



This document summarizes proposed draft rules creating a Shellfish Harvest endorsement in the Florida Fish and Wildlife Conservation Commission's (FWC) hard clam and oyster chapters, by creating 68B-17.009 (License Requirements for Commercial Harvest), Florida Administrative Code (FAC) and amending 68B-27.018 (Statewide Harvesting Restrictions), FAC. The proposed draft rules would create a no-cost Shellfish Harvest endorsement available to commercial harvesters of oysters and hard clams who complete the appropriate training course in sanitary shellfish harvest and post-harvest practices. Requiring commercial shellfish harvesters to complete the training course and hold the endorsement would satisfy requirements necessary to ensure that Florida's shellfish industry continues to be able to export its products.

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Overview

- FWC manages commercial shellfish harvest in coordination with Florida Department of Agriculture and Consumer Services (FDACS)
 - FDACS is responsible for:
 - Regulating aquaculture
 - Issuing Apalachicola Bay oyster harvest licenses
 - Certifying waters as open for shellfish harvest and other public health related responsibilities
 - FWC is responsible for managing the harvest of wild shellfish
- New federal shellfish harvest guidelines have been developed in the interest of public health
 - FDACS and FWC share responsibility for implementation
- Creating a compliance mechanism now will ensure the program is in place for 2015 license renewals



Florida commercial shellfish regulation is a cooperative effort between the FWC and the Florida Department of Agriculture and Consumer Services (FDACS). FDACS oversees the regulation of all aspects of aquaculture and issues licenses for oyster harvest in Apalachicola Bay. FDACS is also responsible for determining which areas are open to shellfish harvest in state waters, depending on water quality monitoring results. In conjunction with these efforts, the FWC is responsible for managing the harvest of wild shellfish (i.e., those not grown on aquaculture leases).

Sanitary control of the shellfish industry is coordinated on a national level to minimize threats to public health. In order to further this effort, new national guidelines have been issued. FWC and FDACS need to take the appropriate regulatory steps to come into compliance with these guidelines before the start of the 2015 – 2016 fishing year. FDACS has created a program to conform to these guidelines, which apply to oysters and hard clams in Florida. However, the FWC has no existing mechanism to implement the new guidelines for harvesters of wild shellfish outside of Apalachicola Bay. Creating a mechanism to implement the new sanitation guidelines now would provide ample time to ensure harvesters are aware of the new requirement prior to the start of 2015-2016 license renewals that begin in early 2015.

Background – National Shellfish Programs



- Interstate Shellfish Sanitation Conference (ISSC)
 - Composed of federal and state agencies, the shellfish industry, and the academic community
 - Provides states with sanitation guidelines for commercial shellfish harvest, processing, and shipping
 - Recently adopted new food safety training requirements that must be completed prior to license issuance or renewal
- U.S. Food and Drug Administration (FDA)
 - Evaluates states' compliance with shellfish guidelines
 - Shellfish exports may be restricted for states found to be out of compliance



Sanitation guidelines for the commercial harvest, processing, and shipping of shellfish are developed by the Interstate Shellfish Sanitation Conference (ISSC). The ISSC consists of representatives from state and federal agencies, as well as industry and academia. The ISSC meets on an annual basis to discuss issues relating to shellfish sanitation and develop recommendations for the safety of shellfish products consumed in the United States.

The ISSC recently adopted new requirements for food safety training relating to shellfish harvest and post-harvest practices for states where *Vibrio* illnesses are likely to occur. The training requirements are designed to minimize the growth of *Vibrio* and to reduce the risk of illness from the bacteria. The new ISSC guidelines require that individuals licensed to harvest, process, or sell shellfish obtain the required training before receiving or renewing their license.

The U.S. Food and Drug Administration (FDA) is tasked with determining whether states are in compliance with the ISSC guidelines. If a state is determined to not be in compliance, its shellfish exports may not be accepted by other states, limiting the economic potential of the shellfish industry in noncompliant states.

Florida Commercial Shellfish Licensing

FWC

- Commercial harvest of wild oysters or hard clams requires a saltwater products license (SPL)

FDACS

- Aquaculture certificates
- Shellfish dealer certificates
- Apalachicola Bay Oyster Harvesting License (AP)
 - Required in addition to SPL for commercial harvest of oysters in Apalachicola Bay



In Florida, the harvest of wild oysters and hard clams is permitted only from those waters certified as open to harvest by FDACS. A saltwater products license (SPL), issued by the FWC, is required for the commercial harvest of wild oysters and clams.

FDACS issues aquaculture certificates and certifies shellfish dealers. FDACS also issues the Apalachicola Bay Oyster Harvesting License (AP) that is required in addition to a SPL for those commercially harvesting oysters in Apalachicola Bay.

Current FDACS Florida Shellfish Training Program

- FDACS developed a training course to meet ISSC requirements
- Addresses oyster and hard clam harvest and post-harvest practices
- Required this year for aquaculture, Apalachicola Bay oyster harvesters, and for shellfish dealers
- Offered statewide through annual workshops and continually at satellite locations
- Harvesters must present training certificate before FDACS issues or renews licenses



FDACS has developed a training course in shellfish harvest and post-harvest practices for oysters and hard clams designed to meet the ISSC requirements.

FDACS began requiring the new course this year (2014-2015) for renewals of its aquaculture certificates, Apalachicola Bay oyster harvesting licenses, and for certified shellfish dealers. FDACS offers the course at a variety of locations around the state in conjunction with its license renewal period, and the course is offered year-round at satellite locations throughout the state. An online version of the course that would allow greater ease of access for those needing to take the course is currently in development.

Course attendees are provided a certificate of completion that must be presented to the FDACS licensing agent before a new license can be issued or a current license renewed. This same course would meet the training requirement necessary for the harvest of wild oysters and clams by SPL-licensed harvesters. The corresponding certificate of completion could be presented to FWC for the purposes of verifying the harvester has taken the course. FDACS has agreed to open the course to SPL holders in order to ensure statewide compliance with the training requirement.

Need for FWC Shellfish Harvest Endorsement

- ISSC mandates that the training component be required prior to the issuance of a license and license renewal
- FDACS requires training prior to issuance or renewal of their AP and aquaculture licenses
- No mechanism for FWC to associate training with a license for harvesters of wild shellfish outside of Apalachicola Bay
 - Minimal numbers of wild harvesters are not covered by FDACS licenses
- An endorsement program would satisfy the ISSC requirement



The new harvest and post-harvest training component for shellfish must be tied to the issuance of a new license or the renewal of an existing license in order to be in compliance with the ISSC guidelines. FDACS already has licenses specific to shellfish harvesters to which these training requirements can be linked, including aquaculture certificates and Apalachicola Bay oyster harvesting licenses. However, the FWC does not currently have a license specific to the commercial harvest of wild shellfish, as the SPL is a general commercial fishing license allowing the harvest of a variety of saltwater products, including shellfish.

It is estimated that the numbers of wild harvesters not covered by the FDACS licenses is minimal. However, FWC still needs a mechanism in place to require that these shellfish harvesters obtain and show proof of the necessary training in compliance with the ISSC requirements. Creating a Shellfish Harvest endorsement on the SPL would satisfy this ISSC requirement.

Many commercial harvesters of wild shellfish have already completed the FDACS training course even though the training is not currently required for SPL holders (except for the harvest of wild oysters in Apalachicola Bay). These SPL holders took the course when it was offered by FDACS during their most recent license renewal period in May and June of 2014.

Proposed FWC Shellfish Harvest Endorsement

- No-cost
- Required for the commercial harvest of wild oysters and hard clams
- Issue on SPL for those who have taken the FDACS course within the last year
- Training course required annually for endorsement renewal
- Exempt AP license holders
- Effective July 1, 2015



The proposed FWC Shellfish Harvest endorsement would allow Florida's shellfish industry to meet the ISSC guidelines. This would be a no-cost endorsement on an SPL for those commercial harvesters who have completed the FDACS harvest and post-harvest training course within the last year. In order to qualify for the endorsement, the SPL holder would be required to complete the training, whether the SPL is issued to a person or vessel. The endorsement would be required effective July 1, 2015, to commercially harvest oysters and hard clams. AP license holders would be exempt from this endorsement requirement because these individuals are already required by FDACS to show proof that they have completed the training in order to renew the AP license.

Creating the Shellfish Harvest endorsement now will ensure that the mechanism for compliance with the ISSC requirements is in place prior to commercial license renewals that will begin in March 2015 for the next license year and provide ample time to ensure harvesters are aware of the new requirement.

Proposed Draft Rules

68B-17.009 License Requirements for Commercial Harvest (NEW)

- *Create a no-cost Shellfish Harvest endorsement for commercial hard clam harvesters who have taken the appropriate training course offered by FDACS within the last 12 months*
- *Require endorsement beginning July 1, 2015, to commercially harvest, possess, or sell hard clams*



The proposed draft rules would establish the Shellfish Harvest endorsement by creating 68B-17.009, FAC, to require the endorsement for the commercial harvest, possession, and sale of hard clams. The no-cost endorsement would be available annually to commercial harvesters who have completed the harvest and post-harvest training course offered by FDACS. The proposed draft rule would require all harvesters of wild clams to have the endorsement effective July 1, 2015.

Proposed Draft Rules - Continued

68B-27.018 Statewide Harvesting Restrictions

- *Create a no-cost Shellfish Harvest endorsement for commercial oyster harvesters who have taken the appropriate training course offered by FDACS within the last 12 months*
- *Require endorsement beginning July 1, 2015, to commercially harvest, possess, or sell oysters*



The proposed draft rules would also establish the Shellfish Harvest endorsement requirement in the oyster rules by amending 68B-27.018, FAC, to require the endorsement for the commercial harvest, possession, and sale of oysters. Again, the no-cost endorsement would be available annually to commercial harvesters who have completed the harvest and post-harvest training course offered by FDACS. The proposed draft rule would exempt AP license holders from the endorsement requirement. All other harvesters of wild oysters would be required to have the endorsement effective July 1, 2015.

The creation of the Shellfish Harvest endorsement will fulfill the training requirements of the ISSC and ensure that Florida's shellfish will continue to be eligible for export nationwide.

Staff Recommendations

Approve the proposed draft rules

- Establishing the no-cost FWC Shellfish Harvest endorsement
- Requiring the Shellfish Harvest endorsement for SPL holders without an AP to harvest or possess oysters or hard clams for commercial purposes, or to sell oysters or hard clams
- Requiring Shellfish Harvest endorsement beginning July 1, 2015

If approved, the rule will be noticed and filed without further hearing unless requested



Staff recommends approving the proposed draft rules creating the Shellfish Harvest endorsement and requiring SPL holders without an AP license to take the FDACS training course annually and obtain the endorsement in order to commercially harvest, possess, or sell oysters or hard clams. The proposed rule language is provided in the background materials for this agenda item.

If approved, staff also recommends noticing and filing the rules without further hearing unless requested and making the rules effective July 1, 2015.

Staff has evaluated the rules under the standards of 68-1.004, FAC, and found them to be in compliance.

The following slides are considered backup material
and are not anticipated to be part of the actual
presentation



Calico Scallops

- Considered shellfish in Florida
- Commercially harvested
- Exempt from harvest training requirement
 - Training required only for shellfish sold whole
 - Only adductor muscle of the calico scallop is sold



In Florida, oysters, hard clams, and calico scallops are commercially harvested for human consumption. However, the harvest training requirement of the ISSC applies only to shellfish sold for human consumption in the “whole state,” meaning the entire body of the shellfish. Because only the adductor muscle of the calico scallop is sold commercially, they are exempt from the ISSC harvest training requirement, and therefore are not included in this proposal.