

SENATE CONCURRENT RESOLUTION NO. 73

BY SENATOR DUPRE

A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals, with assistance from the U.S. Food and Drug Administration and the Interstate Shellfish Sanitation Conference, to perform a cost-benefit analysis and economic impact study before promulgation of rules relating to the *Vibrio parahaemolyticus* and *Vibrio vulnificus* management plans.

WHEREAS, the U.S. Food and Drug Administration ("FDA") and the Interstate Shellfish Sanitation Conference ("ISSC") are in the process of developing the *Vibrio parahaemolyticus* and *Vibrio vulnificus* management plans; and

WHEREAS, in 1982, a delegation of state officials formed the ISSC comprised of state shellfish regulatory officials, industry officials, the FDA, and other interested federal agencies; and

WHEREAS, the ISSC has provided a forum for the above officials and agencies to establish uniform national guidelines and to exchange information regarding sources of safe shellfish; and

WHEREAS, ISSC developed the *Vibrio parahaemolyticus* (V.p.) and *Vibrio vulnificus* (V.v.) management plans; and

WHEREAS, the V.p. management plan would require that shellfish state control agencies mandate postharvest processing of oysters, close oyster growing areas, label oysters for cooking purposes only, or reduce the time period from harvesting to refrigeration to five hours when water temperatures reaches eighty-one degrees; and

WHEREAS, since 1998, no state in the Gulf of Mexico region has been involved in a V.p. illness outbreak; and

WHEREAS, the V.v. management plan would provide that if the sixty percent illness rate reduction goals established for 2007 - 2008 are not met, the oyster producers in the Gulf of Mexico region will be forced to either postharvest process all oysters harvested for raw consumption, shuck and label all oysters for cooking purposes only, or close oyster harvesting areas; and

WHEREAS, such requirements are inappropriate, given the low level of risk posed to the average oyster consumer; and

WHEREAS, House Bill No. 1142 of the 2008 Regular Session of the Legislature has been passed by the legislature and sent to the governor for his consideration; and

WHEREAS, House Bill No. 1142 allows the Wildlife and Fisheries Commission to promulgate rules and regulations for the operation of oyster cargo vessels; and

WHEREAS, such rules may include provisions for compliance with refrigeration requirements and other requirements mandated by the federal government; and

WHEREAS, the oyster cargo vessels in conjunction with the *Vibrio parahaemolyticus* and *Vibrio vulnificus* management plans will provide the necessary safety requirements and allow a vast majority of the consuming population to continue to consume molluscan shellfish in the traditional raw and natural state.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby request the Department of Health and Hospitals, with assistance from the U.S. Food and Drug Administration and the Interstate Shellfish Sanitation Conference, to perform a cost-benefit analysis and economic impact study before promulgation of rules relating to the *Vibrio parahaemolyticus* and *Vibrio vulnificus* management plans.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the secretary of the Department of Health and Hospitals, the commissioner of the U.S. Food and Drug Administration, and the Interstate Shellfish Sanitation Conference.

---

PRESIDENT OF THE SENATE

---

SPEAKER OF THE HOUSE OF REPRESENTATIVES