

MEMORANDUM

DATE: May 19, 2011

TO: Division of Shellfish Sanitation Staff

FROM: Julie Henderson, Plant Program Manager
Division of Shellfish Sanitation



THROUGH: Robert E. Croonenberghs, Ph.D., Director
Division of Shellfish Sanitation



SUBJECT: Shellfish harvest restrictions in Virginia from May 1 – September 30

Delete working memo # S- 333

Purpose

The purpose of this working memo is to provide guidance to the Virginia Department of Health, Division of Shellfish Sanitation (DSS) in implementing the *Virginia Administrative Code* 4VAC 20-1230-10 et seq. Virginia Marine Resources Commission (MRC) "Pertaining to Restrictions on Shellfish" amended on May 1, 2011.

Introduction

The Division of Shellfish Sanitation must conduct a *Vibrio parahaemolyticus* risk evaluation annually to determine whether the risk of *V.parahaemolyticus* infection from the consumption of oysters harvested from an area is reasonably likely to occur. These pathogenic bacteria occur naturally and are not associated with human sewage or animal waste, but can cause disease from the consumption of oysters and clams harvested during warm weather months. The DSS *V. parahaemolyticus* risk evaluation determined that the risk was likely and thus it has developed and implemented a *V.parahaemolyticus* control plan. Part of the result of the plan's implementation was that the MRC promulgated regulations in order to help prevent illnesses from both *V.parahaemolyticus* and *V. vulnificus* in Virginia waters. These regulations have placed certain controls on the harvesting of shellstock oysters and clams.

Discussion

The MRC regulations pertaining to the restrictions of shellfish harvest require shellstock oysters to be harvested and placed in the DSS approved mechanical refrigeration or ice storage containers by 11 a.m. from May 1 through June 14, by 10 a.m. from June 15 through August 31 and by 12 p.m. from September 1 through September 30. Any harvester who wishes to harvest shellstock oysters after these times are required to have mechanical or ice refrigeration, if harvesting on the James River and its adjacent tributaries. Any harvester/aquaculturist who wishes to harvest shellstock oysters in all other approved growing areas in Virginia after the designated harvesting times must possess a Global Positioning System (GPS) tracking device on board the harvest vessel or with the harvester/aquaculturist that is in continuous operation. The harvester/aquaculturist must have a permit from the MRC to use the GPS device and to work after the designated harvesting times. All land-based deliveries, of both oysters and clams, requiring more than 60 minutes after offloading is complete shall be made aboard trucks or conveyances equipped with mechanical refrigeration capable of maintaining 45°F or less, except that the shellfish may be completely covered by a layer of ice. The implementation of these regulations will be discussed in the following policy section.

Policy

DSS Shellfish Specialists are charged with inspecting the shellstock oyster harvest boats and issuing the *Vessel Refrigeration Approval Certificates* to harvesters working on the James River and its adjacent tributaries. The *Truck Refrigeration Approval Certificates* are issued for the transport of shellstock oysters and clams to any operator that is delivering shellfish using a truck not owned by a certified shellfish dealer. The *Vessel Refrigeration Approval Certificates* and *Truck Refrigeration Approval Certificates* are issued for a seasonal period of May 1 until September 30 and expire annually. DSS is given this authority by *Virginia Code § 28.2-802. A. For the purpose of carrying out the provisions of this chapter, the State Health Commissioner and the Commissioner of Marine Resources or their designees may enter any establishment located in the Commonwealth, where crustacea or shellfish may be found. The word “establishment” is defined as any vehicle, vessel, property or premises where crustacean, finfish, or shellfish are transported, held, stored, processed, packed, repacked, or pasteurized in preparation for marketing.* These certificates may be issued at the time of inspection along with an NSSP Standardized Shellfish Processing Plant Inspection Form.

Refrigeration requirements

Inspections of refrigeration units on board boats and trucks must be conducted with the harvester/aquaculturist present in order to explain the DSS requirements and to provide the necessary paperwork for temperature verification. Refrigeration containers must be constructed in a manner and with materials that can be easily cleaned, maintained and are

resistant to wear from oyster shells. The containers shall be kept clean with potable water or water from approved growing areas.

Containers used for icing shellstock must be self-draining as to prevent shellstock from being placed in standing water. The ice used to cool shellstock during harvest and transport shall be made from potable water in a commercial ice machine and stored in a safe and sanitary manner to prevent contamination. When the icing of shellstock oysters is used to harvest after the morning hours in the James River and its tributaries, oysters must be completely covered by a layer of ice *from the start of harvest and throughout the harvest period until the oysters are offloaded*. When ice is used to meet refrigeration requirements during overland transport of oysters and clams, the shellstock must be completely covered by a layer of ice.

Mechanical refrigeration units must be capable of cooling and maintaining a temperature of 45° F or less. When using mechanical refrigeration, the harvester/aquaculturist shall have a thermometer capable of measuring the ambient temperature in 2°F increments that is kept on board the vessel and truck during operation. This thermometer shall be used to ensure that the unit is capable of reaching the ambient temperature of 45°F before the shellstock is placed in the container and the container is closed. (This does not mean that the unit has to be chilled to 45°F immediately before placing shellstock in it.) This check is to be performed and recorded daily by the harvester/ aquaculturist during periods of harvest activity from May 1 until September 30. A temperature recording log shall be in possession of the harvester/aquaculturist during the time of harvest and transport.