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Law and Regulations
Governing the
Sanitation, Handling, Shipping
and Shucking of Shellfish

REVISED STATUTES

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New Jersey (State) Department of Health,
Trenton 25, N. J.

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Chapter. 14. OYSTERS, CLAMS, AND OTHER SHELLFISH

24:14-1. Inspection of beds. The state department of health shall inspect, or cause to be inspected, as often as it may deem necessary, the various places within the jurisdiction of the state from which oysters, clams or other shellfish are taken to be distributed or sold for use as food, for the purpose of ascertaining the sanitary conditions of such oyster and clam beds and other places and the fitness of such shellfish therein or taken therefrom for use as food.

24:14-2. Condemnation of beds dangerous to health. The state department shall immediately condemn any oyster or clam bed or other place from which oysters, clams or other shellfish are or may be taken upon discovering that such place is subject to pollution or to any other condition which render the oysters, clams or other shellfish in such place or which may be taken therefrom, dangerous to health.

24:14-3. Prohibiting taking or sale of shellfish from condemned beds without permit. The state department shall prohibit the taking of oysters, clams or other shellfish from a place which has been condemned by the department pursuant to section 24:14-2 of this title, and shall also prohibit the distribution, sale, offering for sale or having in possession of any such shellfish so taken, without a permit so to take, distribute, sell, offer to sell, or have in possession, first obtained from the department, under such rules and regulations as it shall adopt.

24:14-4. Evidence of use as food. For the purpose of this chapter, the distribution, sale, offering for sale, or having in possession with intent to distribute or sell, any oysters, clams or other shellfish shall be prima facie evidence that such shellfish were intended for use as food.

24:14-5. Pollution of beds prohibited; exception. No excremental or other polluting matter shall be discharged into or placed in the waters or placed or suffered to remain upon the banks of any stream or tributary thereof or body of water in which oysters, clams or other shellfish grow or are or may be placed.

Nothing in this section shall apply to the discharge of effluents from sewage plants heretofore or hereafter installed in accordance with the requirements of law and the rules and regulations of the state department.

24:14-6. Specific orders by state department. The state department may make such specific orders regarding the growing and handling of shellfish and the disposal of polluting matter which may effect the purity of shellfish, as it may deem necessary to enforce the provisions of this chapter.

24:14-7. Right of entry; inspections; samples. The state department shall have free access to all oyster or clam beds, places of business and all other places where oysters, clams or other shellfish are grown, kept, stored, had in possession with intent to distribute or sell, or sold and also to all streams, tributaries thereof and lands adjacent thereto, the waters draining from which may come in contact with such shellfish.

The department may make such inspections of such places and take such samples of oysters, clams or other shellfish or other substances as it may deem necessary to carry out the purposes of this chapter.

24:14-8. Employees; apparatus; boat. The state department may employ such chemists, bacteriologists and inspectors, and purchase and maintain such apparatus and supplies, including a suitable boat, as it may deem necessary.

24:14-9. Penalties; enforcement. Any person who shall violate any provision of this chapter, except as hereinafter provided, or any rule, regulation or order of the state department shall be liable to a penalty of twenty-five dollars for the first offense, and to a penalty of fifty dollars for the second and each subsequent offense.

Any person who shall gather any oysters, clams or other shellfish from a place which has been condemned by the state department pursuant to section 24:14-2 of this title, or who shall distribute, sell, offer or expose for sale or have in his possession any such shellfish so gathered, unless he shall first have secured a permit in writing from the state department to take such shellfish, or unless he shall first have secured a permit from the state department to distribute, sell, offer or expose for sale or have in his possession any such shellfish so taken, shall be liable to a penalty of one hundred dollars for the first offense, and for each subsequent offense shall be committed to the common jail of the county wherein the conviction was had for a period of not less than thirty days.

The penalties herein provided shall be enforced by the State department as plaintiff in a summary proceeding in accordance with the penalty enforcement law (N. J. S. 2A:58-1 et seq.).

24:14-10. Jurisdiction over proceedings; process. In addition to the courts specified in said penalty enforcement law, jurisdiction over such proceedings is conferred upon municipal courts. Process shall be either in the nature of a summons or warrant.

24:14-11. Repealed. Laws of 1953, Chapter 24.

24:14-12. Imprisonment for nonpayment of penalty. If any person convicted of violating this chapter shall fail forthwith to pay the penalty imposed, together with the costs of the prosecution, the defendant shall be committed to the county jail for a period not exceeding ninety days, or until the penalty and costs are paid.

24:14-13. Repealed. Laws of 1953, Chapter 24.

24:14-14. Arrest without warrant. Any constable, police officer, or inspector of the State department or of a local board may arrest, without warrant, any person who shall violate any provision of this chapter within the view of such constable, police officer or inspector.

24:14-15. Repealed. Laws of 1953, Chapter 24.

24:14-16. Lands and buildings; leasing of, authorized. The state department of health may from time to time lease lands and buildings thereon, when it shall be deemed necessary by the department to acquire said lands, in order to carry into effect the purpose of this chapter.

RULES AND REGULATIONS GOVERNING THE SANITATION, HANDLING, SHIPPING AND SHUCKING OF SHELLFISH

Adopted November 14, 1934

Amended January 12, 1937

Amended January 14, 1941

1. No person, firm or corporation in the State of New Jersey shall engage in the wholesale or jobbing business of selling shellfish, or operate or conduct an establishment for the shucking of shellfish until he or they shall have been granted a certificate by the Department of Health of the State of New Jersey. Application for such certificate must be made in writing upon forms supplied by the Department.

2. No person, firm or corporation engaged in the business of selling shellfish in this State shall accept any shipment of shellfish unless the consignor of same shall have been issued a certificate by the authorities having supervision at the point of origin of shipment, and said certificate shall have been approved by the United States Public Health Service. Should the holder of a Certificate issued under these regulations gather or receive shellfish from any source or sources other than those named in the application made for the same, he shall notify said Department in writing within seven days following the receipt of such shellfish, of the source or sources from which they were obtained.

3. All Certificates shall be posted in a conspicuous place, and shall expire June 30th following the date of issuance.

4. No shellfish shipper shall sell, offer for sale, transport or ship, or cause to be sold, offered for sale, transported or shipped, or shall receive any shellfish unless each package containing shellfish shall have fastened thereto a label or tag in such form, and of such material, and containing such information as the Department of Health of the State of New Jersey shall prescribe and approve. The information upon such label or tag shall include the following: the name and address of the shipper; name and address of the consignee; the certificate number issued by the Department prefixed with the State abbreviation; the date of shipment; and the name of the waters from which the shellfish were taken. The stub of the tag shall not be removed from any package of shellfish until all of the contents of such package have been removed.

5. All receptacles containing shucked shellfish shall bear legibly stamped in the side of the container the certificate number.

6. Any person, firm or corporation engaged in the retail business of selling shellfish in the shell in the State of New Jersey shall stamp the date of receipt upon the shipping tags of all shellfish received. Such shipping tags shall be kept on file by the jobber or retailer for a period of not less than six months.

7. Shellfish shall not be taken from waters condemned by the State Department of Health; provided, however, that under certain conditions, under supervision of the Department, a special permit for such removal may be issued by the Director of Health.

8. The floating, laying out, storing or cleansing of shellfish intended for use as food shall not be permitted in waters of less salt content than that in which shellfish will naturally grow to maturity, or in waters of less purity than that in which they were grown.

9. All floats, scows, boats, or other vessels used for the transportation or wet storage of shellfish shall be kept clean and reasonably free from mud, refuse or any decaying matter. They must be so constructed as to prevent the shellfish at all times from coming into contact with drainage or bilgewater.

10. Shellfish that have been subjected to the floating process shall have every sack, barrel, can or other container so marked before shipment, that the purchaser may know that they have been floated. This marking shall be in the following words: "This package contains floated oysters (or clams)," and the type shall occupy a space of at least one-half an inch in height. The marking shall be so stamped or printed on the tags or labels as to be readily discernible.

11. Shellfish intended for sale as food shall not be kept or stored in any place or places which may in any way affect their purity or wholesomeness.

12. Only new or thoroughly cleansed and sterilized sacks shall be used for the transportation of shellfish. No barrel shall be used in the shipment of shellfish which is not free from odors or which is not free from evidences of chemical or any other residues.

13. Railroad cars and trucks in which shellfish are shipped shall be clean and free from anything that might endanger the purity or wholesomeness of the product. All cars and trucks shall be subjected to proper inspection by the shipper to see that they conform to this regulation.

14. Shellfish shippers shall keep their boats, wharves and shipping houses in a clean and sanitary condition at all times. Only such equipment and stock necessary to the operation of a shellfish shipping establishments shall be stored within the buildings or in close proximity thereto.

15. Readily accessible and adequate toilet and washing facilities shall be available for all employees, which shall be maintained in a sanitary condition at all times.

16. Owners of all vessels in which men work continuously for more than two hours, and which are engaged in the handling of oysters or clams from the planting grounds or in the vicinity of floats upon which oysters or clams are or may be placed, shall provide their vessels with suitable receptacles in which the excreta, both solids and liquids, of persons using such boats shall be received, and the contents of such receptacles shall be disposed of at points sufficiently removed from the banks of streams to prevent pollution of the waters thereof.

17. Every building or room used as a shucking house shall be constructed and equipped as hereinafter provided, and the operations carried on in such building or rooms shall be conducted in such a manner that the purity and wholesomeness of the shellfish handled therein shall not be impaired.

18. All rooms in which shucked shellfish are packed, stored, washed or otherwise handled shall be separate and apart from the rooms in which shellfish are opened.

19. Rooms in which shellfish are shucked or packed shall be provided with smooth water-tight floors which can be readily cleansed; such floors must be cleansed daily. The sidewalls and ceilings, shall have smooth surfaces and shall be kept in a clean condition at all times.

20. An abundant supply of hot water under pressure shall be maintained at all times that shucking operations are being carried on. All water used in shucking establishments shall be from a source approved by this Department.

21. Cleansing of the buildings and all equipment shall be conducted immediately upon the cessation of shucking and packing.

22. Shucking pails, measures, skimmers, tanks, tubs and paddles shall be made entirely of a non-corrosive, non-rusting, smooth impervious material, and constructed in such a manner as to eliminate grooves, seams and cracks where particles of meats and slime will collect. All seams and joints shall be well filled with solder and dressed to a smooth surface. The handles of opening knives should be so constructed as not to contain cracks, crevices or porous material which would retain particles of meats and slime.

23. Blowers and washers shall be so constructed that all piping lying inside the tanks can be readily disassembled, and shall be thoroughly cleansed daily. All other piping attached to the tanks, into which liquid from the tanks can back up, shall either be disassembled and cleansed daily, or washed with water at 180° F., by live steam or by some equivalent method of cleansing and sterilizing at the end of each day's operation.

24. Clean gloves, knives and finger cots used in the opening and packing of shucked shellfish shall be issued daily in the shucking house, and shall be sterilized prior to reissue. No shucker's pails, knives, gloves or finger cots shall be carried into the building or placed in use without first having received a thorough cleaning and sterilizing. Rubber gloves shall be used upon the hands at all times that it becomes necessary to touch the shucked shellfish with the hands, and they shall be thoroughly cleansed daily.

25. Shucked shellfish may be washed with clean unpolluted water for a period not in excess of three minutes. The washed shellfish may be briefly treated with further minimum portions of clean water and shall be removed promptly thereafter from the tank. The soaking of shucked oysters in fresh or salt water is prohibited.

26. A solid pack shall be required, when shucked shellfish are sold by volume. For the purpose of this rule a solid pack will be understood to mean shellfish which have been drained thoroughly of all adhering liquor.

27. All receptacles which contain shucked shellfish floated prior to shipment may be labelled with readily legible letters as to contents: "This package contains (Number) (Grade) floated oysters (or clams)".

28. Shucked shellfish offered for shipment shall be packed in sealed or crimped containers and thoroughly iced. Shellfish shall not be packed in contact with ice.

29. Shucked shellfish shall be shipped the same day they are opened unless stored at a temperature 45° F., or below, or packed throughly in ice.

30. Cans in which shucked shellfish are shipped must not be used a second time for this purpose. Each shucking house shall pack on its premises only in containers bearing the certificate number issued for its individual use.

31. Waste materials must not be permitted to accumulate in rooms where shucked shellfish are packed, but must be removed from time to time and the rooms thoroughly cleaned daily.

32. All shucking houses shall be provided with running hot and cold water, soap and clean towels at all times to enable employees to wash their hands. Employees shall be required to wash their hands before beginning work and after visiting the toilet. At least one wash stand for each 12 employees, shall be provided near the employees' entrance to the plant.

33. The outer clothing worn by persons engaged in shucking shellfish shall be of material which can be readily cleansed. Only clean garments shall be worn.

34. No person with infectious wounds shall be permitted to open shellfish or handle the same.

35. Any person engaged in opening, packing or handling shucked shellfish must secure a health certificate from a licensed physician showing that he or she is free from communicable disease. No person shall be permitted to be employed in a shucking establishment unless he or she has presented such certificate of examination made within the previous 12 months to the management of the shucking establishment, who shall be held responsible that employees secure health certificates.

36. No person afflicted with any communicable disease shall be permitted to enter the rooms of shucking houses where shellfish are opened, packed or otherwise handled.

37. No person shall be allowed to live or sleep in any room where shellfish are shucked, packed or stored.

38. No shellfish shall be sold within the State of New Jersey which has been repacked; or removed from the container in which it was originally packed after having been shucked, and thereafter reprocessed or repacked into the same or another container for the purpose of shipment or sale. No shucking house in the State of New Jersey shall remove any shellfish from a container packed in this or any other State, for the purpose of reprocessing or repacking the same for shipment.

39. Every person, firm or corporation who conducts any wholesale business of buying, selling or shipping shellfish shall keep an accurate daily record which shall show the names and addresses of all persons from whom lots are received, the source of each lot, and the names and addresses of all persons to whom lots are sold or shipped. Such records shall be open to inspection at any time during business hours by any representative of the Department.

40. No person shall maintain any float for the storage or conditioning of shellfish in any of the waters of the State without first having secured a permit in writing signed by the Director of Health to maintain such float, which permit shall cover only the portions of the year and the exact location and number of floats therein set forth. No person shall store, lay out or remove any shellfish in proximity to any habitation, bridge, dock, boat anchorage or condemned shellfish area without first having secured a permit in writing signed by the Director of Health.

41. No person shall store shellfish in tanks or basins situated within the confines of any shipping shed, or adjacent thereto, unless all of the waters entering such tanks or basins have been treated and sterilized in a manner approved by the Department.

The violation of any of the rules and regulations is punishable by a penalty of \$25.00 as provided in Section 24:14-9 of the Revised Statutes.