PROCLAMATION

RE: SHELLFISH TEMPERATURE AND SANITATION CONTROLS

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, clams, and mussels 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 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, clams, and mussels taken from Coastal Fishing Waters:

I. TIME PERIOD AND FISHERIES

The following restrictions are in effect for all commercial oyster, clam and mussel harvesting operations for the time periods listed below:

A. Year round for clams and mussels (Tagging, Sanitation, Transport, Storage and Training Requirements);
B. October 15 through March 31 for oysters (Tagging, Sanitation, Transport, Storage and Training Requirements);
C. June through September (Shading of Clams).

Relaying and transplanting activities are not considered harvesting operations.

II. TAGGING REQUIREMENTS

A. Harvest Tags- It is unlawful to possess oysters, clams or mussels in a commercial fishing operation without a harvest tag recording the time of the start of harvest, shellfish lease or franchise number if applicable, and information as described in 15A NCAC 03K .0109, affixed to each container of oysters, clams or mussels. The time of the start of harvest shall be the time when the first oyster, clam or mussel is initially removed from the water.
B. **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)____________.”

C. 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, clams or mussels harvested from Coastal Fishing Waters to a licensed shellfish dealer **within 12 hours of the time of the start of harvest.**

B. It is unlawful for a licensed shellfish dealer to receive oysters, clams or mussels from Coastal Fishing Waters where the interval between the time of the start of harvest on the harvest tag attached to the container holding the oysters or clams and the time of receipt exceeds 12 hours.

C. It is unlawful for a licensed shellfish dealer to fail to record the following information at the time of receipt of oysters, clams or mussels from 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.

D. It is unlawful for a licensed shellfish dealer to fail to place oysters, clams or mussels under mechanical refrigeration **within two hours of receipt from a harvester.**

### 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. SHADING OF CLAMS REQUIREMENTS

It is unlawful to fail to protect clams from sun exposure from June 1 through September 30 during harvesting, storage and transport to a licensed dealer by:

A. Providing shading over the area where the harvested clams are stored on the harvest vessel, any floating container where the clams are not submerged, transportation conveyance such as vessel or vehicle, or;

B. Directly covering the clams with a light colored, non-toxic material such as a tarp or fabric during the operations in (a).

C. This restriction will apply at all times during the designated time period.

VI. 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.

VII. 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.

C. 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;
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.

D. The intent of the clam shading requirements in this proclamation is to:

1. Prevent heat buildup in clams from direct sunlight radiation following harvest, and during storage and transportation to the dealer. Elevated temperatures in clams can cause rapid growth of pathogenic Vibrio bacteria as well as heat stress that causes excessive mortality in the clams.
2. Adequate air space should be left between shading canopies to reduce heat buildup. Direct coverings such as tarps or fabrics shall be white or a similar light color to prevent heat buildup. During the summer months, direct heating from the sun can occur even on overcast days so shading must be provided from June 1 through September 30 at all times during harvesting, storage and transport to a licensed dealer.

E. Licensed shellfish dealers are required to keep all shellstock under mechanical refrigeration including delivery conveyances.

F. 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.

G. Contact Shannon Jenkins at N.C. Division of Marine Fisheries, P.O. Box 769, Morehead City, NC 28557 (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, clams and mussels after harvest. These measures will reduce post-harvest growth of potentially hazardous, naturally occurring bacteria in these shellfish. 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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