1 through October 14.

G. It is unlawful for a licensed shellfish dealer to fail to record the following information when receiving oysters from shellfish leases or franchises in Coastal Fishing Waters:

1. Harvester;
2. Harvest area;
3. Time of the start of harvest;
4. Quantity and type of shellfish received;
5. Time shellfish were received; and
6. Time shellfish were refrigerated.
IV. SANITATION REQUIREMENTS

A. It is unlawful to operate and maintain vessels used for the commercial harvest, handling or transport of shellfish in such a manner that allows contact of shellstock with bilge water, standing water or other sources of contamination in the vessel.

B. It is unlawful to allow dogs or other animals on vessels or vehicles used to commercially harvest or transport shellfish.

C. It is unlawful to discharge human waste overboard from harvest vessels.

V. DEALER TRAINING REQUIREMENTS

(a) Shellfish dealers shall ensure that all employees that manufacture, process, pack or hold food are qualified and obtain training in the principles of food hygiene and food safety, including the importance of employee health and personal hygiene, in accordance with 21 CFR 117.4.

(b) Shellfish dealers shall be allowed (30) days following initial hiring of a new employee to provide the required education.

(c) Proof of training for all employees shall be required prior to initial certification or recertification.

(d) The dealer shall maintain the record of the completed training.

VI. GENERAL INFORMATION:

A. This proclamation is issued under the authority of N.C. General Statutes 113-170.4; 113-170.5; 113-182; 113-221.1; 113-221.2; 143B-289.52; and N.C. Marine Fisheries Commission Rules 15A NCAC 03H .0103 and 03K .0110.

B. It is unlawful to violate the provisions of any proclamation issued by the Fisheries Director under his delegated authority pursuant to N.C. Marine Fisheries Commission Rule 15A NCAC 03H .0103.

E. In accordance with N.C. General Statute 113-221.1(c) all persons who may be affected by proclamations issued by the Fisheries Director are under a duty to keep themselves informed of current proclamations.

D. The National Shellfish Sanitation Program Model Ordinance requires shellfish harvesters to:

1. Keep shellfish out of bilge water and protected from contamination from fuel, oil, and other contaminants;
2. Shade shellfish when necessary to reduce the chance of temperature abuse; and
3. Protect shellfish from adulteration and contamination during transport.
4. Prevent cats, dogs, and other animals on harvest vessels or in any conveyance where shellfish is stored; and
5. Prevent overboard discharge of human sewage from harvest vessels.
E. Licensed shellfish dealers are required to keep all shellstock under mechanical refrigeration including delivery conveyances.

F. The call-in and record keeping requirements established by this proclamation eliminate the need for the Closed Oyster Season Harvest Permit for Leases and Franchises.

G. Contact Shannon Jenkins or Jacob Boyd at N.C. Division of Marine Fisheries, P.O. Box 769, Morehead City, NC 28557, phone: 252-726-6827 or 800-682-2632 for more information or visit our website at https://deq.nc.gov/about/divisions/marine-fisheries/.

H. This proclamation supersedes SS-3-2017 dated May 16, 2017. It reestablishes the National Shellfish Sanitation Program requirements that mandate measures to control the temperature of oysters after harvest. It expands the requirement of receiving oysters at a licensed shellfish dealer and placing under mechanical refrigeration within 5 hours from the time of harvest from May 1 through October 14. It also reestablishes National Shellfish Sanitation Program requirements that mandate measures to protect shellfish from contamination during harvest, handling, transport and storage. It establishes new National Shellfish Sanitation Program mandates that modifies required language on shellfish dealer tags, as well as requiring that shellfish dealer employees receive training related to food hygiene and food safety. It also establishes the requirement to record the shellfish lease or franchise number on harvest tags.

BY: __________________________
Stephen W. Murphey, Director
DIVISION OF MARINE FISHERIES, DEQ

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