



# LAWS OF ALASKA

1995

**Source**  
CSHB 208(FSH)

**Chapter No.**  
48

## AN ACT

Relating to seafood processing permits and hazard analysis critical control point plans; relating to seafood processing plans of operation and quality assurance plans; and providing for an effective date.

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**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

THE ACT FOLLOWS ON PAGE 1

**Approved by the Governor:** May 26, 1995

**Actual Effective Date:** Sections 1 and 4 are conditional; remainder of Act takes effect August 24, 1995

AN ACT

1 Relating to seafood processing permits and hazard analysis critical control point plans; relating  
2 to seafood processing plans of operation and quality assurance plans; and providing for an  
3 effective date.

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5 \* Section 1. AS 03.05.011(a) is amended to read:

6 (a) To carry out the requirements of this title, the commissioner of  
7 environmental conservation may issue orders, regulations, permits, quarantines, and  
8 embargoes relating to

9 (1) examination and inspection of premises containing products,  
10 articles, and commodities carrying pests;

11 (2) establishment of quarantines for eradication of pests;

12 (3) establishment of standards and labeling requirements pertaining to  
13 the sale of meat, fish, and poultry;

14 (4) tests and analyses that [WHICH] may be made and hearings that

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1 [WHICH] may be held to determine whether the commissioner will issue a stop order  
2 or quarantine;

3 (5) cooperation with federal and other state agencies;

4 (6) regulation of fur farming; for purposes of this paragraph, "fur  
5 farming" means the raising of and caring for animals for the purpose of marketing  
6 their fur, or animals themselves for breeding stock;

7 (7) examination and inspection of meat, fish, and poultry advertised for  
8 sale or sold to the public;

9 (8) enforcement of hazard analysis critical control point programs  
10 for seafood processing that are [QUALITY ASSURANCE PLANS] developed in  
11 cooperation with appropriate industry representatives or that are established by  
12 federal regulation and adopted by the department;

13 (9) establishment of standards and conditions for the operation and  
14 siting of aquatic farms and related hatcheries, including

15 (A) restrictions on the use of chemicals; and

16 (B) requirements to protect the public from contaminated  
17 aquatic farm products that pose a risk to health;

18 (10) monitoring aquatic farms and aquatic farm products to ensure  
19 compliance with this chapter and with the requirements of the national shellfish  
20 sanitation program manual of operations published by the Food and Drug  
21 Administration.

22 \* Sec. 2. AS 03.05.025(a) is amended to read:

23 (a) A person may not operate a seafood processing establishment or seafood  
24 processing vessel [WITHOUT A PLAN OF OPERATION APPROVED IN WRITING  
25 BY THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION AND]  
26 without a seafood processing permit issued by the Department of Environmental  
27 Conservation. A seafood processing [COMMISSIONER OF ENVIRONMENTAL  
28 CONSERVATION THAT INCORPORATES THE PLAN OF OPERATION. TO BE  
29 VALID, A PLAN OF OPERATION OR A] permit issued under this section must be  
30 renewed annually.

31 \* Sec. 3. AS 03.05.025(b) is repealed and reenacted to read:

1 (b) A person may not operate a seafood processing establishment or a seafood  
2 processing vessel to process seafood, other than for the production of a fresh or frozen  
3 seafood product, without having a plan of operation approved in writing by the  
4 Department of Environmental Conservation. An approved plan of operation is not  
5 subject to further review or approval by the department unless an amendment of the  
6 plan is necessitated by a change in

7 (1) the operation of the establishment or vessel; or

8 (2) a product produced or process conducted at the establishment or  
9 vessel.

10 \* Sec. 4. AS 03.05.025(b) is repealed and reenacted to read:

11 (b) A person may not operate a seafood processing establishment or a seafood  
12 processing vessel without a written hazard analysis critical control point plan that  
13 explains the procedures used at each critical control point in the operation of the  
14 seafood processing establishment or the seafood processing vessel. The Department  
15 of Environmental Conservation may review, and comment on, the completeness of the  
16 hazard analysis critical control point plan prepared for a seafood processing  
17 establishment or a seafood processing vessel; however, the department may not require  
18 annual submission of the plan unless a change in operation, product, or process  
19 necessitates a change in the plan. In this subsection, "critical control point" means a  
20 point in the seafood production process where a high probability exists that improper  
21 controls may cause, allow, or contribute to a health hazard in the final seafood product.

22 \* Sec. 5. Notwithstanding AS 03.05.025, as amended by secs. 2 and 3 of this Act, a  
23 seafood processing permit that was issued under the current provisions of AS 03.05.025 and  
24 that is in effect on the day before the effective date of sec. 2 of this Act, remains in effect for  
25 the remainder of the annual period for which the permit was issued or renewed.

26 \* Sec. 6. Sections 1 and 4 of this Act take effect on the effective date of regulations  
27 adopted by the Food and Drug Administration that establish procedures for ensuring safe  
28 processing of fish and fishery products in accordance with hazard analysis critical control  
29 point principles. The commissioner of environmental conservation shall notify the revisor of  
30 statutes of the date on which the regulations described in this section take effect.