

DNREC Virtual Public Hearing

October 5, 2021

For 7 DE Admin. Code 7402 Shellfish Sanitation Regulations(Docket #2021-R-WS-0003)

Welcome. Any visual content that is part of this hearing will appear in this window. You can use your computer audio to listen to this hearing. Use the audio connections menu to turn audio on your computer on or off. Or you can dial-in to the hearing using the following information:

Dial-in Number: 1-408-418-9388

Event Number: 179 119 1725

Password: ShellfishSanRegs

Verbal and written comments will be accepted during this public hearing. Comments will be accepted through Wednesday, October 20, 2021. Please see de.gov/dnrehearings for more information on submitting comments.



Agenda

- Introductions
- Regulation Promulgation Schedule
- Current Shellfish Sanitation Regulations
- Proposed Regulations
- Entry of Department Exhibits into the Record
- Public Comments



Regulation Promulgation Schedule

- Publication of proposed amendment: September 1, 2021
- Legal Notice: August 29, 2021
- Public Hearing: October 5, 2021
- Hearing Record Closes: October 20, 2021
- Publication of final regulations: December 1, 2021 (anticipated)
- New regulations take effect: December 11, 2021 (anticipated)



Current Shellfish Sanitation Regulations

- The Shellfish Sanitation Regulations (7 DE Admin Code 7402) were last updated in 2019.
- Regulate the harvest, sale and transport of bi-valve molluscan shellfish within Delaware and in interstate commerce.



Proposed Regulation

- Add additional approved methods to analyze bacteriological water quality.
 - Add the membrane-Thermotolerant Escherichia coli [mTEC] method as an approved bacteriological standard for the classification of shellfish growing areas.
- In drafting this proposal, Department staff considered input from:
 - Delaware Shellfish Advisory Council
 - Delaware Aquaculture Association
 - Delaware Shellfish Dealers



Department Exhibits

The Department is submitting 8 exhibits into the record for these proceedings:

- Exhibit 1: Start Action Notice 2021-01, Amend 7 DE Admin. Code 7402 Shellfish Sanitation Regulations, signed on May 12, 2021.
- Exhibit 2: Notice of the Public Hearing scheduled for October 5, 2021, as posted on the Statewide Public Meeting Calendar on August 26, 2021.
- Exhibit 3: Copy of legal notice regarding the proposed amendments to 7 DE Admin Code 7402 Regulations for Shellfish Sanitation as posted on DNREC's public notices website starting August 29, 2021.
- Exhibit 4: Affidavit of Publication, Delaware State News, dated August 29, 2021, for the legal notice advertising the October 5, 2021, Public Hearing on the proposed amendments to the Shellfish Sanitation Regulations.
- Exhibit 5: Affidavit of Publication, The News Journal, dated August 29, 2021, for the legal notice advertising the October 5, 2021, Public Hearing on the proposed amendments to the Shellfish Sanitation Regulations.



Department Exhibits Continued

- Exhibit 6: Copy of the Register Notice, proposed strikethrough language, and Regulatory Flexibility Analysis and Impact Statement Form as it appeared in the Sept 1, 2021, Delaware Register of Regulations, Vol. 25, Issue 3, page 268.
- Exhibit 7: The Department PowerPoint presentation for the October 5, 2021, public hearing on Shellfish Sanitation Regulations.



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Thank you for joining us. We will accept comments on this matter through October 20, 2021.

Comments may be submitted in writing via DNREC Comment form <https://dnrec.alpha.delaware.gov/public-hearings/comment-form/> via email- DNRECHearingComments@delaware.gov
or by USPS mail:

**Lisa Vest, Hearing Officer
DNREC –Office of the Secretary
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The full verbatim transcript will be posted when it becomes available. For more information, find the event page for this hearing on the DNREC Public Hearings page dnrec.alpha.delaware.gov/public-hearings/

