

**NOTICE OF PROPOSED RULE ADOPTION
STATE OF MISSISSIPPI
MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
OFFICE OF MARINE FISHERIES**

c/o Michaela Hill
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Specific Legal Authority authorizing the promulgation of Rule:
Mississippi Code Ann. § 49-15-15, Administrative Procedures Act, § 25-43-1.101 *et seq.*

Reference to Rules repealed, amended or suspended by the Proposed Rule: No rules have been repealed or suspended. Proposed change by the addition to Title 22 Part 17; Chapter 11, Section 106 The Executive Director may establish additional labeling and tagging requirements as may be required or necessary. Chapter 13, Section 115, The Executive Director may establish other time and temperature controls on the shipping and transportation of shellstock as may be required or necessary. Chapter 14, Section 108, The Executive Director may establish other time and temperature controls on receiving and storing shellstock as may be required or necessary.

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule: TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES PART 17 REGULATION OF SHELLFISH LANDING, UNLOADING, TRANSPORTING, PROCESSING, BUYING, SELLING, OPENING, AND OTHER SHELLFISH RELATED ACTIVITIES IN THE STATE OF MISSISSIPPI. The proposed changes are to Title 22 Part 17; Chapter 11, Section 106 The Executive Director may establish additional labeling and tagging requirements as may be required or necessary. Chapter 13, Section 115, The Executive Director may establish other time and temperature controls on the shipping and transportation of shellstock as may be required or necessary. Chapter 14, Section 108, The Executive Director may establish other time and temperature controls on receiving and storing shellstock as may be required or necessary. These changes would give the Executive Director the flexibility to seasonally adjust these respective parameters or requirements in order to achieve current and future ISSC requirements of illness reduction plans or management plans for *Vibrio parahaemolyticus* or *Vibrio vulnificus* to better protect the public health, or health of “at-risk” consumers, and to allow for greater options to the industry in meeting these requirements.

This rule is proposed as a Final Rule, and/or a Temporary Rule (Check one or both boxers as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Oral Proceeding: Check one box below:

An oral proceeding is scheduled on this rule on Date: {Insert Date} Time: {Insert Time}
Place: {Insert Place}

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least ___ day(s) prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Economic Impact Statement: Check one box below:

The agency has determined that an economic impact statement is not required for this rule, or
This proposed change does not constitute a “significant amendment” and the estimated economic impacts are less than \$100,000.

The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Date Rule Proposed: August 18, 2009

Proposed Effective Date of Rule: September 28, 2009



William W. Walker, Ph.D. MDMR Executive Director
Signature and Title of Person Submitting Rule for Filing

SOS FORM APA 001
Effective Date 07/29/2005