

TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

PART 4 RULES AND REGULATIONS FOR THE TAKING AND PROCESSING OF SALTWATER CRABS

CHAPTER 01 INTRODUCTION

Rule 1.1 This part provides for the regulations of the commercial and recreational taking of saltwater crabs and the minimum requirements necessary to regulate the processing of saltwater crabs in Mississippi waters.

MISS CODE ANN. §§ 49-15-1, 49-15-11, 49-15-15, 49-15-84

CHAPTER 02 JUSTIFICATION AND AUTHORITY

Rule 2.1 A license is required for the catching or taking of crabs for commercial or recreational purposes.

MISS. CODE ANN. §§49-15-15, 49-15-69, 49-15-86

Rule 2.2 Licensed vessels fishing for crabs with crab traps or crab pots, must ensure that the traps or pots are identifiable to enforcement personnel.

MISS. CODE ANN. §49-15-15, 49-15-84

CHAPTER 03 DEFINITIONS

Rule 3.1 Definitions

- A. **ADULTERATED** – Any saltwater crab product that is prepared, packed or held under unsanitary conditions whereby it may have become contaminated with filth or whereby it may have been rendered injurious to health.
- B. **BACKING** – The act of removing a crab’s carapace and internal organs.
- C. **BUSTER CRAB** – A blue crab currently undergoing a molt.
- D. **CERTIFICATION or CERTIFY** – the issuance of a numbered certificate to a person, firm, or corporation that indicates permission from the authority to process crabs.
- E. **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).

- F. **CERTIFIED CRAB PLANT** – a person, firm, or corporation that has a building or facility/unit, used for processing saltwater crabs and possesses a valid seafood processor’s license and certification number.
- G. **COMPLIANCE SCHEDULE** – a written schedule that provides a correction date to eliminate the deficiencies noted during inspections.
- H. **CRAB TRAP** - Any rigid-frame trap or pot constructed of wire mesh or webbing and having entrance funnels designed to entrap blue crabs.
- I. **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.
- J. **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.
- K. **EASILY CLEANABLE** – a surface which is readily accessible and is made of such materials, has a finish, and is so fabricated that normal cleaning methods will effectively remove residues.
- L. **FINISHED PRODUCT CONTAINER** – any receptacle used for containing processed saltwater crabs.
- M. **FOOD CONTACT SURFACE** – those surfaces that contact human food and those surfaces from which drainage onto the food 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.
- N. **HOLDING** – The act of temporarily storing saltwater crabs by a wholesale dealer for the purpose of resale.
- O. **KEY DEFICIENCY (“K”)** – a condition or practice that could potentially result in adulterated, decomposed, misbranded or unsanitary product.
- P. **LABEL** – any written, printed or graphic matter affixed to or appearing upon any finished product container.
- Q. **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.
- R. **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.
- S. **PEELER CRAB** – A pre-molt stage blue crab having a new soft shell fully developed

under the hard shell and having a definite white, pink or red line or rim on the outer edge of the back fin or flipper.

- T. **PEST** – Any objectionable animals or insects including, but not limited to birds, rodents, flies, and larvae.
- U. **PROCESSING** – The act of preparing, changing into different market forms, manufacturing, preserving, picking, chilling, backing, packaging, labeling finished product containers, and storage of processed saltwater crabs.
- V. **PROCESSOR** – any person, firm, or corporation engaged in commercial, custom, or institutional processing of saltwater crabs.
- W. **SALTWATER CRAB** – shall mean all species of saltwater crabs that are commercially processed.
- X. **SALTWATER CRAB PRODUCTS** – the edible meat of a processed saltwater crab distributed for consumption.
- Y. **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.
- Z. **SOFT-SHELL CRAB** – A post-molt stage crab which has recently shed its hard shell.
- AA. **SWING DEFICIENCY (“S^{O/K}” or “S^{K/C}”)** – a deficiency noted on the inspection form which, depending upon the severity and circumstances, can be a “Critical, Key, or Other” deficiency.
- BB. **WHOLESALE DEALER** – Any person, firm or corporation who buys saltwater crabs from multiple harvesters for the purpose of resale.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-87. 9 CFR 531.1

CHAPTER 04 POSSESSION

Rule 4.1 It is unlawful to possess undersized hard crabs as defined in §49-15-89 or to possess female sponge crabs as prohibited in §49-15-84.

MISS. CODE ANN. §§49-15-84, 49-15-89

Rule 4.2 Any person, firm or corporation harvesting or possessing, soft shell, peeler or buster crabs which are under the five (5) inch minimum size requirement, must after removing the crabs from the traps or pots place them into a separate container. Undersize peeler or buster crabs are allowed in a single cull box (not to exceed 32” long by 19” wide by 12” high).

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-84, 49-15-87, 49-15-89

CHAPTER 05 AREA CLOSURES

Rule 5.1 It is unlawful to commercially take crabs from the marine waters north of the CSX Bridge in the three coastal counties of Mississippi.

MISS. CODE ANN. §§49-15-15, 49-15-23, 49-15-315

Rule 5.2 It is unlawful to place or cause to be placed any crab traps or pots north of the Interstate 10 (I-10) Highway in the three (3) coastal counties.

MISS. CODE ANN. §§49-15-15, 49-15-23, 49-15-315

CHAPTER 06 INCIDENTAL CATCH

Rule 6.1 Any person, firm, or corporation, or any person in command of or control of any boat with a commercial shrimp license, fish net license or oyster license must also possess a commercial crab license to retain crabs for commercial purposes. This does not apply to crabs retained for personal consumption as allowed in statute.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-46, 49-15-84, 49-15-86, 49-15-89, 49-15-96

CHAPTER 07 GEAR REGULATIONS

Rule 7.1 All crab traps placed in or on the marine waters of the State of Mississippi must utilize the following materials to permanently mark the crab trap for ownership:

- A. corrosion resistant metal or plastic tag must be attached to the trap.
 - a. The tag must be legibly and permanently stamped with letters containing the applicable licensed crab fishermen's full name.
 - b. The minimum height of the letters must be at least 3/16 of an inch.
 - c. The tags must be supplied by the crab fisherman.

MISS. CODE ANN. §49-15-11, 49-15-15, 49-15-84

Rule 7.2 All crab traps or pots placed in the marine waters of the state of Mississippi must be marked with a float of at least:

- A. six (6) inches in height,
- B. six (6) inches in length,
- C. six (6) inches in width, and
- D. the float must have a highly visible color.

MISS. CODE ANN. §49-15-11, 49-15-15, 49-15-84

Rule 7.3 It is unlawful to fail to mark each crab trap float with the corresponding commercial or

recreational crab license number in such a manner to be clearly visible to an inspecting officer. However, licensed commercial crab fisherman may obtain a registered color code design from the Mississippi Department of Marine Resources (MDMR), Marine Patrol Office. Once obtained, this color code must be placed on each buoy or float and painted or affixed to each side of the vessel used to harvest crabs from said traps or pots.

MISS. CODE ANN. §49-15-11, 49-15-15, 49-15-84

Rule 7.4 Recreational crab fisherman must mark each trap or pot with the owner's name in such a manner to be clearly visible to an inspecting officer. In addition, all crab traps or pots fished from a boat or vessel must also be marked with that boat or vessel's registration identification.

MISS. CODE ANN. §49-15-11, 49-15-15, 49-15-84

Rule 7.5 All resident recreational crab fisherman utilizing traps or pots must possess a valid recreational crab trap license for a fee of five dollars (\$5.00) unless otherwise exempted by statute.

- A. This license requirement shall only apply to individuals between the ages of sixteen (16) and sixty-five (65).
- B. Any resident citizen who is blind, paraplegic, or a multiple amputee, or who has been adjudged by the Veterans Administration as having a total service-connected disability or has been adjudged totally disabled by the Social Security Administration shall not be required to purchase or have in his possession a recreational crab license while engaged in such activities.
 - a. Any resident exempt under this chapter shall have on his person while crab trap fishing proof of residency and age or disability.

MISS. CODE ANN. §49-15-11, 49-15-15, 49-15-69, 49-15-86

Rule 7.6 All non-resident recreational crab fishermen utilizing traps or pots must possess a valid recreational crab trap license for a fee of not less than five dollars (\$5.00) nor less than the non-resident's state charges Mississippi residents to engage in the same activity, as provided for in statute.

MISS. CODE ANN. §49-15-11, 49-15-15, 49-15-30, 49-15-69, 49-15-86.

Rule 7.7 The recreational crab license shall be valid in all Mississippi waters South of Interstate 10.

MISS. CODE ANN. §49-15-11, 49-15-15, 49-15-315

Rule 7.8 It is unlawful for a recreational crab fisherman to fish in excess of six (6) crab traps or pots per registered boat or vessel.

MISS. CODE ANN. §49-15-11, 49-15-15, 49-15-91

Rule 7.9 It is unlawful to place or cause to be placed any crab trap or pot in any marked channel.

MISS. CODE ANN. §49-15-11, 49-15-15, 49-15-84.1

Rule 7.10 It is unlawful to attach any buoy or float to any crab trap or pot with materials other than lines of nylon, hemp, cotton or woven synthetic materials which can easily be cut with a standard steel knife.

MISS. CODE ANN. §49-15-11, 49-15-15, 49-15-84, 49-15-84.1

Rule 7.11 Buoys shall be attached to crab traps by use of a weighted line or non-floating line.

MISS. CODE ANN. §49-15-11, 49-15-15, 49-15-84, 49-15-84.1

Rule 7.12 It is unlawful to place any crab trap or pot in any navigable waterway in such a manner that the trap line or float will interfere with normal boat traffic and create a navigational hazard or nuisance.

MISS. CODE ANN. §49-15-11, 49-15-15, 49-15-84.1

Rule 7.13 It is unlawful to remove crabs from crab traps or pots that are not specifically licensed or permitted to said person, firm or corporation.

MISS. CODE ANN. §49-15-11, 49-15-15, 49-15-92

Rule 7.14 It is unlawful to remove crab traps from the water or remove crabs from crab traps from thirty (30) minutes after legal sunset until thirty (30) minutes before legal sunrise the following day. It is not unlawful to possess crab traps if the crab traps are captured unintentionally during legal trawling or dredging operations, and if said crab traps are immediately returned to the water.

MISS. CODE ANN. §49-15-11, 49-15-15

Rule 7.15 All crab traps placed in the marine waters of the State of Mississippi must be equipped with no less than two (2) escape rings positioned on the vertical outside walls of the trap, with at least one (1) ring located in each chamber. Escape rings must have a minimum of 2 and 3/8 inches inside diameter.

A. From April 1 to June 30 and from September 1 to October 31, escape rings may be obstructed for the purposes of retaining peeler or buster crabs.

MISS. CODE ANN. §49-15-11, 49-15-15, 49-15-84

CHAPTER 08 CAT ISLAND SANCTUARY CLOSURE

Rule 8.1 It is unlawful to harvest or attempt to harvest or possess any crabs between January 1

and March 31 of each year within the area bounded by the following line:

- A. beginning at a point on the Louisiana-Mississippi border due south of the "Intracoastal Waterway Grand Island Channel light 1" (30.178026, -89.303372),
- B. thence running due north to said "Light 1" (30.179862, -89.303372),
- C. thence running northeasterly along the "Intracoastal Waterway Marianne Channel" through "Buoy 22", "Light 18", "Buoy 12", to "Light 8" (30.190048, -89.288085),
- D. thence running northeasterly along the most direct line to "Lighted Buoy 7" (30.214984, -89.245477),
- E. thence running northeasterly along the most direct line to "Lighted Buoy 4" (30.223545, -89.231492),
- F. thence running northeasterly along the most direct line to the northeastern corner of the crab sanctuary to "Lighted Buoy 5" (30.237595, -89.208236),
- G. thence running southeasterly along the most direct line to "Cat Island West End Channel Light" (30.228679, -89.19686),
- H. thence running southwesterly along the most direct line to "Cat Island Channel Buoy E" (30.204731, -89.208826),
- I. thence running due south to a point on the Louisiana-Mississippi border (30.202153, -89.208799),
- J. thence running westerly along the Louisiana-Mississippi border to the point due south of the "Intracoastal Waterway Grand Island Channel Light 1" (30.178026, -89.303372).

MISS. CODE ANN. §49-15-11, 49-15-15

CHAPTER 09 CLOSED SEASONS

Rule 9.1 The MDMR must publish the season closure dates and areas in a closing order to the general public.

MISS. CODE ANN. §49-15-84.1

CHAPTER 10 CRAB HOLDING BY A WHOLESALE DEALER

Rule 10.1 Wholesale dealers must ensure that live crabs are stored in a cool place protected from contamination, in clean containers.

CHAPTER 11 CRAB PROCESSOR APPLICATION

Rule 11.1 The provisions of this Part apply to all persons, firms, or corporations engaged in the processing of saltwater crabs intended for human consumption.

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123.

Rule 11.2 The provisions of this Part do not apply to:

- A. Seafood establishments dealing with seafood products other than saltwater crabs;
- B. Harvesting or transporting saltwater crabs or saltwater crab products without engaging in processing.

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123.

CHAPTER 12 PROCESSOR CERTIFICATION MDMR PROGRAM MANAGEMENT

Rule 12.1 The MDMR is authorized to manage saltwater crab plant certification program activities.

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123.

Rule 12.2 The MDMR will conduct inspections of certified facilities in accordance with relevant seafood sanitation/health safety specifications.

- A. The MDMR will issue to certified crab plants written information of non-compliance with these specifications.
- B. 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.

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123.

Rule 12.3 The MDMR Executive Director, the Director of Marine Fisheries or the Seafood Technology Bureau Director 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. The recalled saltwater crabs or saltwater crab products will be properly disposed to prevent human consumption.

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123.

CHAPTER 13 PROCESSOR CERTIFICATION

Rule 13.1 General requirements:

- A. It is unlawful to process saltwater crabs prior to obtaining a seafood processor's license and certification.
- B. Any person who applies to be a processor must provide the MDMR with the business address at which inspections of the facilities, activities, or equipment can be conducted.
- C. The Seafood Technology Bureau will certify all saltwater crab processors that comply with the terms of this Part for processing saltwater crabs or saltwater crab products.
- D. Certification will be issued based on 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.
- E. All certifications will expire annually on the last day of a month selected by the MDMR.
- F. 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.
- G. The MDMR has the authority to allow separate certified crab plants to share a facility.
- H. The certification number issued to each processor by the MDMR shall be unique.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-28, 9 CFR 531.1, and 21 CFR 123.

Rule 13.2 Initial certification will be granted provided following standards are met:

- A. No critical deficiencies;
- B. Not more than 3 key deficiencies;
- C. Not more than 5 other deficiencies;
- D. The initial certification includes a compliance schedule to correct the deficiencies if necessary; and
- E. Processor is properly licensed.

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123.

Rule 13.3 Renewal of certification must be at the request of the certified processor at the time specified by the MDMR. Recertification will be granted upon the processor completing the following:

- A. Eliminated any critical deficiencies;
- B. Agreed to a compliance schedule which carries forward into the next certification period.
- C. Addressed any new key or other deficiencies in a new or revised compliance schedule; and
- D. Provided evidence of proper certification and licensing in accordance with this Part.

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123.

Rule 13.4 All applicants applying for certification/recertification must meet the following requirements:

- A. Applicants must provide fixed cold temperature holding space adequate to hold the maximum amount of saltwater crabs or saltwater crab products received on any given day,
- B. Applicants must provide space 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, and
- C. A certified crab processor's operational activities must meet all seafood safety and sanitation control procedures/requirements.

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123.

CHAPTER 14 RESPONSIBILITY OF PROCESSOR, MANAGER, AND OPERATOR

Rule 14.1 Each certified crab plant processor, manager, and operator must ensure that all regulations are strictly adhered to, and that only safe and sanitary products are offered for sale to the consumer.

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123.

Rule 14.2 The processor must ensure that the certified crab plant is supervised in accordance with Chapter 19 of this Part.

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123.

Rule 14.3 The owner of a certified crab plant must keep all safety/sanitation and marketing records (not including price information) for a minimum of one (1) year for fresh products and a minimum of two (2) years or the shelf-life, whichever is longer, for frozen products.

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123.

Rule 14.4 In the event the MDMR issues a recall of saltwater crab products based on the need to eliminate a public health risk, the processor will fully cooperate with the MDMR in implementing the product recall. The processor is responsible for:

- A. Determining where the recalled saltwater crab products were moved in the market system,
- B. Contacting the receivers of the product,
- C. Stopping any further market distribution of the saltwater crab products,
- D. Removing the associated saltwater crab products from the market as directed by the MDMR, and
- E. Providing the MDMR proof of removal in the form of bills of lading, receipts, or some other similar documentation.

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123.

CHAPTER 15 INSPECTIONS

Rule 15.1 The MDMR is required to make unannounced inspections of the processor's facilities during periods of activity.

- A. Unannounced inspections must be conducted at least once per quarter.
- B. The MDMR is authorized to officially inspect more frequently than once per quarter if excessive critical and non-critical deficiencies consistently occur that are not corrected based on a reasonable correction schedule as agreed upon by the MDMR and the certificate holder.

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123.

Rule 15.2 The MDMR will provide a copy of the completed inspection form to the person in-charge at the certified crab plant at the time of the inspection. The inspection form must contain a list of deficiencies by area in the operation with corresponding citations from this Part.

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123.

CHAPTER 16 ACTIONS TRIGGERED BY INSPECTIONS

Rule 16.1 When a critical deficiency is detected:

- A. The owner/supervisor must correct the deficiency during that inspection; or
- B. The processor must cease production affected by the deficiency.

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123.

Rule 16.2 When the processor fails to comply with Rule 14.1, the MDMR is authorized to immediately begin actions to suspend or revoke the processor's certification.

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123.

Rule 16.3 Product affected by a critical deficiency must be controlled to prevent contaminated or adulterated product from reaching consumers. When necessary, the MDMR is authorized to:

- A. Detain or seize any undistributed lots of product that have been adulterated;
- B. Initiate a recall of any distributed product; and
- C. Immediately notify Food and Drug Administration (FDA) enforcement officials.

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123.

Rule 16.4 Temporary hold on saltwater crabs or saltwater crab products

- A. The MDMR has the authority to place any saltwater crabs or saltwater crab products in a facility/unit on a temporary hold to prevent the designated products from leaving the facility/unit.
- B. Saltwater crabs or saltwater crab products in a certified crab plant will only be placed on a 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 that a health hazard or potential health hazard exists. A copy of the official inspection sheet, with the temporary hold order, will be given to a certificate holder or the certificate holder's authorized representative, or in their absence, posted in a conspicuous place at the facility to provide written notice for a temporary hold on the products.
- C. The temporary hold will remain in effect until the processor is notified in writing by the MDMR that the violation has been corrected and the products confiscated have been destroyed or managed in some other manner that allows the products to be safely marketed for human consumption. These corrective actions must be done to the satisfaction of the Executive Director, the Director of Marine Fisheries or the Seafood Technology Bureau Director.

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123.

Rule 16.5 Cease and Desist Orders

- A. After crab product has been on temporary hold for seventy-two (72) hours the Executive

Director, the Director of Marine Fisheries or the Seafood Technology Bureau Director has the authority to issue a cease and desist order. The cease and desist order will remain in effect until proper corrective actions have been taken and the order is lifted as provided in writing.

- B. 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 has the authority to issue a cease and desist order effective immediately to suspend all related processing activities. This order will be in effect until proper corrective actions have been taken and the order is lifted, as provided in writing.
- C. Verification that proper corrective actions have been taken will be provided in writing and will be noted on the official inspection form during an official inspection of the certified crab plant.

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123.

Rule 16.6 Suspension or Revocation of Seafood Processor Certificate

- A. A certification held by a person will be suspended or revoked by the Executive Director when a certified crab plant owner, operator, or manager:
 - a. Interferes or fails to cooperate with the MDMR during an inspection.
 - b. Interferes or prevents the temporary hold or confiscation and disposal of saltwater crabs or saltwater crab products by the MDMR when the saltwater crabs or saltwater crab products were declared, in writing, an 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 and removed from the facility/unit and properly disposed.
- B. Suspension or revocation of a certification will be implemented provided the MDMR will in all cases serve upon the holder a written notice of intent to suspend or revoke the certificate. The notice will specify the violations and allow the holder such reasonable opportunity to correct such violations as 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 written notice to suspend or revoke the certificate. A suspension/revocation of a certificate will remain in effect until the violation has been corrected.
- C. Upon receipt of an application from any person whose certificate has been suspended or revoked, the MDMR will make such inspection(s) as deemed necessary, collect samples, and test them to determine compliance.
- D. Upon the occurrence of repeated critical health hazards or violation(s) in other regulated seafood sanitation and health safety categories, the MDMR has the authority to revoke such certificate following reasonable notice and an opportunity for a hearing.

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123.

CHAPTER 17 LABELING OF SALTWATER CRAB PRODUCTS

Rule 17.1 All finished product containers or packages enclosing saltwater crab products must originate from a certified crab processor and must be conspicuously, indelibly, and legibly labeled with the following information:

- A. Name of the product.
- B. Name and address of the packer, repacker, or distributor.
- C. Size of the container or package.
- D. Certification number.
- E. Containers of frozen saltwater crab products will bear on the label nutritional facts as required by federal regulations unless otherwise exempt.

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123.

CHAPTER 18 PROCESSOR PURCHASE AND SALES RECORDS

Rule 18.1 All saltwater crabs and saltwater crab products purchased, sold, or shipped by a certified processor within, into or out of the State of Mississippi will be accompanied by a bill of lading or bill of sale with the following information:

- A. Processor's name, address, and license/certificate number.
- B. Date of transaction.
- C. Name and address of consignee.
- D. Type and quantity of saltwater crabs or saltwater crab products.

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123.

Rule 18.2 All saltwater crabs and saltwater crab products purchased for personal consumption must be accompanied by a receipt or a bill of sale containing the following information:

- A. Name and certificate or license number of seller.
- B. Quantity of saltwater crabs or saltwater crab products purchased.
- C. Purchase date.

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123.

Rule 18.3 Such records will be open for inspection at any time by any authorized representative of the MDMR.

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123.

CHAPTER 19 ADULTERATED OR MISBRANDED SALTWATER CRAB PRODUCTS

Rule 19.1 No person, firm, or corporation will hold or pack saltwater crab products under conditions whereby the product may become adulterated and/or a known public health risk.

Rule 19.2 It is unlawful to produce, provide for sale, purchase, offer, possess, or have in possession with intent to sell, any saltwater crab products which are adulterated or

misbranded.

Rule 19.3 Any adulterated, misbranded, mislabeled, or unlabeled saltwater crab products under the authority of the MDMR will be impounded and properly disposed, if necessary, by the Executive Director, the Director of Marine Fisheries or the Seafood Technology Bureau Director.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-21, 9 CFR 531.1, and 21 CFR 123.

CHAPTER 20 PROCESSOR SANITATION REQUIREMENTS

Rule 20.1 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^{O/K}” or “S^{K/C}”).

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123.

Rule 20.2 For the safety of water used for processing and ice production the processor must ensure:

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

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123.

Rule 20.3 The processor must maintain conditions and cleanliness of food contact surfaces in that:

- A. 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),
- B. Smoothly bonded seams exist on all food contact surfaces of equipment and utensils; (K),
- C. The food contact surface is cleaned and sanitized before use, after interruptions, and as necessary; (K),
- D. 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
- E. Gloves are impermeable, clean, and sanitary. (O)

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123.

Rule 20.4 The processor must prevent cross contamination of food and food contact surfaces by:

- A. 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),
- B. Washing and sanitizing hands before start of work, after absence from workstation and when hands have become contaminated; (K),

- C. Removing or covering jewelry that cannot be sanitized; (O),
- D. Storing clothing or personal items away from exposed food or where equipment or utensils are washed; (O),
- E. Preventing employees from eating, chewing gum, drinking, or using tobacco near exposed food or food contact surfaces; (K),
- F. 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),
- G. 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 will not be handled simultaneously in a receiving, loading, or shipping area if that handling could result in contaminated food; (S^{O/K}),
- H. Protecting food transported by conveyor against contamination as necessary; (S^{O/K}),
- I. Practicing sanitary procedures; (K),
- J. 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
- K. 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)

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123.

Rule 20.5 The processor must maintain hand washing, hand sanitizing and toilet facilities by:

- A. Providing warm water at all locations for hand washing at a minimum temperature of 100°F dispensed from a hot and cold mixing or combination faucet; (K),
- B. Providing hand washing, and where appropriate, hand sanitizing facilities at each location where good sanitary practice dictates their use; (K),
- C. 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),
- D. Designing and constructing devices or fixtures to protect against recontamination of clean sanitized hands; (O),
- E. Providing an adequate and functioning sewage disposal system; (S^{K/C}), and
- F. 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).

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123.

Rule 20.6 The processor must protect food and food contact surfaces from adulteration by:

- A. Assuring the design, construction, and use of equipment precludes adulteration of food with lubricants, fuel, metal fragments, contaminated water, or other contaminants; (S^{O/K}),

- B. Taking all reasonable precautions to ensure production procedures do not contribute to contamination from any source; (S^{O/K}),
- C. Holding raw materials, other ingredients, and rework in bulk, or in containers designed and constructed 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^{O/K}),
- D. Identifying product scheduled for rework as such; (O),
- E. Holding liquid or dry raw materials and other ingredients received and stored in bulk form in a manner that protects against contamination; (O),
- F. Conducting work-in-process in a manner that protects against contamination; (K),
- G. 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),
- H. Performing mechanical manufacturing steps to protect food against contamination; (K),
- I. Treating or maintaining batters, breadings, sauces, gravies, dressings, and other preparations in such a manner that they are protected against contamination; (K),
- J. Performing in such a way the filling, assembling, packaging, and other operations such that the food is protected from contamination; (K),
- K. 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^{K/C}),
- L. Assuring that drip or condensate from fixtures, ducts and pipes does not contaminate food, food-contact surfaces, and food packaging materials; (S^{K/C}),
- M. Providing adequate physical protection of food from contamination that may drip, drain, or be drawn into the food; (S^{K/C}),
- N. Providing adequate physical protection of components from contaminants that may drip, drain, or be drawn into them; (S^{K/C}),
- O. 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
- P. 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).

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123.

Rule 20.7 The processor must properly label, store, and use toxic compounds according to the following:

- A. 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
- B. 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)

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123

Rule 20.8 The processor must control employee health conditions by:

- A. 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
- B. Instructing employees to report such health conditions to their supervisor. (K)

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123

Rule 20.9 The processor must control pests by:

- A. Excluding all pests from any area of the certified crab plant; (K),
- B. 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
- C. Providing, where necessary, adequate screening or other protection against pests. (K)

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123

Rule 20.10 The processor must ensure equipment and utensils used in processing abide by the following:

- A. Non-food contact surfaces in processing areas are constructed to be easily cleanable; (O),
- B. Holding, conveying, and manufacturing systems are designed and constructed to be maintained in an appropriate sanitary condition; (O),
- C. 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
- D. 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)

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123

Rule 20.11 All operations in the receiving, inspecting, transporting, preparing, manufacturing, packaging and storage of saltwater crab products must be conducted in accordance with the sanitation requirements to ensure that:

- A. Raw materials and other ingredients must either not contain levels of microorganisms that have the ability to produce poisoning or diseases in humans or they must be pasteurized or otherwise treated to reduce levels; (K),
- B. Raw materials and other ingredients susceptible to contamination with natural toxins must comply with current FDA regulations and guidelines, and action levels before incorporated into finished food; (K),
- C. Raw materials, other ingredients, and rework susceptible to contamination with undesirable microorganisms, pests, or extraneous material must comply with FDA regulations, guidelines, and defect action levels; (K),

- D. When frozen materials/products are thawed, it is done in a manner that protects the materials/products from adulteration; (S^{O/K}),
- E. All saltwater crab product manufacturing, including packaging and storage of saltwater crab products, is conducted under such conditions and controls as necessary to minimize the potential for growth of microorganisms, (S^{K/C}),
- F. Saltwater crab products that can support the rapid growth of microbes are held in a manner that prevents adulteration by:
 - a. Maintaining refrigerated saltwater crab products at 40⁰F or below as appropriate; (C), and
 - b. Maintaining frozen food in a frozen state. (K)
- G. Methods used to destroy or prevent the growth of undesirable microbes are adequate under the conditions of manufacturing and distribution to prevent adulteration; (K),
- H. Effective measures are taken to protect food from inclusion of metal or other extraneous material; (O),
- I. Adulterated saltwater crab products are disposed of in a manner that protects other foods from contamination; (S^{K/C}),
- J. Ingredients used are free from contamination; (C),
- K. Heat processes are used where applicable; (C),
- L. Time temperature controls are in place; (C),
- M. Product is cooled to the adequate temperature during manufacturing; (C),
- N. Disposing of batters are at appropriate intervals to protect against the growth of microorganisms; (K),
- O. Food containers and packaging materials are safe and suitable; (O),
- P. Physical protection from contamination is provided; (O), and
- Q. 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)

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123

Rule 20.12 The processor must take all precautions and measures to ensure the following:

- A. Employees are wearing, where appropriate, in an effective manner, hair nets, headbands, caps, beard covers, or other hair restraints; (O),
- B. 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 unsanitary practices; (K), and
- C. Clearly assigned, competent supervisory personnel will ensure employee practices are monitored. (K)

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123

Rule 20.13 The grounds about the certified facility under the control of the processor must 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:

- A. Properly storing equipment, removing litter and waste, and cutting weeds or grass within the immediate vicinity of the facility that constitute an attractant, breeding place, or

- harborage for pests; (O)
- B. Maintaining roads, yards, and parking lots so that they do not constitute a source of contamination in areas where food is exposed; (O)
 - C. Adequately draining areas that contribute contamination to food by seepage, foot-borne filth, or providing a breeding place for pests; (O)
 - D. 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) and/or
 - E. If the plant grounds are bordered by areas not under the operator's control and these areas are in an unsanitary condition, care must be exercised in the plant to exclude pests, dirt, and filth that are a source of contamination. (O)

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123

Rule 20.14 The plant building, fixtures, structures, and other physical facility requirements are as follows:

- A. The plant building, fixtures, structures and other physical facilities are maintained and repaired to prevent adulteration of food. (O)
- B. Cleaning and sanitizing are done in a manner that protects from contamination. (O)
- C. Non-food contact surfaces are cleaned as frequently as necessary to protect from contamination. (O)
- D. Single-service articles are used, stored, handled, dispensed, and disposed of in a manner to protect against contamination of food or food contact surfaces. (O)
- E. Storage of cleaned and sanitized portable equipment is in a location that protects food contact surfaces from contamination. (O)
- F. 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)
- G. Floors, walls and ceilings must be kept clean and in good repair. (O)

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123.

Rule 20.15 Sanitary facilities and controls must be such that:

- A. 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, and able to avoid constituting a source of contamination to food, water supplies, equipment, or utensils. (S^{O/K})
- B. 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)
- C. Refuse receptacles are constructed and maintained to protect food against contamination. (O)
- D. Garbage 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)

MISS. CODE ANN. §§49-15-11, 49-15-15, 9 CFR 531.1, and 21 CFR 123

CHAPTER 21 PROCESSOR COMPLIANCE ENFORCEMENT

Rule 21.1 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.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-63, 9 CFR 531.1, and 21 CFR 123

CHAPTER 22 PENALTIES

Rule 22.1 Violations under this part will be charged in accordance with the provisions of Miss. Code Ann. §49-15-1 et seq. Each day of a continuing violation constitutes a separate violation. Violations of more than one chapter or subchapter of this part or part thereof shall be considered separate offenses and punished as such.

MISS. CODE ANN. §49-15-1 et seq.

CHAPTER 23 CHAPTERS AND SUBCHAPTERS DECLARED SEPARABLE

Rule 23.1 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 04 shall remain in full force and effect.

MISS. CODE ANN. §49-15-11, 49-15-15, 49-15-63, 49-15-92