

Department of Marine Resources
NOTICE OF AGENCY RULE-MAKING PROPOSAL

RULE TITLE OR SUBJECT: Chapter 16.26 Receiving Shellfish

CONCISE SUMMARY:

The proposed regulations in Chapter 16 would update the physical plant rules for certified shellfish dealers with regard to receiving shellfish at their permanent facility. These proposed regulations would provide for compliance and consistency with the federal National Shellfish Sanitation Program Model Ordinance under the federal Food and Drug Administration.

STATUTORY AUTHORITY: 12 M.R.S.A. §6856(4)

PUBLIC HEARING: October 15, 2008, 6:00 PM**, Department of Marine Resources, Large Conference Room, 200 McKown Point Road, West Boothbay Harbor

**The public hearing for the proposed rules in Chapter 7.70 will be held immediately upon the conclusion of the hearing for Chapter 16.27 Shellfish receiving. See separate rulemaking notice for rules not listed in this notice.

DEADLINE FOR COMMENTS: October 27, 2008

To ensure consideration, comments must include your name and the organization you represent, if any. Please be aware that any risk of non-delivery associated with submissions by fax or e-mail is on the sender.

AGENCY CONTACT PERSON: Bruce Chamberlain (207- 557-3557)

Mail written comments to:

AGENCY NAME: Department of Marine Resources, attn: L. Churchill
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TTY: (207) 633-9500 (Deaf/Hard of Hearing)
Hearing facilities: If you require accommodations due to disability, please contact Amanda Beckwith, at (207) 287-7578.

Additional information:

These proposed regulations would impact those persons who hold a shellfish sanitation certificate in accordance with 12 M.R.S.A. §6856. This is an existing requirement under the National Shellfish Sanitation Program Model Ordinance (NSSP) that we have mistakenly omitted from our rules. Certified dealers are already meeting these requirements. For enforcement reasons, we must have our rules consistent with the Model Ordinance.

Proposed rulemaking – see underlined or ~~deleted~~ text below:

Chapter 16 UNIFORM PHYSICAL PLANT EQUIPMENT AND OPERATION REQUIREMENTS
16.26 Receiving Shellfish

- A. The dealer shall reject or discard any shellfish shipments which:
1. do not originate from a licensed harvester or dealer; and/or
 2. are unwholesome, inadequately protected or whose source cannot be identified.
- B. Transportation agents or common carriers used by a dealer are not required to be certified.
- C. The dealer shall:
1. Inspect incoming shellfish shipments to assure that the shipments are received under the conditions required in this Chapter
 2. Place shellstock under temperature control within 2 hours after receipt from the harvester, or when the dealer is also the harvester, when shellstock reaches the dealer's facility;
 3. Ensure that shellstock is not permitted to remain without ice, mechanical refrigeration, or other approved means of lowering and maintaining the internal body temperature of the shellstock to 50° Fahrenheit (10° Centigrade) or less for more than 2 hours at points of transfer such as loading docks;
 4. Ensure that shucked shellfish are not permitted to remain without ice, mechanical refrigeration, or other approved means of maintaining shellfish temperature at 45° Fahrenheit (7.2° Centigrade) or less; and
 5. Ensure that frozen shellfish remain frozen.
- D. For the purpose of this section, temperature control is defined as the management of the environmental temperature of the shellstock by means of ice, mechanical refrigeration or other means approved by the Authority.