

Technical Clarification to 105 CMR 500.000: *Good Manufacturing Processes for Food*

Public Health Council
April 8, 2015



Background

- On , April 9, 2014, the Public Health Council (PHC) gave the Department approval to move forward with a public comment process on regulatory amendments to consolidate 11 sets of regulations related to food manufacturing.
- A public hearing was held on May 30, 2014 followed by a public comment period of May 23, 2014 to June 20, 2014. Only one set of comments was received, which regarded regulations affecting manufacturers of bottled water.
- On October 8, 2014, the PHC approved the regulations. The Department proposed waiting for a period of approximately six months to proceed with final promulgation due to the need for the Departments Food Protection Program to prepare new written guidance documents, inspection reports, permits and related materials prior to the effective date of implementation.

Feedback: Holding of Live Seafood

- BEH/FPP has since received important feedback from the seafood industry that was not expressed during the public comment process.
- Section 105 CMR 500.006(D) as approved provides that “sea water may not be used to deliver, chill or hold live or unprocessed seafood.”
- Some members of the seafood industry expressed concern that this could be read as a ban on the practice of holding live lobsters in sea water, which is critical.
- This was never the intent of this section. The intent was to prohibit using unregulated sea water from harbors and estuaries to hold live whole fish or shellfish without approval or review.
- While not a practice in the majority of firms in the seafood industry, staff from BEH/FPP have cited some firms for sourcing water from closed areas subject to marine traffic or other adverse environmental conditions.

Proposed Clarification

- Today we are seeking approval to offer a minor clarification this section to address the seafood industry's concerns.
- We propose the following clarification:
 - “Sea water may be used to deliver, chill or hold live or unprocessed seafood, *except as otherwise determined by the Department.*”
- This clarification would reflect current practice, which is to review wet storage activities during routine seafood inspections to ensure that there is no food safety risk.
- Supplemental administrative guidance from DPH will provide further technical clarification regarding the use of sea water in licensed seafood operations.

VIII. Questions

