Texas Crabmeat Rules

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BUREAU OF FOOD AND DRUG SAFETY

SEAFOOD SAFETY DIVISION

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TABLE OF CONTENTS

CRABMEAT

Section 241.1. Definitions. The following words and terms, when used in these sections, shall have the following meanings unless the context clearly indicates otherwise.

(1) Authorized agent - An employee of the Texas Department of Health who is designated by the commissioner of health to enforce the provisions of these sections.

(2) Act - The Texas Health and Safety Code, Chapter 436, Aquatic Life.

(3) Commissioner - The commissioner of health for the State of Texas.

(4) Compliance schedule - A written schedule that provides a time period to correct critical, key and other deficiencies.

(5) Container - The physical material in contact with or immediately surrounding the crabmeat that confines it into a single unit.

(6) Cook lot - All of the crabmeat product cooked in one day at one location.

(7) Crabmeat - The edible meat of steamed or cooked crabs that has not been processed other than by picking, packing, and chilling.

(8) Critical Control Point (CCP) - A point, step or procedure in a food process at which control can be applied, and as a result a food safety hazard can be prevented, eliminated or reduced to acceptable levels.

(9) Critical deficiency - A condition or practice which:

(A) results in the production of a product that is adulterated, decomposed, misbranded or unwholesome; or

(B) presents a threat to the health or safety of the consumer.

(10) Critical limit - The maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point to prevent, eliminate, or reduce to an acceptable level the occurrence of the identified food safety hazard.

(11) Dealer - A person to whom a license is issued for the activities of crabmeat picking and packing or crabmeat picking, packing, and pasteurization.

(12) Department - The Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, or its successor state agency, having the responsibility for the enforcement of laws concerning the safety of the food supply including regulating the processing, picking, packing, pasteurization, and/or shipping of crabmeat.

(13) Food safety hazard - Any biological, chemical, or physical property that may cause a food to be unsafe for human consumption.

(14) HACCP - Hazard Analysis Critical Control Point, a systematic, science-based approach used in food production as a means to assure food safety. The concept is built upon the seven principles identified by the National Advisory Committee on Microbiological Criteria for Foods (1992).

(15) HACCP Plan - A written document that delineates the formal procedures that a dealer follows to implement the HACCP requirements set forth in Title 21, Code of Federal Regulations (CFR), §123.6.

(16) Key deficiency - A condition or practice that may result in adulterated, decomposed, misbranded or unwholesome product.

(17) Label - Any written, printed or graphic matter affixed to or appearing upon any package containing crabmeat.

(18) License - A numbered document issued by the department that authorizes a dealer to process crabmeat for sale.

(19) License number - The unique identification number issued by the department to each dealer for each location. Each license number shall consist of a one to five-digit Arabic number preceded by the two-letter state abbreviation and followed by a one or two-letter abbreviation for the type of activity or activities the dealer is qualified to perform in accordance with the following terms:

(A) crabmeat picking and packing (C); or

(B) crabmeat picking, packing, and pasteurization (CP).

(20) Licensed location - A plant or place of business that has been inspected by the Seafood Safety Division of the department and for which a crabmeat processing license has been issued.

(21) Other deficiency - A condition or practice that is not defined as critical or key, but is of a public health significance and, if left uncorrected, could result in a key or critical violation.

(22) Packing - The placing of crabmeat into containers for off-premise consumption.

(23) Pasteurization plant - A place where crabmeat is heat-treated, without complete sterilization, to improve keeping qualities of the meat.

(24) Pasteurized crabmeat - The meat of crabs cooked, picked, and packed for off-premise consumption which has been heat treated, without complete sterilization, to improve keeping qualities of the meat.

(25) Person - Any individual, receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind, government, or governmental subdivision or agency, partnership, association, corporation or other legal entity.

(26) Pick(ing) - The removal of crabmeat from the crab shell.

(27) Picking plant - A place where crabs are cooked and edible meat is picked therefrom.

(28) Principal display panel - The part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of retail sale.

(29) Sanitation control record - Records that document the monitoring of sanitation practices and conditions.

(30) Sewer - An artificial, usually subterranean, conduit to carry off sewage and/or surface water.

(31) SSD - The Seafood Safety Division of the Texas Department of Health, to which responsibility for regulating the processing, picking, packing, pasteurization, and/or shipping of crabmeat is delegated.

Section 241.2. Sources of Crabmeat.

(a) No crabmeat may be offered for sale for food in the State of Texas unless the crabmeat has been processed and packaged in compliance with §§241.1 - 241.9 of this title (relating to Texas Crabmeat). If obtained from sources outside of the state, the crabmeat shall originate from a source acceptable to the department. These sources must be licensed and inspected by the appropriate state or other government authority.

(b) For sources outside the United States to be approved, documentation must be provided by a foreign governmental authority(s) that verifies the licensing and inspection and states that the processes involved comply with §§241.1 - 241.9 of this title, including the HACCP requirements described in §241.6 of this title (relating to General HACCP Requirements).

(c) Crabmeat from sources other than those outlined in this section shall not be sold, offered for sale, or held for sale in the State of Texas.

Section 241.3. Licensing Requirements.

(a) No person shall engage in any activity requiring a license under §§241.1 - 241.9 of this title (relating to Texas Crabmeat) without having applied for and obtained an annual numbered license pertaining to the particular activity from the commissioner. No license will be issued without a HACCP plan, in accordance with §241.6 of this title (relating to General HACCP Requirements), that is acceptable to the SSD.

(b) Dealer Licensing.

(1) Picker-Packer. Any person who cooks crabs and picks and packs the crabmeat shall be licensed as a picker-packer.

(2) Pasteurizer. Any person who cooks crabs, picks, packs, and pasteurizes the crabmeat, or pasteurizes crabmeat picked and packed in another location shall be licensed as a pasteurizer.

(c) Time Period for Processing and Issuing a License.

(1) The date a license application is received is the date the original application reaches the department.

(2) The period for processing an application begins on the date the SSD receives a compliance memo from an authorized agent of the state, which states the facility is in compliance with all applicable rules, including the HACCP requirements described in §241.6 of this title.

(3) An application for a license is complete when:

(A) the SSD has received, reviewed, and found acceptable the application information required by §§241.1 - 241.9 of this title.

(B) the SSD receives a compliance memo from an authorized agent of the state, which states the facility is in compliance with all applicable rules, including the HACCP requirements described in §241.6 of this title.

(4) A license is valid from March 1 through the last day of February each year, or part thereof.

(d) Prior to beginning construction of a new crabmeat plant or major remodeling of an existing crabmeat plant (which includes, but is not limited to: any process new to that particular plant; any change of product flow; or any enlarging of the plant structure), complete, legible plans showing the floor plan of the building with dimensions drawn to scale, location of equipment, doors, floor drains, etc., and written, complete operational procedures for all phases of the activity, including flow of the product, shall be submitted to SSD for review and written approval. Additional plans of the entire premises may be required showing all structures, as well as all water wells and septic systems, with related distances and a statement of specifications as to type, sizes, design, date installed, etc. Plans shall be submitted to the SSD no less than 30 days prior to initiating a new process or beginning construction. No operations shall be conducted while any construction or related activity, that has the potential to contaminate the product, is occurring inside the plant.

(e) A legibly written or typed application on forms provided by the department must be filed with the SSD each year.

(f) If the applicant proposes to use a date other than an open date, the application for a license must be accompanied by a written statement of the procedure the applicant will use to determine the date to be included on the label for crabmeat packed or pasteurized and shipped from the location listed in the application.

(g) A license and unique number shall be issued by the commissioner only after an inspection of the plant by an authorized agent has revealed that the plant and practices are in compliance with these sections. A license and unique number shall be issued to a dealer for each location at which crabmeat operations are to be conducted and a license is required.

(h) The inspection of a previously licensed plant which has exhibited operational problems, violations of operational requirements of these sections, or has had a license revoked shall not be conducted until written, complete operational procedures for all phases of the activity, including flow of the product, are submitted to the SSD for review and approval. An application may be refused and a license denied based on a history of failure to comply with the requirements of these sections in accordance with §241.5 of this title (relating to Enforcement).

(i) Crabmeat operations by the dealer shall not begin until the commissioner has issued the crabmeat processing license for that location. Each license shall expire automatically at 11:59 p.m. the last day of February following the date of issue. Licenses shall not be transferable.

Section 241.4. Inspections.

(a) After a license is issued, unannounced inspections may be conducted at any time the SSD has reasonable belief that the business may be in operation or that crabmeat may be stored on the premises. Inspections may be made at such frequency as may be necessary to assure that

adequate operational and sanitary conditions are maintained, and the license holder is in compliance with these rules.

(b) All crabmeat at a licensed location shall be the responsibility of the dealer at that location for the purposes of these sections.

(c) A copy of the completed inspection form listing written descriptions of the violations observed, along with any necessary explanation, shall be provided by an authorized agent of the department to the most responsible individual present at the firm at the conclusion of the inspection. If a responsible individual is not present, the form will be mailed.

(d) Any violations of the same rule or regulation found on any two consecutive inspections may result in license suspension in accordance with §241.5(a) of this title (relating to Enforcement).

(1) When an inspection detects a critical deficiency, the violation shall be immediately corrected during that inspection or the plant must immediately cease production affected by the violation. If production affected by the violation does not voluntarily cease, all crabmeat handled or processed while the violation exists or existed shall be detained. Further enforcement action may be taken as authorized under this chapter.

(2) When an inspection detects four or more key deficiencies, the dealer shall establish a correction schedule acceptable to the SSD. The follow-up inspection shall determine if the violations have been corrected or are being corrected in accordance with the scheduled correction dates noted on the previous inspection report.

(3) When a routine inspection detects other deficiencies or three or fewer key deficiencies, the deficiencies shall be corrected prior to the next routine inspection.

Section 241.5. Enforcement.

(a) The department may refuse to license, suspend or revoke a license if the applicant or licensee:

(1) fails to comply with any provision of the statute;

(2) fails to comply with any provision of this chapter;

(3) commits fraud, misrepresentation, or concealment of a material fact on any documents required to be submitted to the department or required to be maintained by the facility pursuant to this chapter;

(4) aids, abets, or permits the commission of an illegal act;

(5) fails to comply with an order of the commissioner of health or another enforcement procedure under the statute;

(6) the license holder or representative refuses to allow an inspection or otherwise interferes with the authorized department agent in the performance of his or her duties;

(7) fails to have a HACCP plan, has a HACCP plan unacceptable to the SSD, or fails to comply with a HACCP plan that is acceptable to the SSD;

(8) fails to provide the required application;

(9) has any critical violations identified during the license inspection; or

(10) has more than two key deficiencies and three other deficiencies identified during the license inspection.

(b) If the department proposes to refuse to license, proposes to suspend, or proposes to revoke a license, the department shall notify the applicant or license holder of the reasons for the proposed action and offer the person an opportunity for a hearing. Notice may be sent by certified mail or first class mail.

(1) If the facility chooses to request a hearing, it shall do so within 20 calendar days of receipt of the notice. Receipt of the notice is presumed to occur on the fifth calendar day after the notice is mailed to the last address known to the department unless another receipt date is reflected on a United States Postal Service return receipt.

(2) The request for a hearing shall be in writing and submitted to the Director, SSD, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3199.

(3) A hearing shall be conducted pursuant to the Administrative Procedure Act, Texas Government Code, Chapter 2001, and the department's formal hearing procedures in Chapter 1 of this title (relating to Texas Board of Health).

(4) If the facility does not request a hearing in writing within 20 calendar days of receipt of the notice, the facility is deemed to have waived the opportunity for a hearing and the proposed action shall be taken.

(5) If the person fails to appear or be represented at the scheduled hearing, the person has waived the right to a hearing and the proposed action shall be taken.

(c) If the department suspends a license, the suspension shall remain in effect until the department determines that the reason for suspension no longer exists. An authorized representative of the department shall investigate prior to making a determination. During the

time of suspension, the suspended license holder shall return the license to the department and shall not process crabmeat.

(d) If the department revokes a license, a person may reapply for a license 180 days after the date of signing of the final order of revocation. The department may refuse to issue a license if the reason for revocation or non-renewal continues to exist, or the applicant does not meet the requirements for a license.

(e) Upon revocation a license holder shall return the license to the department. A dealer whose license has been revoked may not be issued a new license for 180 days or before the next licensing period, whichever is longer, after the date of signing of the final order of revocation.

(f) Pursuant to Health and Safety Code, §§436.034 - 436.037, the department may assess an administrative penalty against a person who violates §436.011 of the statute or an order issued under this chapter.

(1) The penalty may not exceed $25,000 for each violation. Each day of a continuing violation constitutes a separate violation.

(2) In determining the amount of an administrative penalty assessed under this section, the department shall consider:

(A) the seriousness of the violation;

(B) the person's previous violations;

(C) the hazard to the health and safety of the public;

(D) the person's demonstrated good faith; and

(E) any other matters that justice may require.

(3) All proceedings for the assessment of an administrative penalty are subject to the Administrative Procedure Act, Government Code, Chapter 2001.

(4) If, after investigation of an alleged violation and the facts surrounding that alleged violation, the department determines that a violation has occurred, the department shall give written notice of the violation to the person alleged to have committed the violation. The notice shall include:

(A) a brief summary of the alleged violation including the statute and/or rules violated;

(B) a statement of the amount of the proposed penalty, based on the factors listed in paragraph (2) of this subsection; and

(C) a statement of the person's right to a hearing on the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty.

(5) The seriousness of violations for which administrative penalties are assessed may be categorized by one of the following severity levels.

(A) Severity Level I covers violations that are most significant and may have a significant negative impact on public health and safety.

(B) Severity Level II covers violations that are very significant and may have a negative impact on the public health and safety.

(C) Severity Level III covers violations that are significant, and if not corrected, could threaten public health and safety.

(D) Severity Level IV covers violations that are of more than minor public health and safety significance, but if left uncorrected could lead to more serious circumstances.

(E) Severity Level V covers violations that are of minor public health and safety significance.

(6) Not later than the 20th calendar day after the date the notice is received, the person notified may accept the determination of the department made under this section, including the recommended penalty, or make a written request for a hearing on that determination.

(7) If the person notified of the violation accepts the determination of the department, or fails to request a hearing, the department shall issue an order approving the determination that a violation occurred and ordering that person to pay the recommended penalty.

(8) If a hearing is requested, the department shall refer the matter to the State Office of Administrative Hearings for a hearing.

(9) The provisions of §§436.035 and 436.036 of the Act shall be followed in assessing and paying an administrative penalty.

Section 241.6. General HACCP Requirements.

(a) The department hereby adopts by reference Title 21, Code of Federal Regulations (CFR), §123.6 (Hazard Analysis and Hazard Analysis Critical Point (HACCP Plan), as amended. If the requirements of this chapter are more stringent than the requirements of other adopted requirements, then this chapter's requirements prevail and must be complied with.

(b) Those dealers required to be licensed under this subchapter shall comply with all the requirements of this section, the Texas Aquatic Life Act, Health and Safety Code, Chapter 436, and the requirements of Title 21, CFR, §123.6, as amended.

(c) Every dealer shall conduct a hazard analysis to determine the food safety hazards that are reasonably likely to occur for each kind of crabmeat product processed by that dealer and to identify the preventive measures that the dealer can apply to control those hazards. Such food safety hazards can be introduced both within and outside the processing plant environment and can occur before, during, and after harvest. A food safety hazard that is reasonably likely to occur is one for which a prudent dealer would establish controls because experience, illness data, scientific reports, or other information provide a basis to conclude that there is a reasonable possibility that the hazard will occur in the particular type of crabmeat product being processed in the absence of those controls.

(d) Every dealer shall have, implement, and comply with a written HACCP plan that is acceptable to the SSD. A copy of the plan shall be provided to the SSD upon request. A HACCP plan shall be specific to:

(1) each location where crabmeat products are processed by that dealer; and

(2) each kind of crabmeat product processed by the dealer. The plan may group kinds of crabmeat products together, or group kinds of production methods together if the food safety hazards, critical control points, critical limits, and procedures required to be identified and performed in this section are identical for all crabmeat products so grouped or for all production methods so grouped.

(e) The HACCP plan shall, at a minimum:

(1) list the food safety hazards that are reasonably likely to occur, as identified in accordance with subsection (c) of this section and that must be controlled for each crabmeat product. Consideration should be given to whether any food safety hazards are reasonably likely to occur as a result of the following:

(A) natural toxins;

(B) microbiological contamination;

(C) chemical contamination;

(D) pesticides;

(E) drug residues;

(F) unapproved use of direct or indirect food or color additives; and

(G) physical hazards;

(2) list the critical control points for each of the identified food safety hazards, including as appropriate:

(A) critical control points designed to control food safety hazards introduced outside the processing plant environment, including food safety hazards that occur before, during, and after harvest; and

(B) critical control points designed to control food safety hazards that could be introduced in the processing plant environment;

(3) list the critical limits that must be met at each of the critical control points;

(4) list the procedures, and frequency thereof, that will be used to monitor each of the critical control points to ensure compliance with the critical limits;

(5) include any written corrective action plans that have been developed in accordance with this section to be followed in response to deviations from critical limits at critical control points;

(6) list the verification procedures, and frequency thereof, that the dealer will use in accordance with this section; and

(7) provide for a record keeping system that documents the monitoring of critical control points. The records shall contain the actual values and observations obtained during monitoring.

(f) The HACCP plan shall be signed and dated by the most responsible individual on site at the processing facility or by a higher level official of the dealer:

(1) upon initial acceptance;

(2) upon any modification; and

(3) upon verification of the plan in accordance with subsection (i)(1)(A) of this section.

(g) Sanitation controls may be included in the HACCP plan, however they must be monitored in accordance with §241.7 of this title (relating to General Sanitation Requirements).

(h) Corrective actions.

(1) Whenever a deviation from a critical limit occurs, a dealer shall take corrective action either by:

(A) following a corrective action plan that is appropriate for the particular deviation; or

(B) following the procedures in paragraph (2) of this subsection.

(2) Dealers may develop written corrective action plans, which become part of their HACCP plans in accordance with subsection (e)(5) of this section, by which they predetermine the corrective actions that they will take whenever there is a deviation from a critical limit. A corrective action plan that is appropriate for a particular deviation is one that describes the steps to be taken and assigns responsibility for taking those steps to ensure that:

(A) no product enters commerce that is either injurious to health or is otherwise adulterated as a result of the deviation; and

(B) the cause of the deviation is corrected.

(3) When a deviation from a critical limit occurs and the dealer does not have a corrective action plan that is appropriate for that deviation, the dealer shall:

(A) segregate and hold the affected product, at least until the requirements of subparagraphs (B) and (C) of this paragraph are met;

(B) perform or obtain a review to determine the acceptability of the affected product for distribution. The review shall be performed by an individual or individuals who have adequate training or experience to perform such a review;

(C) take corrective action, when necessary, with respect to the affected product to ensure that no product enters commerce that is either injurious to health or is otherwise adulterated as a result of the deviation;

(D) take corrective action, when necessary, to correct the cause of the deviation; and

(E) perform or obtain timely reassessment by an individual or individuals who have been trained in accordance with this section to determine whether the HACCP plan needs to be modified to reduce the risk of recurrence of the deviation, and modify the HACCP plan as necessary.

(4) All corrective actions taken in accordance with this section shall be fully documented in records that are subject to verification in accordance with subsection (i) of this section and the record keeping requirements of subsection (j) of this section.

(i) Verification.

(1) Every dealer shall verify that the HACCP plan is adequate to control food safety hazards that are reasonably likely to occur and that the plan is being effectively implemented. Verification shall include, at a minimum:

(A) a reassessment of the adequacy of the HACCP plan at least annually or whenever any changes occur that could affect the hazard analysis or alter the HACCP plan in any way. The reassessment shall be performed by an individual or individuals who have been trained in accordance with subsection (k) of this section. The HACCP plan shall be modified immediately whenever a reassessment reveals that the plan is no longer adequate to fully meet the requirements of subsection (e) of this section. These changes may include:

(i) raw materials or source of raw materials;

(ii) product formulation;

(iii) processing methods or systems;

(iv) finished product distribution systems; or

(v) the intended use or consumers of the finished product;

(B) ongoing verification activities including:

(i) a review of any consumer complaints that have been received by the dealer to determine whether they relate to the performance of critical control points or reveal the existence of unidentified critical control points;

(ii) the calibration of process-monitoring instruments; and

(iii) at the option of the dealer, the performing of periodic end-product or in-process testing; and

(C) a review, including signing and dating, by an individual who has been trained in accordance with subsection (k) of this section, of the records that document:

(i) the monitoring of critical control points. The purpose of this review shall be, at a minimum, to ensure that the records are complete and to verify that they document values that are within the critical limits. This review shall occur within one week of the day that the records are made;

(ii) the taking of corrective actions. The purpose of this review shall be, at a minimum, to ensure that the records are complete and to verify that appropriate corrective actions were taken in accordance with subsection (h) of this section. This review shall occur within one week of the day that the records are made; and

(iii) the calibrating of any process monitoring instruments used at critical control points and the performing of any periodic end-product or in-process testing that is part of the dealer's verification activities. The purpose of these reviews shall be, at a minimum, to ensure that the records are complete and that these activities occurred in accordance with the dealer's written procedures as specified in the HACCP plan. These reviews shall occur within a reasonable time period after the records are made.

(2) Dealers shall immediately follow the procedures in subsection (h) of this section whenever any verification procedure, including the review of a consumer complaint, reveals the need to take a corrective action.

(3) The calibration of process-monitoring instruments and the performing of any periodic end-product and in-process testing, in accordance with paragraph (1)(B)(ii) and (iii) of this subsection shall be documented in records that are subject to the record keeping requirements of subsection (j) of this section.

(j) Records.

(1) All records required shall include:

(A) the name and location of the dealer;

(B) the date and time of the activity that the record reflects;

(C) the signature or initials of the person performing the operation; and

(D) where appropriate, the identity of the product and the production code, if any. Processing and other information shall be entered on records at the time that it is observed.

(2) All records required shall be retained at the processing facility for at least one year after the date they were prepared in the case of refrigerated products and for at least two years after the date they were prepared in the case of frozen products.

(3) Records that relate to the general adequacy of equipment or processes being used by a dealer, including the results of scientific studies and evaluations, shall be retained at the processing facility for at least two years from the date that product is first produced using the applicable equipment or processes.

(4) If the processing facility is closed for a prolonged period between seasonal operations or if record storage capacity is limited on a processing vessel or at a remote processing site, the records may be transferred to some other reasonably accessible location at the end of the seasonal operations, but shall be immediately producible for official review upon request by the department.

(5) All records required by subsection (j) of this section and HACCP plans required by subsections (d) and (e) of this section shall be available for official review and copying upon request by the department.

(6) The maintenance of records on computers is acceptable, provided that appropriate controls are implemented to ensure the integrity of the electronic data and electronic signatures.

(k) Training.

(1) At a minimum, the following functions shall be performed by an individual who has successfully completed training in the application of HACCP principles to crabmeat processing at least equivalent to that received under standardized curriculum recognized as adequate by the Food and Drug Administration (FDA) or who is otherwise qualified through job experience to perform these functions:

(A) developing a HACCP plan, which could include adopting a model or generic-type HACCP plan that is appropriate for a specific processor, in order to meet the requirements of subsection (e) of this section;

(B) reassessing and modifying the HACCP plan in accordance with the corrective action procedures specified in subsection (h)(3)(E) of this section, and the HACCP plan in accordance with the verification activities specified in subsection (i)(1)(B) of this section; and

(C) performing the record review required by subsection (i)(1)(C) of this section.

(2) Job experience will qualify an individual to perform these functions if it has provided knowledge at least equivalent to that provided through the standardized curriculum as determined by the SSD.

(3) The trained individual need not be an employee of the dealer.

Section 241.7. General Sanitation Requirements.

(a) Each dealer shall monitor conditions and practices that are both appropriate to the plant and the food being processed with sufficient frequency to ensure, at a minimum, conformance with the requirements specified in §§229.211 - 229.219 of this title (relating to Current Good Manufacturing Practice and Good Warehousing Practice in Manufacturing, Packing, or Holding Human Food). The requirements specified in §§229.211 - 229.219 of this title relate to the following sanitation items:

(1) safety of water for processing and ice production;

(2) condition and cleanliness of food contact surfaces;

(3) prevention of cross contamination;

(4) maintenance of hand washing, hand sanitizing and toilet facilities;

(5) protection from adulterants;

(6) proper labeling, storage, or use of toxic compounds;

(7) control of employees with adverse health conditions; and

(8) exclusion of pests.

(b) Each dealer shall maintain sanitation control records that, at a minimum, document the monitoring and corrections prescribed by subsection (a) of this section. These records are subject to the requirements of §241.6(j) of this title (relating to General HACCP Requirements).

(c) Sanitation controls may be included in the HACCP plan, as required by §241.6(d) of this title. However, to the extent that they are monitored in accordance with subsection (a) of this section, they need not be included in the HACCP plan.

Section 241.8. Crabmeat Identification.

(a) All containers of fresh or fresh frozen crabmeat shall have permanently recorded on the principal display panel, so as to be easily visible, the following information:

(1) the dealer or distributor's name;

(2) the dealer's or distributor's address, including at least the city and state;

(3) the license number for the licensed location where the crabmeat was packed or pasteurized; and

(4) where the name and address of a distributor is used, it shall be preceded by the words "PACKED FOR" or "DISTRIBUTED BY", or followed by the word "DISTRIBUTOR."

(b) The principal display panel on each container of fresh or fresh frozen crabmeat shall contain a date. The date shall be the date of packing unless a "SELL BY" date is established and used in accordance with subsection (c) of this section.

(c) The date shall be as follows:

(1) if it is an open date, it shall be the calendar date as follows: the abbreviation for the month, the numerical day of the month, and the year;

(2) if it is a code date, the proposed method must be submitted in writing to the SSD and approved by the SSD before it is used; and

(3) if it is a "SELL BY" date, it shall be based on the date the crabmeat was packed and the proposed method must be submitted in writing to the SSD and approved by the SSD before it is used.

(d) The presence of any chemical, if any is allowed, and the net weight of the contents shall be permanently recorded on the container. The proper designation of the contents of the container (lump, special, claw, finger, etc.) is required and shall be recorded either on the container sidewall or the lid.

(e) Frozen crabmeat shall be labeled as "FROZEN", "INDIVIDUALLY QUICK FROZEN", or "IQF", in print of similar prominence adjacent to the words "CRABMEAT." Containers shall be marked as frozen prior to freezing.

(f) All required information shall be provided in a legible and indelible form and shall be either:

(1) on the sidewall of the container unless the cover becomes an integral part of the container during a sealing process; or

(2) sealed into an area where it remains legible and visible as the principal display panel until all product from the container has been used or disposed of.

(g) Adhesive labels shall be durable and waterproof and shall not be used without prior approval from the SSD. The request for use of adhesive labels must be submitted in writing to the SSD.

(h) Use of rubber stamps is not allowed except for dating.

(i) All labeling is subject to review and approval by the SSD.

(j) Reusable containers for in-plant use during picking and packing are exempt from labeling requirements. These containers may be used only for temporary holding of crabmeat during picking and packing activities. Crabmeat may not be stored in unlabeled containers.

(k) The label on pasteurized crabmeat shall meet all of the requirements established for fresh or fresh frozen crabmeat in this section.

(l) The label on pasteurized crabmeat shall clearly identify the contents of the container as pasteurized crabmeat. Where the term "CRABMEAT" (or its equivalent) appears on the label of pasteurized crabmeat, the word "PASTEURIZED" shall be used in conjunction with it and in print of similar prominence.

(m) Each container of pasteurized crabmeat shall be permanently and legibly identified with a code indicating the batch and the day of processing.

(n) The words "PERISHABLE--KEEP UNDER REFRIGERATION" or their equivalent shall be prominently displayed on the label of pasteurized crabmeat.

(o) When packing and pasteurization of crabmeat by one dealer for another is practiced, the label shall clearly state the license number of the packer/pasteurizer.

(p) When crabmeat is packed in one licensed crabmeat picking plant and pasteurized in another licensed crabmeat pasteurization plant, the label shall clearly state the name and license number of both dealers.

Section 241.9. Crabmeat Records.

(a) Complete, accurate, and legible records in a form approved by the SSD shall be maintained by each dealer. The records shall be sufficient to document the dates of purchases of live crabs and the dates of purchases or shipments of crabmeat so that a container of crabmeat can be traced to the specific cook lot in which it was processed.

(b) Records covering purchases of live crabs and shipments of fresh crabmeat, pasteurized crabmeat, or frozen crabmeat shall be retained for a minimum of two years, or for a period of time that exceeds the shelf life of the product if that is longer than two years.

(c) Records shall be made available for inspection, review, or copying upon request of any authorized agent of the department at any reasonable time.

(d) All brand names or trade names used on packages or containers holding crabmeat shall be registered with the SSD prior to being used.