

Highlights of major revisions since the 7/29/14 version shared at the July VpAC meeting:

Section (3):

Removed the definitions for different harvest methods. Based on the last round of full VpAC changes and suggestions by small groups, there was no difference—in terms of rule language—to the control plan. If the techniques are not treated differently in the rule, then they don't need to be defined differently. Removing these definitions was a challenging decision because it is something we've put a lot of energy into, but it acknowledges that we do not have data to support differences in harvest methods in terms of illness potential. When an oyster is exposed by the tide or by pulling it out of the water the clock starts regardless of how it ended up exposed. This change did lead to some other clarifications in other sections as well.

Added a definition for harvest temperature. This is a bit silly, but basically is the cleanest way to allow water or tissue temperature to be used once the harvest definitions are removed. It allows us to get away from having to restate the circumstances where water temperature should be used and the circumstances where tissue temperature should be used throughout the rule.

Added a definition for a case. This provides clarity to how illness would be counted for the risk categorization portion of the new rule. It does not change the risk categorization portion, it just provides clarify so the risk categorization would stand up if challenged.

Section (8):

Clarified that if the harvest plan is still current then it does not need to be re-submitted to DOH. This was specifically a request from VpAC. Addition to require the plan be signed and dated each year (similar to the current HACCP plan requirements) in order to ensure that the plan is reviewed by the company each year to confirm that it is indeed still up to date,.

Added a step in the harvest plan requirement for harvesters to state if tissue temperature is being used to collect temperatures meeting subsection 14. This honors the request by VpAC to allow water or tissue temperature to be used, while also ensuring that consistent methods are used. Basically, temperatures should not be taken opportunistically based on whether water or tissue is lower that particular day, but a method should be selected and used for the harvest site consistently.

Section (9):

Clarified the training requirement section. Conceptually it is the same, we just reorganized the section since there were comments that it was difficult to understand as written.

Section (14):

Provided an additional 1°F increase in temperature for each risk category, which aligns with the temperature range associated with single source illnesses and takes into account the added stringency of moving the rule from time to temperature control to time to temperature.

Combined the time of harvest to cooling and harvest controls into one harvest method, averaging the two hours (e.x. Category one is 9 hours rather than 10 hours for submerged and 8 for exposed). This revision with reformatting makes the tables much more concise as requested.

Revised the 24 hour harvest closures to only apply to July and August water temperatures rather than apply during all of the control months. This focuses the closures on the higher risk months of July-August.

Added an option for harvest to occur when water temperatures are up to 2°F above the closure limit for each category, but under a substantially reduce timeframe. This provides an additional option, which was requested at the last full VpAC meeting but should also serve to protect public health and prevent illnesses. A couple of options were discussed by the second small group, we attempted to blend these ideas into a reasonable approach.

Added the containerization language, in combining the harvest methods we want to be sure that oysters being harvested as what was called intertidal submerged are left under water for a period of time before harvest and not immediately harvested as soon as the oysters are covered. This is basically the 4 hour language in the current rule.

Section (16):

Added a requirement for thermometer calibration. Given the heavy reliance of the rule on temperatures and specifically on harvesters taking temperatures, it seems important to ensure that they are being taken with devices that maintain accuracy. This is important both for implementing and enforcing the rule. Please note, the person calibrating must be trained in proper calibration methods but does not need to be the HACCP coordinator. The record is part of the company's operational records and is not part of HACCP records (although the currently required annual calibration is still required as a HACCP record).

Section (18):

Clarified that the receiving dealer must meet time to temperature requirements if they were not met by the harvester. This was implied in the language, but is now explicitly stated. Like the training section, this section has also been reorganized for clarity based on a small group request.