

**Testimony Presented To the Connecticut Environment Committee by the
Connecticut Department of Agriculture**

3/20/15

**Raised Bill No. 7010 AN ACT AMENDING CERTAIN PROVISIONS OF THE GENERAL STATUTES
RELATING TO AQUACULTURE.**

The Connecticut Department of Agriculture supports Raised Bill 7010.

As defined by state statute under Sec. 26-192a, the Department of Agriculture shall be the lead agency on shellfish in Connecticut. The department: (1) Shall coordinate the activities of other state agencies with regard to shellfish; (2) shall act as a liaison on shellfish matters between the state and municipalities, including local shellfish commissions; (3) shall take steps necessary to ensure compliance with federal standards for the shellfish sanitation program and compliance with the National Shellfish Sanitation Program Model Ordinance.

The policies and procedures of the Connecticut Department of Agriculture pertaining to its Bureau of Aquaculture are overseen by the United States Food and Drug Administration (FDA) through the formal procedure of the Program Element Evaluation in order to ensure effective administration of a statewide shellfish safety and sanitation program. The scope of state shellfish authority administration required to regulate a shellfish sanitation program includes the following (includes the following from the [NSSP Guide for the Control of Molluscan Shellfish 2013 Revision](#) under Section II. Chapter I. Shellfish Sanitation Program Requirements. @.01. Administration):

A. Scope.

- (1) The classification of shellfish growing areas;
- (2) The harvesting of shellfish;
- (3) Shellfish processing procedures and facilities;
- (4) Product labeling;
- (5) Storage, handling and packing;
- (6) Shellfish shipment in interstate commerce;
- (7) Shellfish dealers; and
- (8) Bivalve aquaculture.

B. State Laws and Regulations. The Authority shall have laws and regulations which provide an adequate legal basis for the safety and sanitary control of all program elements including but not limited to the elements outlined in @.01 A.

The Department of Energy and Environmental Protection Environmental Conservation Police (ECP) is responsible for the patrol activities associated with the molluscan shellfish program in Connecticut.

The Department of Agriculture, through its Bureau of Aquaculture, is responsible for issuing licenses, conducting plant inspections, implementing the growing area classification program, and conducting illness investigations. The Department of Agriculture notifies ECP of any changes to growing area classifications and closures. Harvesters notify the ECP dispatch call-in center of relay activities prior to operations. When the ECP officers begin a shift, they call the dispatch center to become informed of any new closures or other changes in classification and harvester relay activities.

According to the FY 2014 Connecticut Patrol Program Element Evaluation Report (PEER), there were 51 shellfish-related patrol incidents, 8 involving arrest or citations, and 12 resulting in written warnings between 07/01/13 and 06/30/14. Of the 8 subjects that were arrested, 7 cases resulted in convictions.

An on-going program deficiency identified in the FY2014 PEER is the State's failure to:

“develop and maintain an effective program to control the harvest, transport, replanting and security of shellstock until the end of the complete relay activity to prevent shellstock from being illegally diverted to direct marketing.”

As per the MOA describing the Department of Agriculture's and the Department of Energy and Environmental Protection's roles and responsibilities concerning the state's relay program, the Department of Agriculture is the lead agency with the responsibility to enforce direct oversight of the relay program and ECP's role is to assist them with enforcing harvester compliance regarding relay requirements. During the FY 2014 patrol program evaluation, FDA noted that ECP officers continue to use on-site spot checks to verify that harvesters are operating in accordance with stipulations included on their relay licenses.

However, based on the recent arrest history and ongoing problems related to the state relay program, these efforts do not appear to be effective. In particular, in June 2010, after receiving multiple complaints, ECP officers arrested a commercial shellfisherman in New Haven for shellfishing off his designated areas and illegally taking shellfish from another licensed dealer's restricted relay lot.

Other more recent relay-related illegal incidents included the arrest of another commercial harvester in New Haven on December 14, 2011, the arrest of another commercial harvester in Bridgeport on July 5, 2013, and the arrest of another commercial harvester in Milford on August 30, 2013.

The Department of Agriculture needs to continually ensure that Connecticut's administration of the Shellfish Sanitation Program meets the requirements of the National Shellfish Sanitation Programs Model Ordinance. A continued identified weakness of Connecticut's Shellfish Sanitation Program has been our lack of effective oversight of

contaminated shellstock harvested for relay activities from polluted waters. From National Shellfish Sanitation Program Model Ordinance Section II. Chapter V. Shellstock Relay @.04

“Because shellstock relaying involves the harvesting and transport of contaminated shellstock and its treatment to render it safe for human consumption, great care must be taken to assure that contaminated product does not inadvertently reach the consumer. This requires direct supervision of the operation and good enforcement by the shellfish authority.”

Illegal harvest from any beds that are not on a harvester’s license pose a significant public health risk and all harvest activities must have effective oversight to prevent contaminated shellstock from reaching consumers.