



House of Representatives

General Assembly

File No. 39

February Session, 2004

Substitute House Bill No. 5239

House of Representatives, March 11, 2004

The Committee on Environment reported through REP. WIDLITZ of the 98th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING SHELLFISH SANITATION AND THE AGRICULTURAL TECHNOLOGY DEVELOPMENT ADVISORY BOARD.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 26-192a of the general statutes, as amended by
2 section 146 of public act 03-6 of the June 30 special session, is repealed
3 and the following is substituted in lieu thereof (*Effective July 1, 2004*):

4 The Department of Agriculture and Consumer Protection shall be
5 the lead agency on shellfish in Connecticut. The department: (1) Shall
6 coordinate the activities of other state agencies with regard to shellfish;
7 (2) shall act as a liaison on shellfish matters between the state and
8 municipalities, including local shellfish commissions; (3) shall take
9 steps necessary to ensure compliance with federal standards for the
10 shellfish sanitation program and compliance with the National
11 Shellfish Sanitation Program Model Ordinance, as amended from time
12 to time; (4) may, in conjunction with the Department of Public Health,
13 enter into agreements with municipalities to utilize available

14 municipal resources for monitoring and testing; and (5) shall
15 encourage depuration.

16 Sec. 2. Section 26-192b of the general statutes, as amended by section
17 146 of public act 03-6 of the June 30 special session, is repealed and the
18 following is substituted in lieu thereof (*Effective July 1, 2004*):

19 [The Department of Public Health shall recommend to the]
20 Notwithstanding the provisions of subsection (a) of section 19a-29a,
21 the Department of Agriculture and Consumer Protection shall
22 promulgate health standards for shellfish testing and shall approve
23 private laboratories to perform shellfish testing. Such health standards
24 for shellfish testing shall incorporate by reference the provisions of the
25 National Shellfish Sanitation Program Model Ordinance, as amended
26 from time to time.

27 Sec. 3. Subsection (a) of section 26-192c of the general statutes, as
28 amended by section 146 of public act 03-6 of the June 30 special
29 session, is repealed and the following is substituted in lieu thereof
30 (*Effective July 1, 2004*):

31 (a) The Department of Agriculture and Consumer Protection may
32 inspect shellfish beds and areas in this state where shellfish are grown
33 or harvested, all boats, tools and appliances used in the production
34 and preparation of shellfish and all wharves or buildings where
35 shellfish are stored, transferred, opened, packed or prepared for sale or
36 shipment. [It] The Department of Agriculture and Consumer
37 protection may [prescribe] adopt regulations, after consultation with
38 the Department of Public Health, for the sanitary growth, production,
39 purification and preparation of shellfish. Such regulations shall
40 incorporate by reference the provisions of the National Shellfish
41 Sanitation Program Model Ordinance, as amended from time to time.
42 Each commercial harvester, producer or shipper of shellfish shall
43 obtain from said department a license on which shall be stated
44 information regarding the identification of the license holder and any
45 conditions pertaining to the character of such licensee's shellfish
46 operations. Said department may establish a fee for each type of

47 shellfish license it issues. The department may require that shellfish
 48 shipments be tagged or containers marked to identify the shipper by
 49 name and location and the source of the shipment and furnish such
 50 other pertinent information as may apply. Any license granted under
 51 the authority of this section may be revoked by said department for
 52 cause, after notification and hearing. No person, firm or corporation
 53 shall make any shipments or deliveries of shellfish after the license of
 54 such person, firm or corporation has been suspended or revoked. Any
 55 license may be suspended pending revocation proceedings, or
 56 amended, if shellfishing operations or harvesting areas are a public
 57 health hazard or if the licensee has violated any provision of this
 58 section, section 26-192e, as amended, 26-192f, as amended, or 26-192h,
 59 as amended, or any applicable department regulation or any section of
 60 the Public Health Code concerning shellfishing. The department may
 61 refuse to issue a license if the applicant has violated any provision of
 62 this section, section 26-192e, as amended, 26-192f, as amended, or 26-
 63 192h, as amended, or any applicable department regulation or any
 64 section of the public health code concerning shellfish.

65 Sec. 4. (*Effective from passage*) Section 22-26h of the general statutes is
 66 repealed.

This act shall take effect as follows:	
Section 1	<i>July 1, 2004</i>
Sec. 2	<i>July 1, 2004</i>
Sec. 3	<i>July 1, 2004</i>
Sec. 4	<i>from passage</i>

ENV *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Department of Agriculture	GF - Cost	None	None
Public Health, Dept.	GF - Cost	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

Requiring the Department of Agriculture to promulgate health standards for shellfish testing, as well as allowing the department to promulgate regulations and approve private laboratories to perform shellfish testing (there is currently one private lab approved to test), will minimally increase the workload of the agency. No additional costs are anticipated to be incurred. The health standards will incorporate, by reference, the provisions of the national Shellfish Sanitation Program Model Ordinance. Under current law, the department is designated the lead agency for other shellfish regulation.

Provisions within Section 2 of the bill will not materially alter the responsibilities of the Department of Public Health and will result in no associated fiscal impact for the agency. It is anticipated that the private laboratory conducting shellfish testing would also perform functions which would subject it to mandatory registration or approval as an environmental laboratory.

Section 4 of the bill eliminates the Agriculture Technology Advisory Board and has no fiscal impact. The board has not been meeting.

OLR Bill Analysis

SHB 5239

AN ACT CONCERNING SHELLFISH SANITATION AND THE AGRICULTURAL TECHNOLOGY DEVELOPMENT ADVISORY BOARD**SUMMARY:**

This bill removes the requirement that the Department of Public Health (DPH): (1) recommend health standards for shellfish testing and (2) authorize private laboratories to perform the testing. It instead requires the Department of Agriculture and Consumer Protection (DOACP) to promulgate health standards for shellfish testing based on the U.S. Food and Drug Administration (FDA) National Shellfish Sanitation Program (NSSP) Model Ordinance.

The bill specifies that the DOACP: (1) must enforce compliance with the NSSP Model Ordinance and (2) may adopt regulations, after consultation with DPH, for the sanitary growth, production, purification, and preparation of shellfish that incorporate by reference the provisions of the NSSP Model Ordinance.

The bill also eliminates the Agriculture Technology Development Advisory Board and makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2004, except for the elimination of the advisory board, which is effective upon passage.

BACKGROUND***NSSP Model Ordinance***

The FDA's NSSP Model Ordinance establishes: (1) minimum requirements for regulating the interstate commerce of molluscan shellfish and (2) a program to protect consumers' public health by assuring (a) the sale or distribution of shellfish from safe sources and (b) that shellfish have not been adulterated at any point. The FDA Model Ordinance provides guidelines and is not a regulation.

Agriculture Technology Development Advisory Board

By law, the Agriculture Technology Development Advisory Board advises the agriculture commissioner concerning agricultural technology and must develop a state agricultural technology strategy.

The state agricultural technology strategy must:

1. identify critical agricultural technologies for focused government support,
2. prioritize the technologies based on trends in global and domestic agricultural problems and the potential for economic benefits, and
3. recommend effective public and private partnership arrangements for development and dissemination of agricultural technologies, among other things.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute
Yea 25 Nay 0