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TO: Division of Shellfish Sanitation Staff

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THROUGH: Eric H. Bartsch, P.E., Director
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SUBJECT: Shellfish Plants - Procedure - Interstate Shipments

DELETE WORKING MEMO #183

Purpose

This Working Memo describes the policy that the Division will use to evaluate interstate shipments of shellfish.

Introduction

In the past, the Division's emphasis on evaluating interstate shipments of shellfish was to require a dealer to keep a Shellfish Shipment Log and the paper print out of the time-temperature recording device from the truck. The Division reviewed this log and sampled shellfish for microbiological evaluation. However, the implementation of HACCP now requires that dealers keep their own records, and the evaluation of product from a receiving truck now falls within the HACCP plan of the dealer. Therefore, the Division will no longer require dealers to keep a separate Shellfish Shipment Log.

Furthermore, the microbiological market action level was originally developed as a means of providing information about the quality and safety of shellfish, and not as a shellfish meat standard for definitively determining the safety of shellfish. Therefore, the Division will no longer routinely use the market action level as a routine standard for judging the safety of interstate shellfish shipments, though there may be special situations where the action level is used for that purpose, along with other information. The new emphasis will be on proof that the shellfish was kept under satisfactory temperature conditions.

Discussion

The Model Ordinance (Chapter IX. 05.B.2) requires that all shipments of over 4 hours have a time-temperature recording device, unless the dealer has an approved HACCP plan with an alternate means of measuring time-temperature. In most cases, shipments will need time-temperature recording devices. The Virginia dealer that initially receives an interstate shipment is considered to be the major consignee, so he keeps the thermal recorder chart, even if the truck continues on to drop off more oysters at another Virginia plant.

If the shellfish specialist encounters an interstate shipment at the major consignee's plant, the shellfish specialist should collect two samples for general assessment of the product. These samples will not generally be used to accept or reject product. However, if the shellfish specialist determines that the product needs to be embargoed and adjudicated (destroyed or sent back to the original shipper under seal after notifying the state shellfish control agency), then no samples shall be taken. Taking samples of product to be adjudicated confuses the issue.

For shipments of more than 4 hours duration, the shellfish specialist shall check the time-temperature information for the shipment. If the shellfish are still on the truck, then the conditions of shipment (including temperature) shall be checked, *i.e.*, the shellfish are adequately separated from other product that might cause cross-contamination, the truck is adequately clean and there are no other obvious problems.

If samples are collected, then note on the sample sheet:

1. Date and time of receipt of the shipment by the dealer.
2. The out-of-state shipper's name and certification number.
3. Whether or not conditions of shipment were satisfactory, and if unsatisfactory, what they were.
4. Whether or not the sample was taken from the original shipping container.

For Satisfactory Conditions of Shipment:

1. Take 2 samples if product has been at the plant for less than 24 hours.
2. Follow up action in the case of high bacteriological results will not follow a specific decision tree. The sanitarian would wait until the next month and take more samples as usual. If a trend occurs, then the Processing Chief will contact the shipper state by phone to determine whether there is a known problem with the shipper.

For Unsatisfactory Conditions of Shipment:

1. Determine whether the shipping conditions were so poor as to constitute *prima facie* conditions for rejection (*i.e.*, not properly identified; shellstock above 60°F or shucked product above 50°F; or other serious conditions such as decomposition or adulteration). If one of these conditions exists, embargo the product and notify the central office for a coordinated destruction or extended detention of the product.
2. If unsatisfactory shipping conditions are other than *prima facie* for adjudication (*i.e.*, shellstock above 50°F but not higher than 60°F or shucked product above 45°F but not higher than 50°F; shellfish insufficiently separated from other cargo, though not suspected of adulteration with deleterious substances; lack of a time-temperature recorder if shipment of over 4 hours, so long as product was refrigerated; conveyance or containers not sufficiently clean, though not obviously a significant health threat) then the shipment is considered to be in the conditional status. Coordinate with the central office for action to be taken based on the result as indicated in the decision tree (figure # 1).
4. The central office will send a letter to the dealer (with a copy to the out-of-state shipper, the shipper state, and FDA) requesting that the dealer notify the area office shellfish specialist when the dealer expects the next shipment from the out-of-state shipper. The shellfish specialist should be there when the truck arrives to observe the conditions of shipment. If conditions of shipment are satisfactory release the load. If unsatisfactory, then follow the decision tree (figure #1).

Meeting the next shipment due to previous unsatisfactory shipping conditions is to be done at the major consignee's plant. The following cases are provided to clarify and expand on the above concepts.

Case #1: Interstate Shipment Between Certified Dealers of more than 4 hours duration.

A shipment of oysters is shipped from the Gulf Coast by truck. Transportation takes more than 4 hours.

The shipment is entirely unloaded at dealer A, who then sells part of the shipment to dealers B and C. The product is off loaded into dealer A's plant, or it might be directly unloaded into dealer B and C's trucks, or part of the load may be dropped at dealer A, with the truck retaining the rest of the shellfish and making additional drops at dealers B and C.

Responses:

- Dealer A is the major consignee.
- Dealer A is to note date and time of opening the truck on the thermal recorder strip and shall keep the chart on file (unless ice is used under appropriate conditions.)
- Dealer A shall have records showing all sales of the shipment (e.g., to dealers B and C).
- Dealers B and C shall have the records showing purchase of the shellfish from dealer A, but are not required to have a copy of the time-temperature chart.
- If the sanitarian first encounters the shipment at dealer B or C, take two samples and record the sample date and the major consignee. No attempt is made to determine whether conditions of shipment at dealer A were satisfactory. If microbiological results are unsatisfactory and samples were taken within 24 hours of receipt of the shellfish by the major consignee, then the sanitarian contacts dealer A concerning the condition of the shipment (primarily the time-temperature chart). If the conditions of the shipment were unsatisfactory, then the shipment is considered as conditional (see figure 1). The sanitarian shall contact the Processing Chief to alert him to send a letter to dealer A.
- If the sanitarian first encounters the shipment at dealer A, then an inspection of the records for conditions of shipment (primarily the time-temperature chart) is made. If the conditions of shipment are unsatisfactory, the product at dealers A, B and C are all handled the same way, as specified in figure #1.
- If samples are of shucked shellfish, the sanitarian indicates on the sample form where shucked and whether repacked in Virginia prior to sampling.

CASE #2: Interstate Shipments Between Certified Dealer of Less Than Four Hours Duration.

A shipment of shellfish is shipped by truck to a Virginia dealer. Land transportation between these dealers generally requires less than 4 hours. Dealer A sells some of the product to dealers B and C.

RESPONSES:

- All responses in Case 1 apply except that a thermal recorder is not required. Acceptable refrigeration is required, such as ice or refrigerated truck.

CASE #3: Virginia Dealer Buys Across the Dock in Maryland

A Virginia dealer sends his truck to Maryland and buys oysters at the dock in Maryland from the harvesters. The harvesters are not certified dealers. Travel time from the dock back to the Virginia dealer is three hours.

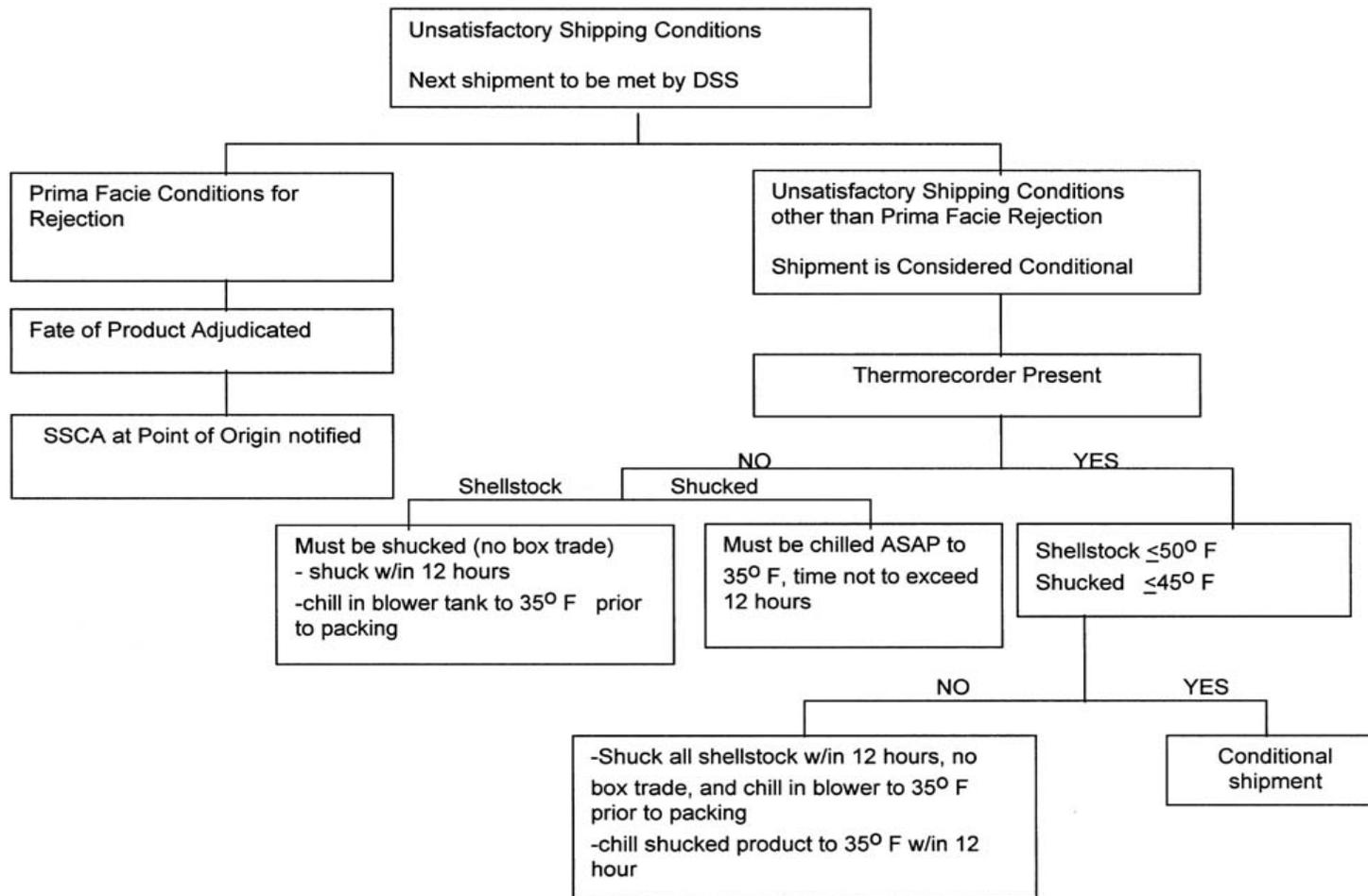
RESPONSES:

- All responses in Case 1 are applicable, except those pertaining to thermal recorders.
- Thermal recorder not required since travel time is less than 4 hours.
- Virginia Dealer is to have a copy of the Maryland export tax document.

CASE #4: Virginia Dealer Buys Across the Dock From a State Other Than Maryland.

If a Virginia dealer sends his truck to a state other than Maryland, buys shellfish from across the dock directly from uncertified harvesters, then the sanitarian shall embargo the shellfish. Such shellfish do not come from contiguous waters and Virginia does not recognize a tax document from states other than Maryland as sufficient proof that the shellfish are safe for human consumption.

DECISION TREE



NOTE: Conditional shipment requires a shellfish specialist to open the next shipment, if the second shipment is also conditional, notice to be given that a third consecutive conditional shipment will be rejected.