

## TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

### PART 21 RULES AND REGULATIONS FOR THE PREPARATION, PICKING, PACKING, SHIPPING, AND SALE OF SALTWATER CRABS AND SALTWATER CRAB PRODUCTS IN THE STATE OF MISSISSIPPI

#### Chapter 01 Introduction

##### Purpose

100 This Part establishes the minimum requirements necessary to regulate the processing of saltwater crabs and establishes a program to protect the public health of consumers by providing for the sale or distribution of saltwater crabs from safe sources and by providing that the saltwater crabs have not been adulterated during preparation, picking, packing, shipping and selling and other related activities in the state.

#### Chapter 02 Justification and Authority

100 The Mississippi Commission on Marine Resources (MCMR) has determined that it is in the best interest of the State of Mississippi and necessary for the protection, conservation, and propagation of all saltwater crabs in the waters under the territorial jurisdiction of the State of Mississippi to regulate the preparation, picking, packing, shipping and sale activities of saltwater crabs in the state.

101 The MCMR is authorized by Miss. Code Ann. § 49-15-15 (1) (c), as amended, to regulate all seafood sanitation and processing programs.

102 Miss. Code Ann. § 49-15-28, as amended, addresses seafood wholesale licensing.

103 Miss. Code Ann. § 49-15-29, as amended, authorizes the MCMR to assess and collect certain taxes and license fees.

104 Miss. Code Ann. § 49-15-30, as amended, authorizes the MCMR to promulgate regulations for nonresident certificates.

105 Miss. Code Ann. § 49-15-63, as amended, addresses general penalties for violation of these regulations.

#### Chapter 03 Definitions

100 **ADULTERATED** – saltwater crabs or saltwater crab products shall be deemed adulterated if any foreign substance has been added to the saltwater crab or saltwater crab products. Saltwater crabs or saltwater crab products shall also be deemed adulterated if the saltwater

crabs or saltwater crab products have been mixed or packed therewith so as to increase its bulk or weight, or reduce its quality, or make it appear better or of greater value than it is.

- 101 **CERTIFICATION or CERTIFY** – the issuance of a numbered certificate to a person for a particular activity or group of activities that indicates permission from the authority to conduct the activity.
- 102 **CERTIFICATION NUMBER** – a unique combination of letters and numbers, as assigned by the Mississippi Department of Marine Resources (MDMR), to each processor for each location. Each certification number shall consist of a three digit Arabic number preceded by the two letter State abbreviation (MS) and followed by the two letter abbreviation for the activity of crab processing (CP) that the processor is qualified to perform in accordance with this Part.
- 103 **CERTIFIED CRAB PLANT** – an individual, firm or corporation that has a building or facility/unit or parts thereof, used for or in connection with handling, transporting, packaging, repackaging, and/or processing of saltwater crabs or saltwater crab products and possesses a valid license and certification number.
- 104 **COMPLIANCE SCHEDULE** – a written schedule that provides a correction time period to eliminate the deficiencies noted during inspections.
- 105 **CONTAINER** – any bag, sack, tote, conveyance or other receptacle used for containing saltwater crabs or saltwater crab products for holding or transporting.
- 106 **CRITICAL DEFICIENCY (“C”)** – a condition or practice that results in the production of a product that is unwholesome or presents a threat to the health or safety of the consumer.
- 107 **CROSS CONNECTION** – an unprotected actual or potential connection between a potable water system and any source or system containing unapproved water or a substance that is not or cannot be approved as safe and potable.
- 108 **EASILY CLEANABLE** – a surface which is readily accessible and is made of such materials, has a finish, and is so fabricated that residues may be effectively removed by normal cleaning methods.
- 109 **FOOD CONTACT SURFACE** – those surfaces that contact human food and those surfaces from which drainage onto the food or onto surfaces that contact the food ordinarily occurs during the normal course of operations. Food contact surfaces include utensils and food contact surfaces of equipment.
- 110 **INCLUDES OR INCLUDING** – means includes or including by way of illustration and not by way of limitation.
- 111 **KEY DEFICIENCY (“K”)** – a condition or practice that could potentially result in adulterated, decomposed, misbranded or unwholesome product.

- 112 **LABEL** – any written, printed or graphic matter affixed to or appearing upon any package containing saltwater crabs or saltwater crab products.
- 113 **MAY** – means discretionary and is not mandatory or required.
- 114 **MISBRANDED** – products shall be deemed misbranded if its labeling is false or misleading in any way, or if it does not bear a label in accordance with this Part.
- 115 **OTHER DEFICIENCY (“O”)** – a condition or practice which is not defined as critical or key and is not in accordance with the requirements of this Part.
- 116 **PERSON** – any individual, receiver, trustee, guardian, personal representatives, fiduciary, or representative of any kind, and any partnership, association, corporation or other entity. Person includes the federal government, the State, and any other public or private entity.
- 117 **PEST** – refers to any objectionable animals or insects including, but not limited to birds, rodents, flies, and larvae.
- 118 **PROCESSING** – handling, storing, changing into different market forms, manufacturing, preserving, picking, chilling, and packaging, labeling, or holding.
- 119 **PROCESSOR** – means any person engaged in commercial, custom, or institutional processing of saltwater crabs or saltwater crab products.
- 120 **SALTWATER CRAB** – shall mean all species of saltwater crabs that are commercially processed. The primary saltwater crab species includes, but is not limited to *Callinectes sp.*
- 121 **SALTWATER CRAB PRODUCTS** – the actual saltwater crab or the edible meat of a processed saltwater crab distributed for consumption.
- 122 **SANITATION MONITORING** – monitoring conditions and practices during processing with sufficient frequency to ensure, at a minimum, conformance with those conditions and practices specified in this Part.
- 123 **SANITATION STANDARD OPERATING PROCEDURES** – a document that is specific to each location at which saltwater crabs or saltwater crab products are handled/processed. This document should specify how the processor intends to meet the sanitation conditions and practices to be monitored in accordance with this Part.
- 124 **SANITIZE** – to adequately treat food contact surfaces by a process that is effective in destroying vegetative cells of microorganisms of public health significance, substantially reducing the numbers of other undesirable microorganisms, and not adversely affecting the product or its safety for the consumer.
- 125 **SHALL** – is used to state mandatory requirements.

126 **SHOULD** – is used to state recommended or advisory procedures or to identify recommended equipment.

127 **SWING DEFICIENCY** (“S<sup>O/K</sup>” or “S<sup>K/C</sup>”) – a deficiency noted on the inspection form which, depending upon the severity and circumstances, can be a “Critical, Key, or Other” deficiency.

#### **Chapter 04 Application**

100 As provided in Miss Code Ann. § 49-15-15(1) (c), as amended, the provisions of this Part shall apply to:

100.01 All persons, firms or entities engaged in the processing of saltwater crabs or saltwater crab products intended for human consumption and operating under a certified crab plant certification number as issued by the MDMR.

100.02 Retail establishments located in Hancock, Harrison and Jackson Counties of the State of Mississippi operating in conjunction with a certified crab plant or seafood market which primarily deal with saltwater crab or saltwater crab products.

100.03 Those areas of any certified crab plant under the jurisdiction of the MCMR.

100.04 Non-residents engaged in like activity as defined in Miss. Code Ann. § 49-15-30, as amended.

101 The provisions of this Part shall not apply to:

101.01 Operations of such persons, firms, entities or establishments with respect to seafood products other than saltwater crabs;

101.02 The operations of retail establishments located in Mississippi dealing in seafood or seafood products, but not operating in conjunction with a certified crab plant.

101.03 Harvesting or transporting saltwater crab or saltwater crab products, without otherwise engaging in processing.

#### **Chapter 05 MDMR Program Management**

100 The MCMR authorizes MDMR to manage the saltwater crab plant certification program activities according to the relevant specifications stated in this Part and the applicable statutes of the State of Mississippi.

101 The MDMR management includes inspections of the certified facilities in accordance with relevant seafood sanitation/health safety specifications specified herein.

101.01 The MDMR shall issue to certified crab plants written information of non-compliance with these specifications.

101.02 For the cited excessive non-compliances, the MDMR shall provide the processor a reasonable schedule for correction to bring the facilities into

compliance according to the current and relevant sanitation/health safety specifications stated herein.

102 The MDMR Executive Director, the Director of Marine Fisheries or the MDMR designee in charge of saltwater crab processing or his designee will declare that saltwater crabs or saltwater crab products be recalled when the MDMR determines that a recall is required to eliminate a public health risk to consumers who otherwise may experience such a risk if the food is available and is consumed. The recalled saltwater crabs or saltwater crab products will be properly disposed of in accordance with Chapter 14 Subchapter 103 of this Part to prevent human consumption.

## **Chapter 06 Processor Certification**

### 100 General requirements

100.01 It shall be unlawful for a person to act as a processor prior to obtaining certification.

100.02 Any person who wants to be a processor shall provide the MDMR a business address at which inspections of the facilities, activities, or equipment can be conducted.

100.03 It shall be unlawful for all persons, firms, or entities desiring to engage in processing saltwater crabs within the State of Mississippi to fail to obtain a license for such operations in accordance with Miss. Code Ann. § 49-15-28 and § 49-15-29, as amended.

100.04 The MCMR authorizes MDMR to certify all saltwater crab processors that comply with the terms of this Part, within the jurisdiction of the MCMR, for processing saltwater crabs or saltwater crab products.

100.04.01 Any such certification shall be issued provided the requesting applicant's facility/unit is subject to a comprehensive onsite inspection by a seafood inspector of the MDMR, using the appropriate inspection form, within the 120 day period immediately prior to the issuance or renewal of the certification.

100.04.02 All certifications shall expire annually on the last day of a month selected by the MDMR.

100.04.03 The MDMR shall issue only one certification number to a processor for a location. A processor may obtain more than one certification if each business is maintained as a separate entity and is not found in the same location.

100.04.04 The MDMR may allow separate certified crab plants to share a facility.

100.04.05 The certification number issued to each processor by the MDMR shall be unique.

101 Initial certification shall be granted provided the following standards are met:

101.01 No critical deficiencies;

- 101.02 Not more than 3 key deficiencies;
- 101.03 Not more than 5 other deficiencies;
- 101.04 The initial certification includes a compliance schedule to correct the deficiencies if necessary; and
- 101.05 Processor is properly licensed in accordance with Miss. Code Ann. §49-15-28 and §49-15-29, as amended.

102 Renewal of certification shall be at the request of the certified processor at the time specified by the MDMR. Recertification shall be granted provided the processor has:

- 102.01 Eliminated any critical deficiencies;
- 102.02 Agreed to a compliance schedule which carries forward into the next certification period no more than 4 key deficiencies and no more than 6 other deficiencies identified in previous inspections;
- 102.03 Addressed any new key or other deficiencies in a new or revised compliance schedule; and
- 102.04 Provided evidence of proper certification and licensing in accordance with this Part.

103 Any person, firm or other entity applying for certification/recertification must, in addition to complying with the provisions listed above, meet the following requirements in order to have issued and to maintain such a certification:

- 103.01 A processor must have available fixed cold temperature holding space adequate to hold the maximum amount of saltwater crabs or saltwater crab products received on any given day.
- 103.02 Available space adequate to accommodate at proper temperature the total accumulation of saltwater crabs or saltwater crab products held for more than one day under cold temperature holding space conditions.
- 103.03 A certified seafood processor's operational activities shall meet all seafood safety and sanitation control procedures/requirements as set out in this Part.

## **Chapter 07 Responsibility of Processor, Manager and Operator**

100 Each certified crab plant processor, manager, and operator shall assure that all regulations as specified in this Part are strictly adhered to and that only safe and wholesome unadulterated product shall be offered for sale to the consuming public.

101 The processor shall assure that the certified crab plant is properly supervised in accordance with Chapter 15 Subchapter 110 of this Part at all times.

102 The owner of a certified crab plant shall keep all safety/sanitation and marketing (not including price information) records for a minimum of one (1) year for fresh products and a minimum of two (2) years or the shelf-life, which ever is longer, for frozen products.

103 In the event the MDMR issues a recall of saltwater crab products based upon the need to eliminate a public health risk, the processor shall fully cooperate with the MDMR in implementing the product recall. The processor shall be responsible for determining where the recalled lot or lots were moved to in the market system, contacting the receivers of the product, stopping any further market distribution of the products and removing the products from the market as directed by the MDMR and providing the MDMR proof of removal in the form of bills of lading, receipts, or some other similar documentation.

## **Chapter 08 Inspections**

100 After initial certification or recertification, the MDMR is authorized to make unannounced inspections of the processor's facilities during periods of activity and no less frequently than once per quarter.

101 The certified crab plant may be officially inspected more frequently than once per quarter if it consistently has excessive critical and non-critical deficiencies as defined by the MDMR that are not corrected based upon a reasonable correction schedule as agreed upon by the MDMR and the certificate holder.

102 The MDMR will provide a copy of the completed inspection form to the person in-charge at the certified crab plant operation at the time of the inspection. The inspection form shall contain a listing of deficiencies by area in the operation with corresponding citation from this Part.

## **Chapter 09 Actions Triggered by Inspections**

100 When any MDMR inspector detects a critical deficiency:

100.01 The owner/supervisor shall correct the deficiency during that inspection;  
or

100.02 The processor must cease the production affected by the deficiency

101 When the processor fails to comply with (100) above, the MDMR is authorized to immediately begin actions to suspend or revoke the processor's certification.

102 Product affected by a critical deficiency shall be controlled to prevent contaminated or adulterated product from reaching consumers. When necessary the MDMR is authorized to:

102.01 Detain or seize any undistributed lots of product that may have been adulterated;

102.02 Initiate a recall of any distributed product; and

102.03 Immediately notify the enforcement officials of the Food and Drug Administration (FDA) and any other Authorities where product was distributed.

103 Temporary hold on a saltwater crab product

- 103.01 The MDMR, while in a certified crab plant, has the authority to place any saltwater crab product in the facility/unit on a temporary hold to prevent the designated product from leaving the facility/unit.
- 103.02 The saltwater crab product in the certified crab plant can only be placed on the temporary hold in cases where there is evidence, as documented on the official inspection form signed and dated by the MDMR to support such action. The inspection must show with clear and convincing evidence that the products involved are misbranded, adulterated or potentially adulterated, or that a health hazard or potential health hazard exists. A copy of the official inspection sheet, with the temporary hold order, handed to the certificate holder or the certificate holder's authorized representative, or in their absence, posted in a conspicuous place at the facility/unit, shall constitute a written notice for a temporary hold on the products.
- 103.03 The temporary hold shall remain in effect until the processor is notified in writing by the MDMR that the violation has been corrected and the product confiscated has been destroyed or managed in some other manner that allows the product to be safely marketed for human consumption. These corrective actions must be done to the satisfaction of the MCMR or as hereby authorized the MDMR, Executive Director, or the MDMR designee in charge of saltwater crab processing.

#### 104 Cease and Desist Orders

- 104.01 After seventy-two (72) hours on temporary hold of a certified crab plants saltwater crab product a cease and desist order may be issued by the MDMR Executive Director, the Director of Marine Fisheries or the MDMR designee in charge of saltwater crab processing and remain in effect until such time that product acceptability can be verified.
- 104.02 In a case where any saltwater crab products involved create a health hazard or whenever adulterated or misbranded products are found, or in any case of willful refusal to certify an inspection, the MDMR may issue a Cease and Desist order effective immediately to suspend all related processing activities. This order shall be in effect until such time as proper corrective actions have been taken and the order is lifted as provided in writing.
- 104.03 Verification that proper corrective actions have been taken shall be provided in writing and this can be provided on the official inspection form during an official inspection of the certified crab plant.

#### 105 Suspension or Revocation of a Seafood Processors Certificate

- 105.01 A certification held by a person shall be suspended or revoked by the MCMR when presented evidence as follows:
- 105.01.01 The certified crab plant owner, operator, or manager interfered or failed to cooperate as necessary, with the MDMR during an inspection.
- 105.01.02 The certificate holder interfered or prevented the temporary

hold or confiscation and disposal of saltwater crab or saltwater crab products by the MDMR when the saltwater crab product was declared, in writing, an adulterated or potentially adulterated product and a public health risk or a potential public health risk by the MDMR, and the MDMR concluded that the stated foods had to be confiscated, removed from the facility/unit and properly disposed.

105.02 The suspension or revocation of a certification shall be implemented provided that the MDMR shall in all cases serve upon the holder a written notice of intent to suspend or revoke the certificate. The notice shall specify the violations and allow the holder such reasonable opportunity to correct such violations as may be agreed to by the parties before making any order of suspension/revocation effective. A copy of the official signed suspension or revocation order handed to the certification holder or the certification holder's authorized representative, or in their absence, posted in a conspicuous place in the establishment, shall constitute a written notice to suspend or revoke the certificate. A suspension/revocation of a certificate shall remain in effect until the violation has been corrected to the satisfaction of the MDMR or, in an absence of a correction satisfactory to the MDMR, to the satisfaction of the MCMR.

105.03 Upon receipt of an application from any person whose certificate has been suspended or revoked, the MDMR shall make such inspection(s) and as deemed necessary, collect samples and test them to determine compliance with the requirements of this Part.

105.04 Upon the occurrence of repeated critical health hazards to humans or violation(s) in other regulated seafood sanitation and health safety categories, the MCMR may revoke such certificate following reasonable notice to the certificate holder and an opportunity for a hearing.

## **Chapter 10 Performance Based Inspection Program (PBIP)**

100 A PBIP may be instituted by the MDMR for any certified crab plant that meets the requirements of Chapter 06 subchapter 103 of this Part.

101 The minimum frequency of inspection under a PBIP shall be no less than one (1) inspection per certification period. The recertification inspection may qualify as the required minimum inspection frequency.

102 To be eligible for a PBIP, the processor shall have demonstrated a history of satisfactory compliance for the previous three-year (3) period. The three year (3) demonstration shall include:

102.01 Full compliance with the minimum inspection frequency shown under Chapter 08 of this Part;

- 102.02 Recertification of the processor by the MDMR;
- 102.03 Verification that no critical deficiencies, no more than one key deficiency and no more than two other deficiencies have occurred in any one inspection;
- 102.04 Correction of all identified deficiencies in accordance with the compliance schedule approved by the MDMR; and
- 102.05 No repetition of the identified deficiencies.

## **Chapter 11 Labeling of Saltwater Crab Products**

100 All containers or packages enclosing fresh or frozen saltwater crab products shipped into or out of the State of Mississippi shall originate from a certified processor and shall be conspicuously, indelibly, and legibly labeled with the following information:

- 100.01 Name of the product.
- 100.02 Name and address of the packer, repacker or distributor.
- 100.03 Size of the container or package.
- 100.04 Certification number.
- 100.05 Containers of frozen saltwater crab products shall bear on the label nutritional facts as required by federal regulations unless otherwise exempt.

101 All saltwater crabs and saltwater crab products shipped by a certified processor within, into or out of the State of Mississippi shall be accompanied by a bill of lading or bill of sale with the following information:

- 101.01 Shipper's name, address, and certificate number.
- 101.02 Date of shipment.
- 101.03 Name and address of consignee.
- 101.04 Type and quantity of saltwater crabs or saltwater crab products.

102 All saltwater crabs and saltwater crab products purchased for personal consumption must be properly identified as specified in accordance with Chapter 11 of this Part, and be accompanied by a receipt or a bill of sale containing the following information, the intent being that the following information is present and available for inspection by any official of MDMR.

- 102.01 Name and certificate or license number of seller.
- 102.02 Quantity of saltwater crabs or saltwater crab products purchased.
- 102.03 Purchase date.

## **Chapter 12 Purchase and Sales Records**

100 Persons, firms or corporations handling, buying, selling, or shipping saltwater crabs or saltwater crab products shall keep accurate records showing the names, addresses, and permit numbers of all persons from whom lots are received, the source of each lot (growing

area) and the names and addresses of persons to whom lots are sold or shipped and the dates of the aforementioned transactions. Persons, firms or corporations handling, buying, selling or shipping saltwater crabs or saltwater crab products shall record the number of containers of saltwater crabs or saltwater crab products and to whom or from whom the saltwater crabs or saltwater crab products were shipped, sold, bought or received. Such records shall be open to inspection at any time during operating hours, by any duly authorized representative of the MDMR.

### **Chapter 13 Transportation of Saltwater Crabs or Saltwater Crab Products**

100 All saltwater crab products transported by a certified crab plant across the borders of the State of Mississippi, whether being imported into or exported from the State and that requires cold temperature control for health safety, must be under cold temperature holding conditions that maintain seafood safety conditions. However, this regulation shall not apply to live animals of seafood species covered under this Part, provided the holding temperature for such live animals does not create health safety risks when such live animals are processed and marketed for human consumption.

### **Chapter 14 Adulterated or Misbranded Saltwater Crab Products**

100 No person shall within the state of Mississippi hold or pack saltwater crab products under conditions whereby the product may become adulterated and/or a known public health risk.

101 It shall be unlawful within the state of Mississippi to produce, provide for sell or purchase, offer, possess, or have in possession with intent to sell, any saltwater crabs or saltwater crab products which are adulterated or misbranded.

102 Any adulterated, misbranded, mislabeled, or unlabeled saltwater crabs or saltwater crab products under the jurisdiction and authority of the MCMR in accordance with Miss. Code Ann. §49-15-15 (c), as amended, may be impounded by the MDMR Executive Director, the Director of Marine Fisheries or the MDMR designee in charge of saltwater crab processing.

103 Marine Patrol is authorized to seize and dispose of saltwater crabs or saltwater crab products as directed by the MCMR, the MDMR Executive Director, the Director of Marine Fisheries, the Seafood Technology Bureau Director or a certified Seafood Inspector.

### **Chapter 15 Sanitation Requirements**

100 The following are the requirements specific for processing saltwater crabs and saltwater crab products. The criticality of the requirement is noted after each as (“C”), (“K”), (“O”) or (“S<sup>O/K</sup>” or “S<sup>K/C</sup>”).

101 For the safety of water used for processing and ice production the

processor shall assure:

- 101.01 Process water is safe and of adequate sanitary quality; (C), and
- 101.02 Water used for washing, rinsing, or conveying is of safe and adequate sanitary quality; (C), and
- 101.03 Water used for ice manufacture is of safe and adequate sanitary quality; (C), and
- 101.04 No cross connections between sewer or wastewater and processing water are present. (C)

102 The processor shall maintain the condition and cleanliness of food contact surfaces in that:

- 102.01 Food contact surfaces are designed, fabricated, maintained and installed to be easily cleanable and capable to withstand the environment of use and cleaning compounds; (K), and
- 102.02 Smoothly bonded seams exist on all food contact surfaces of equipment and utensils; (K), and
- 102.03 The food contact surface is cleaned and sanitized before use, after interruptions, and as necessary; (K), and
- 102.04 Outer garments are suitable to the operation and cleaned in a manner that protects against the contamination of food, food-contact surfaces, or food packaging materials; (O), and
- 102.05 Gloves are impermeable, clean and sanitary. (O)

103 The processor shall prevent cross contamination of food and food contact surfaces by:

- 103.01 Ensuring employees conform to hygienic practices and maintain personal cleanliness adequately and as necessary to prevent contamination of food, food contact surfaces, or food packaging materials; (K), and
- 103.02 Washing and sanitizing hands before start of work, after absence from workstation and when hands have become contaminated; (K), and
- 103.03 Removing or covering jewelry that cannot be sanitized; (O), and
- 103.04 Storing clothing or personal items away from exposed food or where equipment or utensils are washed; (O), and
- 103.05 Preventing employees from eating, chewing gum, drinking or using tobacco near exposed food or food contact surfaces; (K), and
- 103.06 Taking precautions as necessary to protect against contamination of food, food-contact surfaces, or food packaging materials with microorganisms, or foreign substances including, but not limited to, perspiration, hair, cosmetics, tobacco, chemicals, and medicines applied to the skin; (K), and
- 103.07 Applying effective measures to protect finished product contamination by raw materials, other ingredients, or refuse. When raw materials, other ingredients, or refuse are unprotected, they shall not be handled simultaneously in a receiving, loading, or shipping area if that handling could result in contaminated food; (S<sup>O/K</sup>), and
- 103.08 Protecting food transported by conveyor against contamination as necessary; (S<sup>O/K</sup>), and
- 103.09 Practicing sanitary handling procedures; (K), and

- 103.10 Ensuring that the plant design reduces the potential for contamination of food, food contact surfaces, and packaging materials and prevents employees from contaminating food from clothing or personal contact; (O), and
- 103.11 Separating operations to prevent cross contamination of food, food-contact surfaces, and packaging materials by location, time, partition, air flow, enclosed system, or other effective means. (O)

104 The processor shall maintain hand washing, hand sanitizing and toilet facilities by:

- 104.01 Providing warm water at all locations for hand washing at a minimum temperature of 110°F dispensed from a hot and cold mixing or combination faucet; (K), and
- 104.02 Providing hand washing, and where appropriate, hand sanitizing facilities are at each location where good sanitary practice dictates their use; (K), and
- 104.03 Having effective hand cleaning and hand sanitizing preparations, such as a supply of hand cleansing soap, hand sanitizer, sanitary towel service or suitable drying devices present, an easily cleanable waste receptacle and handwashing signs in a language understood by the employees; (O), and
- 104.04 Designing and constructing devices or fixtures to protect against recontamination of clean sanitized hands; (O), and
- 104.05 Providing an adequate and functioning sewage disposal system; (S<sup>K/C</sup>), and
- 104.06 Providing adequate, readily accessible toilet facilities maintained in a sanitary condition, in good repair at all times with self-closing doors that protect food from airborne contamination (K).

105 The processor shall protect food and food contact surfaces from adulteration by:

- 105.01 Assuring the design, construction, and use of equipment precludes adulteration of food with lubricants, fuel, metal fragments, contaminated water, or other contaminants; (S<sup>O/K</sup>), and
- 105.02 Taking all reasonable precautions to ensure production procedures do not contribute to contamination from any source; (S<sup>O/K</sup>), and
- 105.03 Holding raw materials, other ingredients, and rework in bulk, or in containers designed and constructed so as to protect against contamination and held at such temperature and relative humidity and in such a manner as to prevent adulteration of the food; (S<sup>O/K</sup>), and
- 105.04 Identifying product scheduled for rework as such; (O), and
- 105.05 Holding liquid or dry raw materials and other ingredients received and stored in bulk form in a manner that protects against contamination; (O), and
- 105.06 Conducting work-in-process in a manner that protects against contamination; (K), and
- 105.07 Constructing, handling, and maintaining equipment, containers, and utensils used to convey, hold, or store raw materials, work-in-process, rework, or food during manufacturing or storage in a manner that protects against contamination; (O), and

- 105.08 Performing mechanical manufacturing steps so as to protect food against contamination; (K), and
- 105.09 Treating or maintaining batters, breading, sauces, gravies, dressings, and other preparations in such a manner that they are protected against contamination; (K), and
- 105.10 Performing in such a way the filling, assembling, packaging, and other operations such that the food is protected from contamination; (K), and
- 105.11 Storing and transporting finished food under conditions that will protect food against physical, chemical, and microbial contamination as well as against deterioration of the food and the container; (S<sup>K/C</sup>), and
- 105.12 Assuring that drip or condensate from fixtures, ducts and pipes do not contaminate food, food-contact surfaces, and food packaging materials; (S<sup>K/C</sup>), and
- 105.13 Providing adequate physical protection of food from contamination that may drip, drain, or be drawn into the food; (S<sup>K/C</sup>), and
- 105.14 Providing adequate physical protection of components from contaminants that may drip, drain, or be drawn into them; (S<sup>K/C</sup>), and
- 105.15 Providing aisles or working spaces between equipment and walls, that are adequately unobstructed and of adequate width to permit employees to perform their duties and to protect against contaminating food or food-contact surfaces with clothing or personal contact; (O), and
- 105.16 Treating compressed air or other gases mechanically introduced into food or used to clean food-contact surfaces or equipment in such a way that food is not contaminated with unlawful indirect food additives (K).

106 The processor shall properly label, store, and use toxic compounds according to the following:

- 106.01 Toxic cleaning compounds, sanitizing agents, and pesticides are identified, held, and stored in a manner that protects food, food contact surfaces, and food packaging materials from contamination, and all relevant regulations for their use followed; (K), and
- 106.02 Permitting the use of insecticides or rodenticides under precautions and restrictions that will protect against the contamination of food, food-contact surfaces, or food packaging materials. (K)

107 The processor shall control employee health conditions by:

- 107.01 Ensuring any person who, by medical examination or supervisory observation, is shown to have, or appears to have, an illness, open lesion, including boils, sores, or infected wounds, or other abnormal source of microbial contamination by which there is a reasonable possibility of food, food-contact surfaces, or food packaging materials becoming contaminated, be excluded from any operations which may be expected to result in such contamination until the condition is corrected; (K), and
- 107.02 Instructing employees to report such health conditions to their supervisor. (K)

108 The processor shall control pests by:

- 108.01 Excluding all pests from any area of the certified crab plant; (K), and
- 108.02 Providing effective measures to exclude pests from the processing areas and to protect against the contamination of food on the premises by pests; (K), and
- 108.03 Providing, where necessary, adequate screening or other protection against pests. (K)

109 The processor shall provide equipment and utensils used in processing such that:

- 109.01 Non-food contact surfaces in processing areas are constructed to be easily cleanable; (O), and
- 109.02 Holding, conveying, and manufacturing systems are designed and constructed to be maintained in an appropriate sanitary condition; (O), and
- 109.03 Freezers and cold storage compartments are fitted with an indicating thermometer, temperature measuring device, or temperature recording device and should be fitted with automatic control for regulating temperature or with an automatic alarm to indicate temperature change; (K), and
- 109.04 Instruments and controls used for measuring, regulating, or recording temperatures, pH, etc. shall be accurate and adequately maintained, and adequate in number for their designed use. (O)

110 All operations in the receiving, inspecting, transporting, segregating, preparing, manufacturing, packaging and storage of seafood shall be conducted in accordance with the sanitation requirements as follows to ensure that:

- 110.01 Raw materials and other ingredients shall either not contain levels of microorganisms that may produce poisoning or diseases in humans or they shall be pasteurized or otherwise treated to reduce levels; (K), and
- 110.02 Raw materials and other ingredients susceptible to contamination with natural toxins shall comply with current FDA regulations and guidelines, and action levels before incorporated into finished food; (K), and
- 110.03 Raw materials, other ingredients, and rework susceptible to contamination with undesirable microorganisms, pests, or extraneous material shall comply with FDA regulations, guidelines, and defect action levels; (K), and
- 110.04 When frozen materials/products are thawed, it is done in a manner that protects the materials/products from adulteration; (S<sup>O/K</sup>), and
- 110.05 All saltwater crab or saltwater crab product manufacturing, including packaging and storage, are conducted under such conditions and controls as necessary to minimize the potential for growth of microorganism, or for the contamination of the saltwater crab or saltwater crab product ; (S<sup>K/C</sup>), and
- 110.06 Saltwater crabs or saltwater crab products that can support the rapid growth of microbes are held in a manner that prevents adulteration by:
  - 110.06.1 Maintaining refrigerated seafood at 40<sup>0</sup>F or below as appropriate for seafood involved; (C), and

110.06.2 Maintaining frozen food in a frozen state. (K)

- 110.07 Methods used to destroy or prevent the growth of undesirable microbes are adequate under the conditions of manufacturing, handling, and distribution to prevent adulteration; (K), and
- 110.08 Effective measures are taken to protect food from inclusion of metal or other extraneous material; (O), and
- 110.09 Adulterated saltwater crabs or saltwater crab products are disposed of in a manner that protects other foods from contamination; (S<sup>K/C</sup>), and
- 110.10 Ingredients used are free from contamination; (C), and
- 110.11 Heat processes are used where applicable; (C), and
- 110.12 Time temperature controls are in place; (C), and
- 110.13 Product is cooled to the adequate temperature during manufacturing; (C), and
- 110.14 Disposing of batters are at appropriate intervals to protect against the growth of microorganisms; (K), and
- 110.15 Food containers and packaging materials are safe and suitable; (O), and
- 110.16 Physical protection from contamination is provided; (O), and
- 110.17 Food manufacturing areas and equipment used in manufacturing human food are not used to manufacture non-human food-grade animal feed or inedible products, unless no possibility of contamination to human food exists. (K)

111 The processor shall take all precautions and measures to ensure the following:

- 111.01 Employees are wearing, where appropriate, in an effective manner, hair nets, headbands, caps, beard covers, or other hair restraints; (O),
- 111.02 Product handlers and supervisors receive appropriate training in proper food handling techniques and food protection principles and are informed of the danger of personal hygiene and insanitary practices; (K), and
- 111.03 Clearly assigned, competent supervisory personnel. (K)

112 The grounds about the certified facility under the control of the processor shall be kept in a condition that will protect against the contamination of food. The requirements for adequate maintenance of grounds include, but are not limited to:

- 112.01 Properly storing equipment, removing litter and waste, and cutting weeds or grass within the immediate vicinity of the facility that may constitute an attractant, breeding place, or harborage for pests. (O)
- 112.02 Maintaining roads, yards, and parking lots so that they do not constitute a source of contamination in areas where food is exposed. (O)
- 112.03 Adequately draining areas that may contribute contamination to food by seepage, foot-borne filth, or providing a breeding place for pest. (O)
- 112.04 Operating systems for waste treatment and disposal in an adequate manner so that they do not constitute a source of contamination in areas where food is exposed. (O)
- 112.05 If the plant grounds are bordered by grounds not under the operator's control and are not maintained in the manner described above, care shall

be exercised in the plant by inspection, extermination, or other means to exclude pests, dirt, and filth that may be a source of contamination. (O)

113 The plant building, fixtures, structures and other physical facilities requirements are:

113.01 The plant building, fixtures, structures and other physical facilities are maintained and repaired to prevent adulteration of food. (O)

113.02 Cleaning and sanitizing is done in manner that protects from contamination. (O)

113.03 Non-food contact surfaces are cleaned as frequently as necessary to protect from contamination. (O)

113.04 Single-service articles used, stored, handled, dispensed, and disposed of in a manner to protect against contamination of food or food contact surfaces. (O)

113.05 Storage of cleaned and sanitized portable equipment in a location that protects food contact surfaces from contamination. (O)

113.06 Adequate lighting in handwashing areas, dressing or locker rooms, and toilet facilities, and all rooms where food is examined, processed or stored and where utensils and equipment are cleaned to be provided with safety-type light bulbs or other means of protecting against food contamination in case of breakage. (O)

113.07 Floors, walls and ceilings shall be kept clean and in good repair. (O)

114 Sanitary facilities and controls shall be such that:

114.01 Plumbing is of adequate size and design, installed and maintained to carry sufficient quantities of water to required locations, able to properly convey sewage and other liquid disposable wastes from the plant, able to avoid constituting a source of contamination to food, water supplies, equipment, or utensils. (S<sup>O/K</sup>)

114.02 Adequate floor drainage is provided in all areas where floors are subject to flood-type cleaning or where normal operations release or discharge water or other liquid waste on the floor. (O)

114.03 Refuse receptacle are constructed and maintained to protect food against contamination. (O)

114.04 Rubbish and offal are conveyed, stored, and disposed of to minimize potential for pest harborage or breeding, and protect against contamination of food, food contact surfaces, and water supply. (O)

## **Chapter 16 Enforcement**

100 The MDMR is authorized to use any combination of fines, certification cancellations, temporary suspension of operating licenses, embargoes, product condemnations or product seizures to accomplish the implementation of this Part.

## **Chapter 17 Penalties**

100 Any unlawful act under this Part committed by any person, firm, or corporation shall be deemed a violation of the provisions of this Part and shall constitute a misdemeanor and upon conviction, said person shall be punished in accordance with Miss. Code Ann. § 49-15-63, as amended, unless a penalty is specifically provided elsewhere in the Mississippi Code Ann. of 1972, as amended.

## **Chapter 18 Chapters and Subchapters Declared Separable**

100 Each chapter and subchapter of this Part is hereby declared separable, and if any chapter or subchapter or part thereof shall be held invalid or unconstitutional, the balance of said Title 22 Part 21 shall remain in full force and effect.

101 Violations of more than one chapter or subchapter of this Part or part thereof shall be considered separate and punished as such.

## **Chapter 19 Administrative Procedures Act**

100 Pursuant to the amendments to the Administrative Procedures Act § 25-43-1.101, *et seq.*, of the Mississippi Code Ann. of 1972, as amended, and the rules and regulations promulgated pursuant thereto by the Secretary of State; the former Ordinance 21.000 has been modified and the MCMR and MDMR have adopted the terminology and numbering system developed by the Secretary of State. Therefore, references to “ordinance” or to “Part” appearing in these regulations or the underlying statutes are used interchangeably and refer to the same instrument.

**TITLE 22 - MISSISSIPPI DEPARTMENT OF MARINE RESOURCES  
PART 21 RULES AND REGULATIONS FOR THE PREPARATION, PICKING,  
PACKING, SHIPPING, AND SALE OF SALTWATER CRABS AND SALTWATER  
CRAB PRODUCTS IN THE STATE OF MISSISSIPPI, from and after the \_\_\_\_\_ day of  
\_\_\_\_\_, 2006**

Adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 2006

**MISSISSIPPI COMMISSION ON MARINE RESOURCES**

By: \_\_\_\_\_  
Vernon Asper, Ph.D., Chairman

**MISSISSIPPI DEPARTMENT OF MARINE RESOURCES**

By: \_\_\_\_\_  
William W. Walker, Ph.D., Executive Director