

MEMORANDUM

DATE: August 3, 2026

TO: Division of Shellfish Safety and Waterborne Hazards

THROUGH: Lance Gregory, Director
Office of Environmental Services

THROUGH: B. Cameron Webb, MD, JD
State Health Commissioner

FROM: E. Danielle Schools, Director
Division of Shellfish Safety and Waterborne Hazards

SUBJECT: Policy for Virginia's Public Health Shellfish Program

Purpose:

The purpose of this protocol is to establish the Department of Health's official policy and set standards for the public health aspects of the Commonwealth's molluscan shellfish program.

Description:

The legal basis for the shellfish program in Virginia is primarily contained in §§ 28.2-800 through 28.2-826 of the *Code of Virginia* (the Code). On May 1, 1969, the Commissioner of Marine Resources and the State Health Commissioner signed the "Agreement of Cooperative Procedures for Administering and Regulating the Sanitary Control of the Shellfish Industry by the Virginia State Department of Health and the Marine Resources Commission". This agreement delineates the various programs carried out by each Department concerning Virginia's molluscan shellfish program. The program provides regulatory oversight for molluscan shellfish (oysters and clams) that are raw and subjected to post harvest processing.

In order for shellfish dealers to ship their products on interstate markets, their state shellfish programs must be approved by the U.S. Food and Drug Administration to meet the minimum requirements of the National Shellfish Sanitation Program (NSSP). These minimum requirements are contained in the NSSP Guide for the Control of Molluscan Shellfish (Guide), and the current version is the 2023 revision. The Guide includes requirements that state shellfish programs must follow related to growing area classification and the permitting and inspection of shellfish dealers. The Guide also provides prescriptive requirements and sets standards for the shellfish industry.

Conclusion:

Pursuant to §§ 28.2-800 through 28.2-826 of the Code, this policy memo establishes the Virginia Department of Health shall adopt the requirements of the NSSP Guide for the Control of Molluscan Shellfish, 2023 Revision, as the basic standards for carrying out its portion of Virginia's shellfish program.

Link to Guide: <https://www.fda.gov/food/federal-state-local-tribal-and-territorial-cooperative-human-food-programs/national-shellfish-sanitation-program-nssp>