

SEAFOOD PROCESSING AND INSPECTION:
NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

BRIEF DESCRIPTION

The Department of Environmental Conservation proposes to change regulations on seafood processing and inspection. Amendments include revisions to cite federal rules which will be adopted by reference, rather than using old language that was previously paraphrased based on federal rules. Additional changes relating to recall plans, sanitation plans, and product sampling are also proposed.

The Department of Environmental Conservation proposes to adopt regulation changes in Title 18, Chapter 34 of the Alaska Administrative Code, dealing with seafood processing and inspection, including the following:

General Changes to 18 AAC 34:

- Update article titles and section headings for clarity, make conforming edits to tables of contents.
- Update federal rules adopted by reference.
- Make conforming edits; update citations and cross references.
- Update Editor's Notes.

Specific Changes to 18 AAC 34:

- 18 AAC 34.005 change and clarify applicability of the chapter.
- 18 AAC 34.010 adopt federal requirements by reference, implemented at 18 AAC 34.050 (sanitation control), 18 AAC 34.110 (labeling), 18 AAC 34.115 (adulterated seafood products), 18 AAC 34.122 (seafood product standards), 18 AAC 34.803 - .855 (Article 8 - Good Manufacturing Practice), and 18 AAC 34.990 (definitions).
- 18 AAC 34.035 clarify and streamline permit procedures.
- 18 AAC 34.045(d) repeal (enforcement clauses moved to 18 AAC 34.940).
- 18 AAC 34.047 section added to address product recall.
- 18 AAC 34.050 remove exemption for direct market vessels and direct market land based facilities; clarify language; move monitoring requirements; remove duplicative language and repeal enforcement clauses (which are being moved to 18 AAC 34.940).
- 18 AAC 34.055 repeal, now captured in 18 AAC 34.035.
- 18 AAC 34.060 repeal; now addressed in 18 AAC 34.810.
- 18 AAC 34.065 repeal; now addressed in 18 AAC 34.815.
- 18 AAC 34.070 repeal; now addressed in 18 AAC 34.815 and .820.
- 18 AAC 34.075 repeal; now addressed in 18 AAC 34.820.
- 18 AAC 34.080 repeal; now addressed in 18 AAC 34.820 and .830.
- 18 AAC 34.085 repeal; now addressed in 18 AAC 34.820.
- 18 AAC 34.090 repeal; now addressed in 18 AAC 34.825.
- 18 AAC 34.095 repeal; now addressed in 18 AAC 34.820.
- 18 AAC 34.100 repeal; now addressed in 18 AAC 34.803 and .805.
- 18 AAC 34.105 repeal; now addressed in 18 AAC 34.830.

- 18 AAC 34.110 clarify; make conforming edits.
- 18 AAC 34.112(b) move old 18 AAC 34.110(b) requirements into this subsection.
- 18 AAC 34.115 define "adulterated seafood product".
- 18 AAC 34.122 clarify; change standard for crab PSP.
- 18 AAC 34.125 amend sampling requirements for ready-to-eat refrigerated or frozen products; repeal requirement to submit samples to a qualified lab for shelf stable products; amend language regarding qualified vs. commercial laboratory.
- 18 AAC 34.205(b) update citations to include recall plan requirements (18 AAC 34.047) and new Article 8.
- 18 AAC 34.300 - 18 AAC 34.320 repeal this article as redundant to FDA Guidance.
- 18 AAC 34.400 update citation for thermally processed seafood products to refer to new Article 8; add requirements for acidified seafood products; repeal subsections that are redundant due to changes made in 18 AAC 34.400(a).
- 18 AAC 34.525 repeal cleaning and sanitizing section.
- 18 AAC 34.600 amend applicability of this article.
- 18 AAC 34.602 add requirement moved from 18 AAC 34.080(f).
- 18 AAC 34.700(c) repeal this subsection because it is redundant to (a)(1).
- 18 AAC 34.740 repeal cleaning and sanitizing section.
- 18 AAC 34.803 – 18 AAC 34.855 add sections covering Good Manufacturing Practice.
- 18 AAC 34.900(d) remove fee for seafood facility recognition program.
- 18 AAC 34.900(e)(1)(B) change in wording for types of violations.
- 18 AAC 34.920(a)(13)-(14) add requirement for availability and retention of records relating to new recall and training provisions at 18 AAC 34.047 and .803.
- 18 AAC 34.930(b) add language to allow inspector to collect samples for analytical testing.
- 18 AAC 34.930(f) repeal requirement for department to leave copy of inspection report at facility.
- 18 AAC 34.930(i) remove Kodiak and Valdez from list of designated ports for onsite inspections since those offices have closed.
- 18 AAC 34.935 repeal regulations regarding authorization and use of inspection seals.
- 18 AAC 34.940(c) amend language to clarify department discretion; add additional types of documents that a processor may be required to provide to the department; make conforming edits.
- 18 AAC 34.940(d) change in wording due to discontinued use of inspection scores. New language addressing timing for corrections of violations.
- 18 AAC 34.960 repeal the seafood processing facility recognition program.
- 18 AAC 34.990 amend definitions of "adequate", "facility", "food", "hazard", "processor", "qualified laboratory", "ready-to-eat", "sanitize", "seafood", and "water activity." Add a new definition for "food-contact surface."

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Lorinda Lhotka, Department of Environmental Conservation, 610 University Avenue, Fairbanks, AK 99709. Additionally, the Department of Environmental Conservation will accept comments by facsimile at (907) 451-5120 and by electronic mail at lorinda.lhotka@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the

system and using the comment link. The comments must be received not later than 5:00pm on February 1, 2019.

You may submit written questions relevant to the proposed action to Lorinda Lhotka, Department of Environmental Conservation, 610 University Avenue, Fairbanks, AK 99709 or by email to lorinda.lhotka@alaska.gov. The questions must be received at least 10 days before the end of the public comment period. The Department of Environmental Conservation will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and <https://dec.alaska.gov/eh/fss.aspx>. The Department of Environmental Conservation may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Theresa Zimmerman by electronic mail at theresa.zimmerman@alaska.gov or by phone at (907) 465-6171 or TDD Relay Service 1-800-770-8973/TTY or dial 711 not later than January 18, 2019 to ensure that any necessary accommodations can be provided

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System or by contacting Lorinda Lhotka at lorinda.lhotka@alaska.gov and (907) 451-2119.

After the public comment period ends, the Department of Environmental Conservation will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

Statutory authority: AS 17.20.005; AS 17.20.010; AS 17.20.030; AS 17.20.044; AS 17.20.050; AS 17.20.180; AS 44.46.020; AS 44.46.025

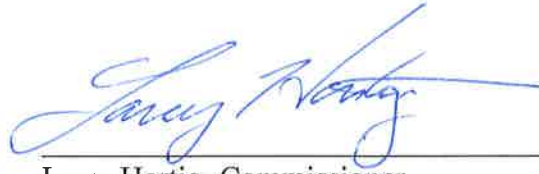
Statutes being implemented, interpreted, or made specific: AS 17.20.005; AS 17.20.010; AS 17.20.020; AS 17.20.030; AS 17.20.040; AS 17.20.044; AS 17.20.045; AS 17.20.050; AS 17.20.065; AS 17.20.066; AS 17.20.070; AS 17.20.072; AS 17.20.172; AS 17.20.180; AS 17.20.200; AS 17.20.230; AS 17.20.240; AS 17.20.250; AS 17.20.260; AS 17.20.270; AS 17.20.280; AS 17.20.290; AS 17.20.305; AS 17.20.340; AS 17.20.370; AS 44.46.020; AS 44.46.025

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

The Department of Environmental Conservation keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Department of Environmental Conservation notices of proposed regulation changes. To be added to or removed from the list, send a request to the Gary Mendivil, Department of Environmental Conservation at gary.mendivil@alaska.gov, giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

Date:

Nov. 21st 2018



Larry Hartig, Commissioner