

**Title 17. Public Health**  
**Division 1. State Department of Health Services**  
**Chapter 5. Sanitation (Environmental)**  
**Subchapter 1. Engineering (Sanitary)**  
**Group 5. Sanitary Control of Shellfish**

**Article 1. ~~Shellfish Certificates~~ Shellfish Sanitation Standards and Certificates**

Adopt Section 7700 to read as follows:

**§ 7700. Incorporation of the National Shellfish Sanitation Program.**

- (a) The National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish: 2023 Revision (NSSP Guide) is hereby incorporated by reference.
- (b) All dealers, as defined in Section 7702, are subject to the NSSP Guide except as specified in subsection (c).
- (c) Notwithstanding subsection (b), a California Only Shellfish Dealer is exempt from NSSP Guide inspection frequency.

Note: Authority cited: Sections 100275, 110065, 112165, and 131200, Health and Safety Code.

Reference: Sections 112165, 112180, and 114029, Health and Safety Code.

Adopt Section 7702 to read as follows:

**§ 7702 Definitions.**

The following definitions apply to the sanitary control of shellfish:

“Business Operator” means a person who works at the shellfish facility and operates, controls, or supervises the shellfish facility.

“California Only Shellfish Dealer” means a dealer who distributes shellfish only within California and is not listed on the Interstate Certified Shellfish Shippers List.

“Dealer” means a person who maintains ownership of, shucks, packs, processes, labels, stores, transports, sells, or distributes shellfish. “Dealer” includes “California Only Shellfish Dealer” as defined in this section. “Dealer” does not include those solely engaged in retail as defined in Health and Safety Code Section 113895.

“Designee” means an authorized representative approved by the owner, including but not limited to a correspondent.

“Interstate Certified Shellfish Shippers List” means a United States Food and Drug Administration publication of shellfish dealers, domestic and foreign, who have been

certified by a state or foreign authority as meeting the public health control measures specified in the most current version of the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish.

“National Shellfish Sanitation Program” means the federal and state cooperative program recognized by the United States Food and Drug Administration and the Interstate Shellfish Sanitation Conference for the sanitary control of shellfish produced and sold for human consumption moving in interstate commerce.

“National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish: 2023 Revision” (NSSP Guide) means the document that establishes the minimum requirements necessary for the sanitary control of bivalve molluscan shellfish.

“Seed” means shellfish that are less than market size for human consumption and have a maximum shell length of:

- (1) Thirteen millimeters (1/2 inch) for mussels;
- (2) Twenty-five millimeters (1 inch) for scallops;
- (3) Thirty-eight millimeters (1 and 1/2 inch) for Pacific oysters;
- (4) Nineteen millimeters (3/4 inch) for Olympia oysters;
- (5) Twenty-five millimeters (1 inch) for Kumamoto oysters;
- (6) Thirty-eight millimeters (1 and 1/2 inch) for other oyster species;
- (7) Thirty-eight millimeters (1 and 1/2 inch) for geoducks; and
- (8) Thirteen millimeters (1/2 inch) for other clam species.

Note: Authority cited: Sections 100275, 110065, 112165, and 131200, Health and Safety Code.

Reference: Sections 112165 and 114029, Health and Safety Code.

Adopt Section 7703 to read as follows:

**§ 7703 Severability.**

If any section, subsection, clause, sentence, or phrase of these Sanitary Control of Shellfish regulations is for any reason held to be invalid or unconstitutional, or if any application of these regulations to any person or circumstance is found to be invalid, the Department’s intent is that the invalidity or unconstitutionality not affect any other section, subsection, clause, sentence, phrase or application which can be given effect without the invalid provision or application in these regulations..

Note: Authority cited: Sections 100275, 110065, 112165, and 131200, Health and Safety Code.

Reference: Section 112165 Health and Safety Code.

Amend Section 7706 to read as follows:

**§ 7706. Shellfish Bed Growing Area Certificate Issuable by the State Board of Public Health.**

(a) Any person, firm, or corporation engaged in the cultivating or harvesting of oysters, clams, or mussels shellfish for sale to the public for human consumption or using natural water to wet store or depurate shellfish shall must possess a valid Shellfish Growing Area Certificate certificate issued by the State Board of Public Health Department.

(b) A Shellfish Growing Area Certificate is required for each individual growing area, water-bottom location, or intake point.

Note: Authority cited: Sections 100275, 110065, 112165, 112235, and 131200, Health and Safety Code.

Reference: Sections 112165, 112170, 112180, 112185, and 112190, Health and Safety Code.

Adopt Section 7706.1 to read as follows:

**§ 7706.1 Shellfish Relay Certificate**

Any person with a valid Shellfish Growing Area Certificate who performs shellfish relay must possess a Shellfish Relay Certificate from the Department. A Shellfish Relay Certificate is valid only for the specific activities, conditions, and time period described in the Shellfish Relay Certificate.

Note: Authority cited: Sections 100275, 110065, 112165, 112170, 112235, and 131200, Health and Safety Code.

Reference: Sections 112165, 112170, 112185, and 112190, Health and Safety Code.

Amend Section 7707 to read as follows:

**§ 7707. Shellfish Plant Handling and Marketing Certificate Issuable by the State Board of Public Health.**

(a) Any person, firm, or corporation A dealer operating a plant engaged in culling, shucking, packing or repacking a facility or area used for the handling, production, depuration, wet storage, processing, storing, transporting or sale of fresh oysters, clams or mussels shellfish for sale to the public for human consumption shall must hold a valid Shellfish Handling and Marketing Certificate certificate issued by the State Board of Public Health Department.

(b) A dealer must have at least one person trained or experienced pursuant to Title 21, Code of Federal Regulations, Part 123.10, Fish and Fishery Products.

Note: Authority cited: Sections 100275, 110065, 112165, 112235, and 131200, Health and Safety Code.

Reference: Sections 112165, 112170, 112185, and 112195, Health and Safety Code.

Adopt Section 7707.1 to read as follows:

**§ 7707.1 Fees for Shellfish Handling and Marketing Certificate and Wet Storage Permit Certificate**

- (a) To apply for a Shellfish Handling and Marketing Certificate, a dealer must submit a new or annual renewal certificate application provided by the Department and accompanied by a nonreturnable fee of \$1,599.
- (b) A dealer must pay the fee for a new or renewal certificate for all dealer certificate types, including but not limited to reshipper, shellstock shipper, repacker, shucker packer, and depuration processor.
- (c) In addition to the requirements in subsection (a), a dealer must pay \$1,249 for a wet storage permit for all of the following:  
(1) Initial permit to wet store shellstock in artificial bodies of water, and  
(2) Upon revalidating a wet storage or depuration system.
- (d) The fees for the Shellfish Handling and Marketing certificate and the wet storage permit certificate are adjusted annually pursuant to Health and Safety Code Section 100425.
- (e) Revenue received pursuant to this section must be deposited into the Food Safety Fund created by Health and Safety Code Section 110050.

Note: Authority cited: Sections 100275, 110050, 110065, 112165, and 112235, 131000, 131050, 131051, 131052, 131200 Health and Safety Code.

Reference: Sections 112165 and 112235, Health and Safety Code.

Adopt Section 7707.2 to read as follows:

**§ 7707.2 Re-inspection Fee**

- (a) When the Department re-inspects because of a violation, a dealer must submit a fee of one hundred fifty-six dollars (\$156) per hour to the Department for each re-inspection of the same shellfish facility that occurs within a 12-month period.
- (b) The re-inspection fees are adjusted annually pursuant to Health and Safety Code Section 100425.
- (c) Revenue received pursuant to this section must be deposited into the Food Safety Fund created by Health and Safety Code Section 110050.

Note: Authority cited: Sections 100275, 110065, 110466, 112165, 112180, and 131200, Health and Safety Code.

Reference: Sections 110466, 112165, 112180, 112195, 112200, and 112205, Health and Safety Code.

Amend Section 7708 to read as follows:

**§ 7708. Authority of State Board ~~the California Department~~ of Public Health to Revoke or Suspend Certificate.**

Each certificate ~~so issued shall be~~ is revocable or subject to suspension by the State Board of Public Health ~~Department~~ if for any reason the safety of the shellfish as an article of food is not assured or if the standards set forth herewith are not maintained at all times.

Note: Authority cited: Sections 100275, 110065, 112165, 112180, and 131200, Health and Safety Code.

Reference: Sections 112165, 112170, 112195, 112180, 112205, and 112230, Health and Safety Code.

Amend Section 7709 to read as follows:

**§ 7709. Expiration and Renewal of Certificates.**

A certificate issued under these regulations ~~shall be~~ is valid for a period not to exceed one year unless suspended, revoked, or expired. ~~and shall expire on February 15th of each year.~~ An application for renewal of a certificate must be made by January 1st of each year if an applicant desires to continue to hold a certificate. No certificate can be transferred. Expiration dates are as follows:

- (a) The Shellfish Growing Area Certificate expires on February 15 of each year.
- (b) The Shellfish Relay Certificate expires on February 15 of each year.
- (c) The Shellfish Handling and Marketing Certificate expires on March 31 of each year.

Note: Authority cited: Sections 100275, 110065, 112165, 112230, and 131200, Health and Safety Code.

Reference: Sections 112165 and 112195, Health and Safety Code.

Repeal Section 7710:

**~~§ 7710. Definition.~~**

~~For purpose of these regulations, the term "shellfish" is hereby declared to mean and include all varieties of oysters, clams, and mussels.~~

Repeal Section 7711:

**~~§ 7711. Types of Certificates.~~**

~~Shellfish certificates issued hereunder shall be of the following classifications:~~

- ~~A. Shellfish beds and shellfish stock derived therefrom for human consumption.~~

- ~~B. Shellfish culling, shucking, packing, and repacking plants and shucked shellfish produced therefrom for human consumption.~~
- ~~C. A "limited" certificate may be granted as provided under Section 7744.~~

Amend Section 7712 to read as follows:

**§ 7712. Application for Shellfish Growing Area Certificate.**

~~The applicant for a certificate to operate in either of the classifications described above shall file with the State Department of Public Health a written request accompanied by a detailed description of the shellfish beds or shellfish handling plants and a map showing the location of the beds or facilities. With the application shall be filed a description of the proposed source or sources of shell or shucked stock. He shall also file with the State Department of Public Health an agreement to comply with each and all of these regulations.~~

- (a) A Shellfish Growing Area Certificate is required for each individual growing area, water-bottom location, or intake point.
- (b) Each Shellfish Growing Area Certificate applicant must provide all requested information on the revok to be approved by the Department.
- (c) At a minimum, each applicant must provide the following to the Department in writing or electronically to apply for a Shellfish Growing Area Certificate:
  - (1) Type of application.
  - (2) Business information:
    - (A) Legal name;
    - (B) Employer Identification or Taxpayer Identification Number;
    - (C) Primary office physical address, mailing address, telephone number, alternate telephone number, 24-hour emergency telephone number, web address of the owner, business operator, or designee acting on behalf of the owner and their email address.
  - (3) Growing area, lease, or intake point description.
  - (4) Proof of legal authorization to access growing area.
  - (5) Species of shellfish to be harvested and culture method(s).
  - (6) Sources of shellfish seed including source location and company name.
  - (7) Vessel registration number and make/model description for any vessels used for shellfish harvest.
  - (8) Signature, printed name, title of owner and date signed, under penalty of perjury.
  - (9) Pay fees.
- (d) If an application is incomplete, the applicant must submit the missing information no later than 90 calendar days from the date of notification from the Department.

- (1) The application will be deemed abandoned if the missing information is not submitted within the specified timeframe.
- (2) If the application is deemed abandoned, the applicant may reapply and pay applicable application fees.

Note: Authority cited: Sections 100275, 110065, 112170, 112190, 112165, 112235, and 131200, Health and Safety Code.

Reference: Sections 112165, 112180, and 112185, Health and Safety Code.

Adopt Section 7712.1 to read as follows:

**§ 7712.1 Application for Shellfish Relay Certificate.**

- (a) Each Shellfish Relay Certificate applicant must provide all requested information on the application to be approved by the Department.
- (b) At a minimum, each applicant must provide the following to the Department in writing or electronically to apply for a Shellfish Relay Certificate:
  - (1) The relay source location, including shellfish growing area certificate number.
  - (2) The relay destination location, including shellfish growing area certificate number.
  - (3) The proposed date(s) of relay(s).
  - (4) The shellfish species to be relayed and the container type.
  - (5) The approximate quantity of shellstock to be relayed.
  - (6) The proposed method for maintaining separation between different lots of shellfish.
  - (7) Pay applicable fees.
- (c) If an application is incomplete, the applicant must submit the missing information no later than 90 calendar days from the date of notification from the Department.
  - (1) The application will be deemed abandoned if the missing information is not submitted within the specified timeframe.
  - (2) If the application is deemed abandoned, the applicant may reapply and must pay applicable application fees.

Note: Authority cited: Sections 100275, 110065, 112170, 112165, 112235, and 131200, Health and Safety Code.

Reference: Sections 112165, 112170, 112185, and 112190 Health and Safety Code.

Adopt Section 7712.5 to read as follows:

**§ 7712.5 Application for Shellfish Handling and Marketing Certificate.**

- (a) A Shellfish Handling and Marketing Certificate is required for all dealers.
- (b) Each Shellfish Handling and Marketing Certificate applicant must provide all requested information on the application to be approved by the Department.

(c) At a minimum, each applicant must provide the following to the Department in writing or electronically to apply for a Shellfish Handling and Marketing Certificate:

(1) Type of application.

(2) Business information:

(A) Legal name;

(B) Employer Identification or Taxpayer Identification Number;

(C) Primary office physical address, mailing address, telephone number, alternate telephone number, 24-hour emergency telephone number, web address of the owner, business operator, or designee acting on behalf of the owner and their email address.

(D) Owners' and officers' names and titles.

(3) Type of shellfish and identification of dealer activities including whether there is wet storage, whether shellfish will leave the state or be distributed to California dealers that will ship out of state, whether sold to wholesalers, retailers, or distributors, whether shellfish are stored at the facility, and which shellfish activities occur at the facility.

(4) Signature, printed name, title of owner and date application signed, under penalty of perjury.

(5) Pay applicable fees.

(d) If an application is incomplete, the applicant must submit the missing information no later than 90 calendar days from the date of notification from the Department.

(1) The application will be deemed abandoned if the missing information is not submitted within the specified timeframe.

(2) If the application is deemed abandoned, the applicant may reapply and must pay applicable application fees.

Note: Authority cited: Sections 100275, 110065, 112165, 112235, and 131200, Health and Safety Code.

Reference: Sections 112165, 112185, 112200, and 112205, Health and Safety Code.

Amend Section 7713 to read as follows:

**§ 7713. ~~No Shellfish Grown in the State of California~~ Must Be Certified to Be Sold or Distributed Unless Certified.**

(a) ~~No shellfish grown in the State of California shall be sold or distributed except from growing areas that have been approved and have been granted a valid certificate by the State Board of Public Health under these regulations. Shellfish grown in the State of California, to be sold or distributed, must only be from growing areas that have been classified for harvest and have been granted a valid certificate by the Department pursuant to this article.~~

(b) Shellfish shall ~~must~~ not be sold or distributed into California from growing areas in other states or countries unless each lot of shellfish ~~obtained therefrom~~ bears a certificate number that is valid on the Interstate Certified Shellfish Shippers List.



~~designating a certificate of cleanliness and safety issued by the State Department of Health of the state in which the shipment originates acceptable to the California State Department of Public Health.~~

Note: Authority cited: Sections 100275, 110065, 112170, 112165, and 131200, Health and Safety Code.

Reference: Sections 112165, 112170, 112185, 112195, 112210, 112215, and 114029 Health and Safety Code.

Amend Section 7714 to read as follows:

**§ 7714. ~~No Shucked Shellfish~~ Must Be Certified to Be Sold or Distributed Unless Certified.**

~~(a) No shucked shellfish shall be sold or distributed except where such shellfish have been handled in plants for which a certificate has been issued by the State Board of Public Health under these regulations. Shucked shellfish, to be sold or distributed, must only be shucked in plants with a valid certificate issued by the Department.~~

~~(b) Shucked shellfish from other states or countries shall must not be sold or distributed into California unless each lot of shucked shellfish obtained therefrom bears a certificate number that is valid on the Interstate Certified Shellfish Shippers List. designating a certificate of cleanliness and safety issued by the State Department of Health of the state in which the shipment originates acceptable to the California State Department of Public Health.~~

Note: Authority cited: Sections 100275, 110065, 112165, and 131200, Health and Safety Code.

Reference: Sections 112165, 112185, 112195, 112210, 112215, and 114029 Health and Safety Code.

## Article 2. Safety of Shellfish and Health of Employees

Repeal Section 7720:

**§ 7720. ~~Persons Infected With Communicable Diseases.~~**

~~Persons who are infected with or are carriers of organisms of typhoid fever, dysentery, septic sore throat, or certain other communicable diseases which might be transmitted through shellfish or who have infected wounds or open lesions on exposed portions of the body shall not be employed in the growing beds or shucking, packing, or repacking plant. If the owner or manager has reason to suspect that any employee has contracted such a communicable disease, he shall immediately exclude said employee from the growing beds or plant.~~

### Article 3. Records

Amend Section 7725 to read as follows:

#### **§7725. Record of Operations.**

~~A daily record of shellfish received and shipped shall be kept showing kinds of shellfish, designation of the beds from which derived, name of grower, name of shipper, and name of consignee. These records~~ All shellfish records required per the NSSP Guide, Code of Federal Regulations, California Health and Safety Code, and California Code of Regulations shall must be available for inspection by the State Department of Public Health or its agents during all reasonable hours. Upon request these records shall must be submitted to the State Department of Public Health within 48 hours.

Note: Authority cited: Sections 100275, 110065, 110105, 112165, and 131200, Health and Safety Code.

Reference: Sections 110140, 112165, and 112180, Health and Safety Code.

Adopt Section 7727 to read as follows:

#### **§7727. Integrity of Records.**

(a) It is unlawful for a person to falsify, misrepresent, or cause to be falsified or misrepresented, information in a record required pursuant to regulations adopted by the Department.

(b) Falsification or misrepresentation includes but is not limited to the following:

- (1) Records that do not contain the actual values and observations obtained during monitoring.
- (2) Processing and other information that was not entered on records at the time it was observed.
- (3) Records that do not contain the signature or initials of the person performing the operation.

(c) It is unlawful for a person to forge, falsify, fail to retain, fail to obtain, or fail to disclose records.

(d) It is unlawful for a person to alter a certificate.

Note: Authority cited: Sections 100275, 110065, 110105, 112165, and 131200, Health and Safety Code.

Reference: Section 112165, Health, and Safety Code.

### Article 4. Shellfish ~~Beds~~ Growing Areas

Amend Section 7730 to read as follows:

#### **§7730. Cleanliness of Shellfish Growing Areas.**

Shellfish ~~beds~~ growing areas shall must be located in ~~growing areas~~ so they are not adversely affected by sewage, other wastes, or human and recreational activity. All operations of the ~~growing areas~~ beds shall must ~~be such as~~ not to adversely affect the cleanliness of the growing areas.

Note: Authority cited: Sections 100275, 110065, 112165, 112170, and 131200, Health and Safety Code.

Reference: Sections 112165, 112170, and 112185, Health and Safety Code.

Amend Section 7731 to read as follows:

**§ 7731. Boat Sanitation Harvest Vehicle or Vessel Sewage Disposal.**

~~All boats, scows, and appurtenances thereto used in the taking of shellfish or used in the transportation of shellfish from the beds to plants or used in the water over the shellfish beds shall be kept in such a state of cleanliness and repair that shellfish growing on the bed and handled and stored thereon shall not be subject to contamination. Decks, holds, or bins used for storage and/or transporting of shellfish on boats shall not be washed with polluted water. Persons in boats over the shellfish beds shall not discharge human wastes to the waters. Adequate facilities shall be provided for disposal of human wastes from persons working on the shellfish beds.~~

(a) Human sewage and vomitus must not be discharged overboard from any vehicle or vessel used in the harvesting of shellstock.

(b) A United States Coast Guard certified marine sanitation device, portable toilet, or other sewage disposal receptacle must be provided on the harvest vessel or be accessible adjacent to the harvest site for the purpose of containing human sewage and vomitus.

(1) Portable toilets must:

(A) Be used only for the purpose intended; and

(B) Be secured while on board and located to prevent contamination of shellstock by spillage or leakage; and

(C) Be emptied only into a sewage disposal system; and

(D) Be cleaned before being returned to the vehicle or vessel; and

(E) Not be cleaned in equipment used for washing or processing food.

(2) Other receptacles for sewage disposal must:

(A) Be constructed of impervious, cleanable materials and have tight fitting lids; and

(B) Be indelibly labeled "Human Waste" in contrasting letters at least three (3) inches in height; and

(C) Meet the requirements for portable toilets in subsection (1).

Note: Authority cited: Sections 100275, 110065, 112165, 112170, and 131200, Health and Safety Code.

Reference: Sections 112165 and 112170, Health and Safety Code.

Amend Section 7732 to read as follows:

**§ 7732. Shellfish from Uncertified Areas Brought into Certified Beds Unclassified or Classified as Prohibited Areas**

~~Shellfish growing in uncertified areas may not be brought into a bed for which a certificate has been issued unless special approval is first granted by the State Department of Public Health. Such approval shall be in writing and granted only on condition that the method of transplanting and timing of arrival of the shellfish will insure that the transplanted shellfish remain in the approved growing area at least 30 days before harvesting for sale for human consumption. This transplanting area must be in separate portions of the bed and one in which no other shellfish are held.~~

Shellfish in waters unclassified or classified as prohibited must not be moved into a growing area with valid certificate, except seed as defined in section 7702.

Note: Authority cited: Sections 100275, 110065, 112165, and 131200, Health and Safety Code.

Reference: Sections 112165 and 112185, Health and Safety Code.

Repeal Section 7733:

**§ 7733. Water Quality.**

~~Shell stock shall not be cleaned, stored, floated, or conditioned in water, the standard of which is not as rigid as that required at certified shellfish beds.~~

## **Article 5. Plants and Operations**

Amend Section 7738 to read as follows:

**§ 7738. Culling ~~Plants~~ Operations.**

~~Culling plants~~ operations for the purpose of cleaning shellfish, equipment, benches, and floors shall must be located in areas free from ~~insanitary~~ unsanitary conditions and faulty sewage disposal. They ~~shall~~ must be provided with an ample supply of water under adequate pressure from a potable or growing area source, ~~approved by the State Department of Public Health for the purpose of hosing down floor and benches and cleaning the shellfish.~~ Floors and premises shall must be kept in a clean and sanitary condition.

Note: Authority cited: Sections 100275, 110065, 112165, and 131200, Health and Safety Code.

Reference: Sections 112165, 112185, and 112195, Health and Safety Code.

Amend Section 7739:

**§ 7739. Wet Storage or Depuration System Validation.**

~~Shellstock in storage shall be adequately protected from contamination at all times. Dry shellstock shall not be stored on floors. Storage areas must be kept clean at all times. Containers shall be clean and in good condition.~~

- (a) A validation study of land-based wet storage or depuration systems must be required, in accordance with NSSP Guide Chapter VII .04 (C)(2)(b) and (C)(3)(a), under either of the following conditions:
- (1) Upon initial system installation; or
  - (2) Upon modifications to the previously permitted wet storage or depuration system.  
Modifications include, but are not limited to, any of the following:
    - (A) Equipment changes; or
    - (B) Increase in shellstock capacity; or
    - (C) Increase in water capacity.
- (b) For the time period set forth in subsection (a) and for the duration of the study the dealer must:
- (1) Validate the system at the dealer's maximum capacity for shellstock to establish normal operating conditions; and
  - (2) Not remove any shellstock from the system or alter from the initial loading of the system, excluding water sampling.

Note: Authority cited: Sections 100275, 110065, 112165, and 131200, Health and Safety Code.

Reference: Sections 112165, 112170, 112185, and 112195, Health and Safety Code.

Repeal Section 7740:

**~~§ 7740. Cleanliness of Shellstock.~~**

~~Only shellstock that is reasonably clean and reasonably free of mud shall be shipped or marketed. Oysters, clams, or mussels which are dead or do not have tight shells shall not be shipped or marketed.~~

Repeal Section 7741:

**~~§ 7741. Shipping.~~**

~~Shellstock shall be handled and shipped under such temperature as will keep them alive. Each lot of shellstock shall be shipped in clean containers such as bags, boxes, or barrels so as to prevent spoilage or contamination during shipping. Each lot shall be plainly marked with the name and address of the shipper, the certificate number of the bed from which the oysters, clams, or mussels were obtained, and the date of harvest.~~

Repeal Section 7742:

**~~§ 7742. Shucking and Packing Plants and Equipment.~~**

~~Shellfish shall be shucked and packed in such a manner that they are not subject to contamination. Shellstock shall be free of mud when they are shucked. Only live shellfish shall be shucked. Shucked shellfish shall not remain on the shucking table for more than one hour unless refrigerated at .50 degrees Fahrenheit or less.~~

Repeal Section 7743:

**~~§ 7743. Washing.~~**

~~All shucked shellfish shall be properly washed and shall be free of sand, mud and other foreign material. Methods and equipment used for washing the shucked shellfish shall be adequate to accomplish this purpose and shall be approved by the State Health Department. All water used for washing the shellfish shall meet the requirements of Section T17-7753 of these regulations.~~

Repeal Section 7744:

**~~§ 7744. Plant Arrangement.~~**

~~Unless shellfish are shucked directly into packing containers with no further processing, the shucking and packing processes shall be done in separate rooms. There shall be installed in the partition between the two rooms a delivery window through which the shucked stock is passed to the packing room. Provision shall be made for storing the employees' outer garments, aprons, gloves, etc., in a separate room.~~

~~\* In special instances where shucking is done on a small scale for local retail sales, shucking and packing may be permitted in a single room if approved by the State Department of Public Health. This single room and all operations shall conform to all requirements of these regulations except that of separate shucking and packing rooms. "Limited" certificates shall be issued in these instances and all containers of shucked shellfish shall be clearly labeled or marked with the words "limited certificate" and the appropriate certificate number.~~

~~\* Not a building standard.~~

Repeal Section 7745:

**~~§ 7745. Floors.~~**

~~The floors of all rooms in which shellfish are stored, shucked, washed, packed, or otherwise processed shall be constructed of concrete or other equally impervious material, graded to drain quickly, free from cracks or uneven surfaces that might interfere with proper cleaning or drainage, and maintained in a clean and satisfactory condition.~~

Repeal Section 7746:

**~~§ 7746. Walls and Ceilings.~~**

~~Walls and ceilings shall be maintained in a smooth, clean, washable, light-colored condition. They shall be impervious to moisture and shall be kept in good repair. Walls contiguous to benches shall, to a height of two feet above the bench top, be of smooth concrete, metal or equally nonabsorbent material.~~

Repeal Section 7747:

**~~§ 7747. Screening.~~**

~~The plant shall have all openings effectively screened with not less than 16-mesh screening, unless other effective means are provided to prevent the entrance of flies and other insects.~~

Repeal Section 7748:

**~~§ 7748. Light.~~**

~~Ample light to work by shall be provided in all working rooms. A light intensity of not less than 10 foot-candles shall be maintained on all working surfaces when workers are at their working positions.~~

Repeal Section 7749:

**~~§ 7749. Ventilation.~~**

~~Adequate ventilation shall be provided to prevent condensation on ceilings or other surfaces.~~

Repeal Section 7750:

**~~§ 7750. Toilet Facilities.~~**

~~Every shellfish culling, shucking, packing, or repacking plant shall be provided with clean and adequate toilet facilities conveniently located.\* No toilet room shall be used for the storage of garments, food products, containers, or equipment. Construction and maintenance of toilets shall comply with all local and state regulations.~~

~~\* Not a building standard.~~

Repeal Section 7751:

**~~§ 7751. Handwashing Facilities.~~**

~~An adequate number of lavatories shall be provided at locations conveniently to toilet rooms and shellfish handling operations, including running hot and cold water, soap, and individual disposal towels. The use of a common towel is prohibited.~~

~~All employees shall wash their hands thoroughly with running water and soap on beginning work and after each visit to the toilet. Signs to this effect shall be posted in conspicuous places in the plant and in the toilet rooms.~~

Repeal Section 7753:

~~**§ 7753. Water Supply.**~~

~~Shucking, packing, or repacking plants shall be provided with an ample supply of water under adequate pressure from a source approved by the State Department of Public Health. The supply shall be accessible to all parts of the plant, adequate in quantity, and of a safe sanitary quality. No cross-connections with unapproved supplies or other possible sources of contamination shall be permitted.~~

Repeal Section 7754:

~~**§ 7754. Benches and Stands.**~~

~~All benches and stands shall be of smooth concrete, metal, or other nonabsorbent material, free from cracks or crevices, and so constructed that drainage is complete and rapid. Shucking blocks shall be removable unless an integral part of the bench and shall be of solid one-piece construction.~~

Repeal Section 7755:

~~**§ 7755. Construction of Utensils and Equipment.**~~

~~All shucking pails, opening knives, blowers, skimmers, tanks, tubs, trays, measures, colanders, paddles, or other equipment or utensils which may come in contact with shucked shellfish shall be made of not readily corrodible, smooth, impervious material and shall be constructed in such a manner as to eliminate grooves, seams, and cracks where foreign particles, dirt, and slime might collect. Perforations in the skimmers, colanders, and blower trays shall be smooth to facilitate cleaning. Skimmers, ladles, and colanders of wire mesh construction are not permitted. The top rim of every tank, tub, and tray shall be at least 30 inches above the floor.~~

Repeal Section 7756:

~~**§ 7756. Aprons and Finger Cots.**~~

~~All persons who handle shucked shellfish shall wear clean aprons and coats of washable and waterproof material. If finger cots or similar shields for protecting the palm of the hand are worn, they shall be of clean, washable and waterproof material.~~

Repeal Section 7757:

~~**§ 7757. Refrigeration.**~~

~~Unless shellfish are delivered to the consumer immediately upon completion of shucking, refrigeration facilities shall be provided capable of cooling the shucked~~



~~shellfish to a temperature below 50 degrees Fahrenheit within two hours after the shellfish are shucked, and keeping them at this temperature until delivered to the consumer. If shucked shellfish are frozen, they shall be kept in a frozen condition until delivered to the consumer. The refrigerator or icebox shall have an impervious lining. The floor shall be graded to drain quickly. An accurate thermometer shall be kept in the refrigerator or icebox. Refrigerators shall be kept clean and sanitary at all times.~~

Repeal Section 7758:

~~**§ 7758. Ice.**~~

~~Ice used for the processing of shucked shellfish shall be obtained from an approved source and shall be stored and handled in a sanitary manner. No ice shall be allowed to come in contact with shucked shellfish.~~

Repeal Section 7759:

~~**§ 7759. Cleaning.**~~

~~The floors, walls, and, if necessary, ceilings in the plant shall be cleaned at the end of each day's operations and flushed with water. All equipment, utensils, benches, etc., which come in contact with shucked shellfish shall be thoroughly scoured at the end of each day's operations. The premises shall be kept clean and free of litter and rubbish. Equipment and articles not required in the processing of the shellfish shall be excluded from the plant.~~

Repeal Section 7760:

~~**§ 7760. Sterilization of Equipment.**~~

~~All utensils, equipment, or working surfaces coming in contact with shucked shellfish after being thoroughly cleansed shall be sterilized by methods approved by the State Department of Public Health. Sterilized equipment shall be protected from recontamination between usages.~~

Repeal Section 7761:

~~**§ 7761. Packing and Shipping.**~~

~~Shucked shellfish shall be packed and shipped either in single service containers made of clean impervious materials or in properly designed, returnable containers\* which have received adequate cleansing and bactericidal treatment. All containers shall be stored in a manner that will protect them from contamination. Containers holding one gallon or more must be positively sealed or so sealed that tampering with the container can easily be detected. Each can, container, or package shall bear the name of the shipper, certificate number of the shucking, packing, or repacking plant, and date packed. The date may be in code if the code is registered with the State Department of Public Health.~~

~~\* Returnable containers will be accepted only for interplant shipment of shucked shellfish.~~

~~NOTE: Authority cited: Sections 202, 205(d) and 208, Health and Safety Code.  
Reference: Sections 26542; 28312-28315 and 28440, Health and Safety Code.~~

Repeal Section 7762:

~~**§ 7762. Repacking Shucked Stock.**~~

~~Repacking of shucked shellfish shall only be done if contamination of the shellfish will not occur. Repacking of shucked stock shall be in conformance with all sections of these regulations dealing with shucking and packing of shellfish.~~