

CHAPTER 13**SHELLFISH****Authority**

N.J.S.A. 24:2-1.

Source and Effective Date

R.1997 d.356, effective August 8, 1997.
See: 29 N.J.R. 2608(a), 29 N.J.R. 3855(b).

Executive Order No. 66(1978) Expiration Date

Chapter 13, Shellfish, expires on August 8, 2002.

Chapter Historical Note

Chapter 13, Shellfish, was adopted as R.1974 d.185, effective July 9, 1974. See: 6 N.J.R. 233(b), 6 N.J.R. 310(b). Subchapter 2, Depuration of Soft-shelled Clams, was adopted as R.1978 d.127, effective May 1, 1978. See: 10 N.J.R. 103(a), 10 N.J.R. 188(d). Chapter 13 was amended by R.1982 d.241, effective August 2, 1982. See: 14 N.J.R. 415(a), 14 N.J.R. 835(b); R.1985 d.691, effective January 21, 1986. See: 17 N.J.R. 1370(a), 18 N.J.R. 166(b).

Pursuant to Executive Order No. 66(1978), Chapter 13, Shellfish, was readopted as R.1987 d.362, effective September 8, 1987. See: 19 N.J.R. 1143(a), 19 N.J.R. 1642(a). Subchapter 2, Depuration of Soft-shelled Clams, was repealed and a new Subchapter 2, Depuration of Hard Shell and Soft Shell Clams, was adopted as R.1990 d.542, effective November 19, 1990. See: 22 N.J.R. 109(a), 22 N.J.R. 3547(a).

Pursuant to Executive Order No. 66(1978), Chapter 13 was readopted as R.1992 d.384, effective September 8, 1992. See: 24 N.J.R. 2504(a), 24 N.J.R. 3532(a).

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SUBCHAPTER 1. SANITATION, HANDLING, SHIPPING AND SHUCKING OF SHELLFISH**8:13-1.1 Definitions**

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Certified dealer” means a shellstock shipper, shucker-packer, repacker or reshipper, holding a current certificate issued by the State Department of Health.

“Digger” means a person engaged in the harvesting of shellfish for delivery to a shellstock shipper, shucker-packer, repacker or for transplanting. This definition shall not include those persons engaged in the harvesting of sea clams or those persons harvesting shellfish for personal use only.

“Digger-retailer” means a digger who owns or operates an establishment or stand or who otherwise offers for retail sale shellfish harvested by himself. A digger-retailer is not authorized to act as a shellstock shipper. A digger-retailer may shuck shellfish for consumption on the premises.

“Food product zone” means the parts of food equipment, including auxiliary equipment (such as blower pipes and drain valves) which may be in contact with the food being processed, or which may drain into the portion of equipment with which food is in contact.

"Person" means and includes an individual, firm, corporation, association, society, partnership and their agents or employees.

"Repacker" means a person other than original shucker who packs shucked shellfish into containers for distribution or sale, but does not include retailers packing shellfish for direct sale to the consumer. A repacker may also act as a shucker-packer and/or a shellstock shipper if he has the necessary facilities.

"Reshipper" means a person who transships shucked stock in original containers, or shellstock, from certified shellfish dealers to other dealers or to the final consumer, but who is not authorized to act as a shucker-packer or a repacker.

"Retail sale" means a retail sale is regarded as any sale to the ultimate consumer or his family, or to a person who will not resell the product. All retailers of shellfish under this definition are required to purchase shellfish from certified dealers only, and to retain properly completed tags attached to such purchases for not less than 90 days.

"Shellfish" means all edible species of clams, oysters and mussels, either shucked or in the shell, fresh or frozen.

"Shellfish, market" means shellfish which are, may be, or have been harvested and/or prepared for sale for human consumption as a fresh or frozen product.

"Shellstock shipper" means a person who grows, harvests, buys and/or sells shellstock who is not authorized to act as a shucker-packer or repacker.

"Shucker-packer" means a person who shucks and packs shellfish and who may act as a shellstock shipper.

"Wet storage" means the temporary storage of shellfish from approved sources, intended for marketing, in tanks containing sea water or in natural bodies of water, and including storage in floats.

"Wholesale sale" means a wholesale sale is regarded as any sale to any other than the ultimate consumer or his family. All wholesalers of shellfish under this definition are required to apply for and hold a shellfish certificate and to use proper tags, bearing the certificate number assigned by the department.

8:13-1.2 Prohibited acts

(a) No person shall sell, offer for sale or have in his possession with intent to sell without a permit from the Department of Environmental Protection any shellfish which have been taken from a place condemned by the Department of Environmental Protection pursuant to N.J.S.A. 24:14-2, or from a place condemned by authorities having supervision at the point of origin of the shellfish without permission from such authorities and the Department of Environmental Protection.

(b) No person shall engage in the wholesale handling of shellfish, operate or conduct an establishment for the shucking or repacking of shellfish, or act as a digger-retailer without a certificate to engage in such business issued by this department, except that shellstock harvested by a digger in accordance with the provisions of these regulations may be transported and sold to a certified shellstock shipper, shucker-packer or repacker.

(c) No person shall receive or accept any shipment of shellfish into New Jersey for shucking, repacking, distribution or sale, unless the consignor of the shellfish shall hold a current certificate or license issued by the shellfish control authority at the point of origin of the shellfish, authorizing the interstate shipment of shellfish. The control program of the shellfish control agency shall bear the endorsement of the United States Food and Drug Administration.

(d) No person shall utilize floats, tanks or basins for the storage, conditioning, purification or sterilization of shellfish without written permission from this department.

(e) No retailer may repack shellfish without a certificate from his department unless it is done on order from the consumer.

8:13-1.3 Shellfish certificates

(a) Any person desiring to engage or continue to engage in the wholesale handling, repacking, or shucking of shellfish, or in the business of a digger-retailer, or practice wet storage, or engage in the conditioning of shellfish shall make application in writing to this department upon forms supplied by the department giving all requested information.

(b) Upon receipt of such application and upon approval of the facilities and sanitary condition of the establishment or area, and compliance by the applicant with other provisions of the laws and regulations, a certificate may be issued for such operation. The certificate shall expire on June 30 of each year.

(c) Current certificates shall be kept on file and open to inspection by representatives of the State or local health department.

8:13-1.4 Sanitary requirements

(a) The floors of each establishment used for the storage, shucking, packing, distribution or sale of shellfish shall be properly drained and constructed of concrete, tile, laid in cement or other suitable material which can be properly cleaned. The floors shall not be subject to flooding.

(b) The sidewalls and ceilings of each room in an establishment in which shellfish are stored, shucked or packed shall be made of, or coated with, a clean, light-colored washable surface.

(c) All outdoor openings to toilets, wash and locker rooms, shucking, packing, shellstock storage rooms, and other portions of the establishment used for handling or storage of food or utensils shall be effectively protected

against the entrance of insects, flies, vermin, rodents and other foreign or injurious contamination, and shall be free of such sources of contamination.