

MEMORANDUM


State of Alaska Department of Law

TO: April Simpson, AAC Coordinator
Office of the Lieutenant Governor

DATE: November 29, 2018

FILE NO.:

TELEPHONE NO.: 465-3600

FROM: Steven C. Weaver 
Sr. Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

SUBJECT: Revisor's change to Alaska
Administrative Code (AAC):
editor's note following 18 AAC
34.010

In accordance with the authority of the regulations attorney under AS 44.62.125(b), please forward to the publisher for publication in the Alaska Administrative Code (AAC) the change to the editor's note described below. I have forwarded this change under a specific delegation dated December 1, 2015 from the regulations attorney. The purpose of the change is to identify an amended version of material previously adopted by reference.

The editor's note to be changed appears after 18 AAC 34.010. Please add the following new paragraph after the existing text:

On November 14, 2018, as required by AS 44.62.245 and AS 17.20.005(6), the department gave notice that the following amended version of material, previously adopted by reference in 18 AAC 34.010, would be in effect on November 15, 2018: the *The National Shellfish Sanitation Program (NSSP): Guide for the Control of Molluscan Shellfish*, 2017 Revision. The amended version may be reviewed on the Alaska Online Public Notice System and at the following Department of Environmental Conservation offices: 555 Cordova Street, Anchorage, Alaska 99501; 410 Willoughby Avenue, Suite 303, Juneau, Alaska 99801; 540 Water Street, Suite 203, Ketchikan, Alaska 99901; 901 Halibut Point Road, Suite 3, Sitka, Alaska 99835; and 43335 Kalifornsky Beach Road, Suite 11, Soldotna, Alaska 99669. Additionally, the material may be obtained by contacting the United States Department of Health and Human Services, Food and Drug Administration, Office of Seafood, 5001 Campus Drive, College Park, Maryland 20740 or by accessing it on the Internet at <http://www.fda.gov/Food/GuidanceRegulation/>

FederalStateFoodPrograms/ucm2006754.htm.

We have enclosed an affidavit of notice from the department for your files, as well as an original of the updated item to be adopted by reference. Thank you for your assistance, and please contact me if you have additional questions.

SCW

cc: Gary Mendivil, Regulations Contact
Department of Environmental Conservation

Lorinda Lhotka
Division of Environmental Health
Department of Environmental Conservation

Jennifer A. Currie, Senior Assistant Attorney General
Environmental Section

AFFIDAVIT OF NOTICE OF AMENDED VERSION
OF MATERIAL PREVIOUSLY ADOPTED BY REFERENCE

I, Lorinda Lhotka, Environmental Program Manager, Department of Environmental Conservation, being sworn, state the following:

As required by AS 44.62.245, notice of the amended version of material previously adopted by reference in 18 AAC 34.010(19), dealing with shellfish sanitation, has been given by being

- (1) posted on the Alaska Online Public Notice System;
- (2) published in a newspaper of general circulation or trade or industry publication or in a regularly published agency newsletter or similar printed publication;
- (3) furnished to interested persons; and
- (4) furnished to the regulations attorney in the Department of Law.

As required by AS 44.62.175(a)(8) and (b) and 44.62.245(b), a copy of the notice has been posted on the Alaska Online Public Notice System.

Date: 11/14/2018



Lorinda Lhotka, Environmental Program Manager

Subscribed and sworn to before me at 555 Cordova St, Anchorage, AK on
November 14, 2018.

(date)





Notary Public in and for the State of Alaska

NOTICE OF AMENDED VERSION OF MATERIAL
PREVIOUSLY ADOPTED BY REFERENCE

As required by AS 44.62.245, the Department of Environmental Conservation gives notice that the following amended version of material adopted by reference in 18 AAC 34.010(19), under authority of AS 17.20.005(6), and dealing with shellfish sanitation, is in effect:

*National Shellfish Sanitation Program: Guide for the Control of Molluscan Shellfish,
2017 Revision, United States Department of Health and Human Services, Public Health
Service, Food and Drug Administration*

A copy of the above material is available for public review on the Alaska Online Public Notice System and at the Department of Environmental Conservation offices in:

Anchorage: 555 Cordova Street, Anchorage, Alaska 99501
Juneau: 410 Willoughby Avenue, Suite 303, Juneau, Alaska 99801
Ketchikan: 540 Water Street, Suite 203, Ketchikan, Alaska 99901
Sitka: 901 Halibut Point Road, Suite 3, Sitka, Alaska 99835
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<http://www.fda.gov/Food/GuidanceRegulation/FederalStateFoodPrograms/ucm2006754.htm>.

The effective date for the amended version of the material described above is November 15, 2018.

For more information, please contact George Scanlan, Shellfish Permit Coordinator at Department of Environmental Conservation, 555 Cordova Street, Anchorage, Alaska 99501, by phone at (907) 269-7638, or by email at george.scanlan@alaska.gov.

Date: November 8, 2018



Larry Hartig, Commissioner

Lhotka, Lorinda R (DEC)

From: Scanlan, George R (DEC)
Sent: Tuesday, October 23, 2018 4:20 PM
To: <miof@gci.net>; Abigail Twyman; Anthony Lindoff (Anthony.Lindoff@Goldbelt.com); brenda dale; Byron Spence; calamilof@gmail.com; Charles Clement; clamgulchseafoods@gmail.com; Corinne; Dave Szawinski; dmaf13@Gmail.com; Eric Olsen; Eric Wyatt; Ernie&Carol Gladsjo; Gary Ausec; gary williams; Greg McMillan; Gregg Parsley; harley1@acalaska.net; info@ridgewoodlodge.com; James Greeley; james.greeley@gmail.com; 'Jim Aguiar'; John B. Kiser; Jon Van Hyning; Kachemak Shellfish Growers; Lambe, Sarah; 'Margo Reveil'; Oysters LLC; r.ski.ak@gmail.com; seims@xyz.net; sheets@comcast.net; swruddy@gmail.com; Tom Henderson; trevorsande@rmketchikan.com; 'Weatherly Bates'
Cc: DEC EH - Food Safety; Ayers, Jeremy A (DEC)
Subject: New! 2017 NSSP Model Ordinance Published
Categories: Follow Up

Dear Shellfish Harvesters and Dealers-

FDA has announced the publication of the new 2017 NSSP Model Ordinance (MO), Guide for the Control of Molluscan Shellfish. You may find the MO at the following FDA website link:

<https://www.fda.gov/downloads/Food/GuidanceRegulation/FederalStateFoodPrograms/UCM623551.pdf> . The NSSP-MO is now in full effect. All permitted shellfish firms will be inspected according to the requirements of the NSSP MO. Please feel free to let me know if there are questions.

George Scanlan
Shellfish Permit Coordinator
555 Cordova Street
Anchorage AK 99502
Phone: 907.269.7638
Fax: 907.269.7510
Email: george.scanlan@alaska.gov

From: Stryker, Kimberly S (DEC)
To: [Stryker, Kimberly S \(DEC\)](#)
Cc: [Scanlan, George R \(DEC\)](#); [Brady, Carol S \(DEC\)](#)
Bcc: [Kate Sullivan \(SARDFA\)](#); [Phil Doherty \(SARDFA\)](#); [Ayers, Jeremy A \(DEC\)](#); [Lhotka, Lorinda R \(DEC\)](#); [Abigail Twyman \(Shikat Bay Oysters\)](#); [Anthony Lindoff \(Kaawu Shellfish Co.\)](#); ["Aquabionics \(newwave@gci.net\)"](#); [Brian Liebes \(Early Tide Seafarms\)](#); [Buddy Anderson \(Hump Isl Oysters\)](#); [Byron Spence \(Canoe Lagoon\)](#); [Cameron Loflin \(Otter Rock Oyster Co\)](#); [Charles Clement](#); [Dave Szawinski \(Pristine Products\)](#); [Dawns Sheets \(Alaska Gold Oysters\)](#); [Donald & Mary Ann Fell \(Oyster Cove Seafarms\)](#); [Eric Wyatt \(BSO\)](#); [Eric Wyatt \(BSO\)](#); [Ernie & Carol Gladsjo \(Jinhi Bay Oysters\)](#); [Gary Ausec \(Harmony Seafoods\)](#); [Gregg & Bev Parsley \(Shikat Bay Oysters\)](#); [Gregory McMillan \(Keta Seafoods\)](#); [Hakan Calik \(Pacific Seafood\)](#); [harley1@acsalaska.net](#); [J Larna \(Hump Island Oysters\)](#); [James Greeley \(Tomaso Shellfish\)](#); ["JAMES.GREELEY@GMAIL.COM"](#); [Jan Feller \(Pacific Seafood\)](#); [Jerry Ryggs \(Oysters LLC\)](#); [Jim Aguiar \(Eagle Shellfish\)](#); [John Kiser \(Rocky Bay Oysters\)](#); [John Lin \(Pacific Seafood\)](#); [Julie Matweyou \(UAF MAP\)](#); [Kachemak Shellfish Growers](#); [Ken Horn \(Rocky Bay Oysters\)](#); [Margo Reveil \(Jakalof Bay Oyster\)](#); [Mike & Connie Fitzgerald \(New Tokeen Oysters\)](#); [Mike Irving \(ABS\)](#); [Mike Irving \(Alaska's Best Shellfish\)](#); [Mike Sheets \(Alaska Gold Oysters\)](#); [Paul Dale \(Snug Harbor Seafoods\)](#); [Rusty Roessler \(Pacific Seafood\)](#); [Sean Crosby \(Moss Isl Oyster\)](#); [Tom Henderson \(Pearl of Alaska\)](#); [Trevor Sande \(Hump Isl Oysters\)](#); [Weatherly Bates \(Alaska Shellfish Farm\)](#); [William Faulkner \(Clam Gulch Seafoods\)](#)
Subject: Alaska Adoption of the 2017 NSSP MO
Date: Friday, November 9, 2018 5:04:00 PM
Attachments: [image001.png](#)
[MolluscanShellfish.pdf](#)
[Appendix W - Notice to Adopt 2017 NSSP Model Ordinance.pdf](#)

Dear Shellfish Harvesters and Dealers-

FDA has announced the publication of the new NSSP Model Ordinance (MO), Guide for the Control of Molluscan Shellfish. You may find the MO at the following FDA website link:
<https://www.fda.gov/downloads/Food/GuidanceRegulation/FederalStateFoodPrograms/UCM623551.pdf>
 . The NSSP-MO is now in full effect and, as of November 15, 2018, all permitted shellfish firms will be inspected according to the requirements of the NSSP MO.

Alaska law allows DEC to automatically adopt by reference the NSSP MO. Though we have sent out less formal emails announcing the new requirements that will be set out in this 2017 version, this email serves as a more official notification of our adoption of the NSSP MO. This means that DEC enforces the requirements found in the NSSP MO. Attached is a copy of the legal notice describing DEC's intentions to adopt the newest version.

SIGNIFICANT CHANGES

Below is a summary of a couple of significant changes:

Shellfish Tags

A new requirement to change the language on shellfish tags will go into effect on **January 1, 2019**.

Old Language	New Language
THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY AND THEREAFTER KEPT ON FILE FOR 90 DAYS.	THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR IS RETAGGED AND THEREAFTER KEPT ON FILE IN CHRONOLOGICAL ORDER FOR 90 DAYS. RETAILERS: DATE WHEN LAST SHELLFISH FROM THIS CONTAINER WAS SOLD OR SERVED: _____.

The following statement in **bold capitalized type** must be printed in bold type on each tag:

THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR IS RETAGGED AND

A Few Reminders

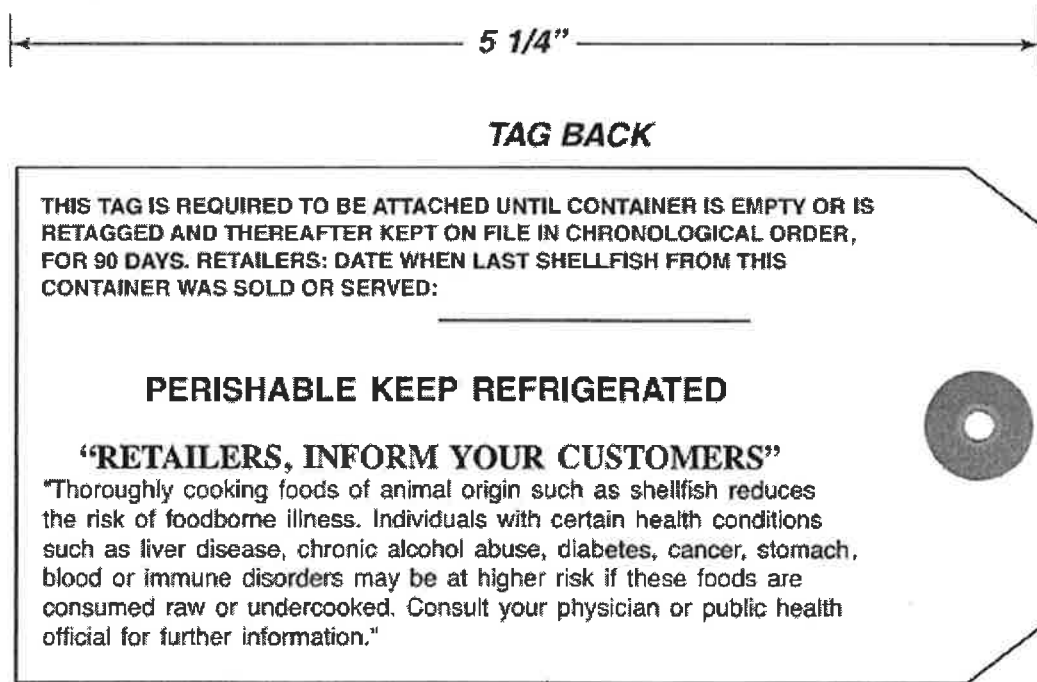
- Now is a good time to review your HACCP plans to make sure they are still effective and make sure you sign off to indicate you've done your annual review!
- If you are a dealer who ships to another dealer, make sure you're complying with Transportation Documentation requirements.
- If you are a dealer who receives shellstock from another dealer, make sure you've included at the Receiving critical control point (CCP) a critical limit (CL) that you monitor the shipment to make sure that transportation documentation (shipment time/temp) is complete! (*see Chapter IX.04 & .05 as well as Chapter XIII.01.A(2)(b)*)
- If you are confused about HACCP requirements (including what CCPs you should include, what CL is appropriate, or what monitoring you should be doing, please reach out to us and we can help you sort through the requirements!
- Remember to include actual values on your monitoring forms. For example, if you take a temperature or calibrate your thermometer, make sure you record "0° F" – not just a check mark that you completed the task. If you record the concentration of a chlorine hand dip, make sure that you note the PPM, not just a check mark that you completed the check.
- Remember to review the monitoring records each week and note that you've looked them over!

I hope this information is helpful to you as you prepare for 2019. Please don't hesitate to reach out to George or me if you have questions. I hope to see you in Cordova at the ASGA meeting!

Kimberly Stryker
Program Manager

THEREAFTER KEPT ON FILE IN CHRONOLOGICAL ORDER FOR 90 DAYS. RETAILERS: RECORD ON THIS TAG THE DATE WHEN LAST SHELLFISH FROM THIS CONTAINER WAS SOLD OR SERVED: _____.

See example below:



The addition of the new language is meant to reinforce shellfish tag retention requirements to retailers. If you are interested in emphasizing retention requirements to dealers, I have attached a fact sheet that discusses requirements. Though you are not required, you are welcomed to print and hand this out to your retailers. On the retail/food service side of the house, we often find that retailers/food service operators are confused about how to keep tags and the reason for the requirements. As some of you have experienced, this information is critical to accurately tracing the source when there is a report of illness associated with consumption of molluscan shellfish.


As a reminder, all shellfish tags must be durable, waterproof, and approved by DEC prior to use.


Safe Shellfish Handling Training for Employees

In addition to the tag change, dealers will be required to train all employees on safe food handling (e.g., temperature control, employee health & hygiene, cleaning & sanitizing – basically, the things in your sanitation procedures). Dealers are only required to train the employee one time, but you must keep a record indicating when each employee is trained.


The training curriculum is up to the dealer and it is best if the training is relevant and specific to each person's duties, as well as the location and operation. If you are interested, there is general food safety training (not specifically targeted for shellfish safety, but most of the same general principles apply) on our program website [HERE](#). You may find it easier to utilize the Shellfish Dealer Training that is available online [HERE](#) under General Requirements. As well, we have free posters and stickers that you may print off [HERE](#). I am also happy to share a PowerPoint presentation that I shared at an ASGA meeting a few years ago. Just send me an email if you'd like me to send it.

DEC Regulations Website 11/14/18




AwA'andah aanda' laxsa'a'ch't! 
(Eyak) "Thank you for coming here!"

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Alaska Department of Environmental Conservation
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Juneau State Office Mailing Address Update

All mail sent to the DEC office in Juneau through the U.S. Postal Service must be addressed to P.O. Box 111600, Juneau, AK, 99811. Beginning October 1, all mail addressed to our Willoughby Avenue address will not be delivered and will be returned to sender by the Post Office. This change only impacts incoming mail to the Juneau office.

[View the News: DEC's Current State of Regulations](#)

DEC REGULATIONS

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DEADLINES: REGULATION CHANGES

18 AAC 34

The DEC Environmental Health Division is providing notice that the following amended version of material adopted by reference in the Seafood Regulations at 18 AAC 34.010(19) is in effect.

- [Appendix W-Notice to Adopt 2017 NSSP Model Ordinance \(PDF 15K\)](#)

FSS/Shellfish Website 11/14/18



Division of Environmental Health
FOOD SAFETY & SANITATION PROGRAM

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Q

HOME HOW DO I...? FOR BUSINESSES FOR CONSUMERS FOR FOOD WORKERS FORMS RESOURCES


Juneau State Office Mailing Address Update

All mail sent to the DEC office in Juneau through the U.S. Postal Service must be addressed to P.O. Box 111800, Juneau, AK, 99811. Beginning October 1, all mail addressed to our Wainwright Avenue address will not be delivered and will be returned to sender by the Post Office. This change only impacts incoming mail to the Juneau office.

You Are Here: DEC > FSS > SHELLFISH

SHELLFISH

*Planning to commercially harvest, sell, ship, pack, or shuck molluscan shellfish? Below are resources to help get you started.
Contact George Scanlan at 907-269-7638 or 1-87-SAFE-FOOD for more information.*



In The News

- Appendix W - Notice to Adopt 2017 NSSP Model Ordinance (PDF)
- Geoduck Dive Vessel Permit Letter (PDF)

Applications

- Check your Shellfish Permit Status
- 2019 Geoduck Dive Vessel Application (PDF)
- 2019 Shellfish Harvester Application (PDF)
- 2019 Shellfish Dealer Application (PDF)
- 2019 Shellfish Processor Application Instructions (PDF)
- Certificate of Free Sale Request Application (PDF)
- Export Certificate Application (PDF)
- Free Sale Authorization Request Application (PDF)
- NOAA Export Certificate Instructions
- Seafood Processing Facility Agreement (PDF)

Helpful Alaska Links

- ADF&G - Aquatic Farming Permits
- ADF&G - Commercial Dive Fisheries
- ADF&G - Shellfish Commercial Fisheries
- Aleutian Pribilof Islands Association PSP
- Aquaculture in Alaska (MAP)
- Aquatic Farming Program (DNR)
- Fishb12 (MAP)
- Nachemak Bay National Estuarine Research Reserve
- Office of Fisheries Development (DCCED)
- Southeast AK Regional Dive Fishery Association (SARDA)
- Section of Epidemiology (DHSS)
- Sitka Tribe of Alaska Environmental

Notice of Amended Version of Material Adopted by Reference - Shellfish Sanitation

As required by AS 44.62.245, the Department of Environmental Conservation gives notice that the following amended version of material adopted by reference in 18 AAC 34.010(19), under authority of AS 17.20.005(6), and dealing with shellfish sanitation, is in effect:

National Shellfish Sanitation Program: Guide for the Control of Molluscan Shellfish, 2017 Revision, United States Department of Health and Human Services, Public Health Service, Food and Drug Administration

A copy of the above material is available for public review on the Alaska Online Public Notice System and at the Department of Environmental Conservation offices in:

Anchorage: 555 Cordova Street, Anchorage, Alaska 99501
Juneau: 410 Willoughby Avenue, Suite 303, Juneau, Alaska 99801
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Sitka: 901 Halibut Point Road, Suite 3, Sitka, Alaska 99835
Soldotna: 43335 Kalifornsky Beach Road, Suite 11, Soldotna, Alaska 99669

Additionally, the above material may be obtained by contacting the United States Department of Health and Human Services, Food and Drug Administration, Office of Seafood, 5001 Campus Drive, College Park, MD 20740 or by accessing it online at:
<http://www.fda.gov/Food/GuidanceRegulation/FederalStateFoodPrograms/ucm2006754.htm>

The effective date for the amended version of the material described above is November 15, 2018.

For more information, please contact George Scanlan, Shellfish Permit Coordinator at Department of Environmental Conservation, 555 Cordova Street, Anchorage, Alaska 99501, by phone at (907) 269-7638, or by email at george.scanlan@alaska.gov.

Date: November 8, 2018

/s/

Larry Hartig, Commissioner

Attachments, History, Details

Attachments

None

Revision History

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Details

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ANCHORAGE DAILY NEWS

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Notice Type : [Legal/Public Notices](#)

Posting Date : 11/14/2018

Printer Friendly

NOTICE OF AMENDED VERSION OF MATERIAL PREVIOUSLY ADOPTED BY REFERENCE As required by AS 44.62.245, the Department of Environmental Conservation gives notice that the following amended version of material adopted by reference in 18 AAC 34.010(19), under authority of AS 17.20.005(6), and dealing with shellfish sanitation, is in effect: National Shellfish Sanitation Program: Guide for the Control of Molluscan Shellfish, 2017 Revision, United States Department of Health and Human Services, Public Health Service, Food and Drug Administration A copy of the above material is available for public review on the Alaska Online Public Notice System and at the Department of Environmental Conservation offices in: Anchorage: 555 Cordova Street, Anchorage, Alaska 99501 Juneau: 410 Willoughby Avenue, Suite 303, Juneau, Alaska 99801 Ketchikan: 540 Water Street, Suite 203, Ketchikan, Alaska 99901 Sitka: 901 Halibut Point Road, Suite 3, Sitka, Alaska 99835 Soldotna: 43335 Kalifornsky Beach Road, Suite 11, Soldotna, Alaska 99669 Additionally, the above material may be obtained by contacting the United States Department of Health and Human Services, Food and Drug Administration, Office of Seafood, 5001 Campus Drive, College Park, MD 20740 or by accessing it online at: <http://www.fda.gov/Food/GuidanceRegulation/FederalStateFoodPrograms/ucm2006754.htm>. The effective date for the amended version of the material described above is November 15, 2018. For more information, please contact George Scanlan, Shellfish Permit Coordinator at Department of Environmental Conservation, 555 Cordova Street, Anchorage, Alaska 99501, by phone at (907) 269-7638, or by email at george.scanlan@alaska.gov. Date: November 8, 2018 /s/ Larry Hartig, Commissioner Published: November 14, 2018

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ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 301992

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ANCHORAGE AK 99501

Order# 0001430500
Cost \$0.00

Product ADN-Anchorage Daily News
Placement 0300
Position 0301

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Sarah Jennett

being first duly sworn on oath deposes and says that he/she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

November 14, 2018

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed

Sarah Jennett

Subscribed and sworn to before me
this 14th day of November, 2018

Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska

MY COMMISSION EXPIRES

2/23/2019

Notary Public
BRITNEY L. THOMPSON
State of Alaska
My Commission Expires Feb 23, 2019

COPY

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Date: November 8, 2018

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