

RIMFR – Shellfish

Establishment of regulations to reduce the risk of Vibrio illness associated with the consumption of commercially harvested quahaugs

6. DEFINITIONS

For the purposes of these regulations, the following terms shall have the following meanings:

Adequately Iced means that the amount and application of the ice is sufficient to ensure that immediate cooling begins and continues for all shellfish. Ice should be produced from a potable water source and shall be maintained to prevent contamination of shellfish.

Container means any bag, sack, tote, or other receptacle that contains shellfish to be held or transported.

Designated Temperature Control Areas means an area designated by the Department in which harvesters must comply with more stringent temperature controls for harvested quahogs and oysters. These areas have been determined to have a higher risk of *Vibrio* illness associated with consumption of wild quahogs and oysters due to warm temperatures or a history of illness. These areas include Winnapaug Pond (6W), Quonochontaug Pond (6Q), Ninigret Pond (6N), Potter Pond (6P), and Point Judith Pond (6P).

Harvest means the act of removing any shellfish for the purpose of human consumption. Harvest commences when the first shellfish is no longer submerged.

Mechanical Refrigeration means storage in a container that is approved by the Rhode Island Department of Health and capable of cooling to, and maintaining, an ambient temperature of 45°F or less.

Shading means to shelter by intercepting the direct rays of the sun to protect the shellfish from heat. Shading may be accomplished by any means that effectively protects the harvested shellfish from direct sunlight and prevents excessive heat build-up in the shaded area.

Temperature control means the use of ice or mechanical refrigeration, which is capable of lowering the temperature of the shellstock and maintaining it at 45°F or less.

RULE 16. COMMERCIAL TAGGING OF SHELLFISH

16.1 Commercial shellfishermen must place any and all shellfish taken by them (except those shellfish returned to the waters of the harvest area) into containers, and must tag each and every container with a “harvester tag” conforming to the

requirements of this section, prior to ~~the following:~~ **shellfish being placed in the container.**

~~16.1.1 The fisherman leaves the approved waters of the harvest area (identified on the RI Shellfish Harvest Area Tagging Map, Shellfish Management Area or the aquaculture site identified by the CRMC Assent number) in which the shellfish were taken;~~

~~16.1.2 The shellfish are removed from the vessel; or~~

~~16.1.3 The shellfish are offered for sale.~~

16.2 The harvester tag shall be durable, waterproof, and sanctioned by the R.I. Department of Health. The tag shall contain the following indelible, legible information in the order specified as follows: The harvester's identification number as assigned by DEM; the date of harvest; **the harvest commencement time**; the harvest location as identified on the R.I. Shellfish Harvest Area Tagging Map; the shellfish management area; ~~the aquaculture site identified by the CRMC Assent number~~; the type (species) of shellfish; and the approximate quantity of shellfish. **The harvest commencement time will indicate the time that the first shellfish that the harvester is currently in possession of was removed from the water and should be the same for all shellfish that the harvester is in possession of regardless of tagging area.**

16.3 Each tag shall also carry the following statement in bold capitalized type: "THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR IS RETAGGED AND THEREAFTER KEPT ON FILE FOR 90 DAYS"

16.4 Commercial shellfishermen shall not place shell stock harvested from more than one growing area into the same container. When the harvester is also a dealer, the harvester has the option to tag the shell stock with a harvester tag or a dealer's tag meeting the requirements of the RIDOH regulations.

16.5 Bulk tagging of shell stock will be permitted only with prior approval of the Director under the following criteria:

16.5.1 When shell stock are harvested from one harvest area on a single day, multiple containers may be utilized on a wrapped pallet, in a tote, in a net brailer, or other container and the unit tagged with a single tag; and

16.5.2 A statement that all shell stock containers in this lot have the same harvest data and area of harvest; and number of containers in the unit.

RULE 17. COMMERCIAL TEMPERATURE CONTROL OF SHELLFISH

17.1 Commercial shellfishermen shall not allow shell stock to deteriorate or decompose from exposure to excessive temperature and shall deliver shell stock to a licensed dealer before such deterioration or decomposition occurs.

17.2 Harvest of shellfish annually from sunrise on November 1st through sunset on March 31st - The maximum allowable time between the commencement of harvest of shell stock and delivery to a dealer shall be twenty hours. Possession of shell stock in excess of 20 hours is prohibited.

17.3 Harvest of shellfish annually from sunrise on April 1st through sunset on October 31st - The maximum allowable time between the commencement of harvest of shell stock and delivery to a dealer shall be 10 hours. Possession of shell stock in excess of 10 hours is prohibited.

17.3.1 The harvester shall provide shading to all shellfish intended for harvest aboard vessels and during land-based deliveries.

17.3.3 Harvest of quahogs or oysters from within Designated Temperature Control Areas that exceed five hours to complete shall be placed in mechanical refrigeration or adequately iced in a storage container within five (5) hours of the commencement of harvest until the shellfish are transferred to a licensed dealer within 10 hours.

17.34 Ocean quahaugs, ~~and~~ surf clams, and whelks are exempt from temperature control requirements.