

TO BE RESCINDED

901:3-7-01 **Criteria and definitions for fish and fishery products.**

(A) Food processing establishments processing fish and fishery products shall comply with Chapter 901:3-7 and the applicable provisions of Chapter 901:3-17 of the Administrative Code. The rules in this chapter do not apply to all of the following:

- (1) Harvesting or transporting fish or fishery products, without otherwise engaging in processing.
- (2) Practices such as heading, eviscerating, or freezing intended solely to prepare a fish for holding on board a harvest vessel.
- (3) The operation of a retail food establishment or food service operation as defined in Chapter 3717. of the Revised Code.
- (4) A non-profit organization exempt from federal income taxation pursuant to section 501 (c)(3) of the Internal Revenue Code, 26 U.S.C.A., or senior centers created under section 173.11 of the Revised Code, that do both of the following:
 - (a) Moves fish or fishery products from a food processing establishment to another location under their control; and,
 - (b) Serves the food to the end consumer, without charge.

(B) Definitions.

As used in Chapter 901:3-7 of the Administrative Code:

- (1) "Certification number" means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish processor.
- (2) "Corrective action plan" means a plan that describes the steps to be taken and assigns responsibility for those steps as they pertain to a particular deviation from the HACCP plan.
- (3) "Critical control point" means a point, step, or procedure in a food process at which control can be applied, and a food safety hazard can as a result be prevented, eliminated, or reduced to acceptable levels.
- (4) "Critical limit" means 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.

- (5) "Fish" means fresh or saltwater finfish, crustaceans, other forms of aquatic animal life and the roe of such animals, including but not limited to, alligator, frog, aquatic turtle, jellyfish, sea cucumber, sea urchin and all mollusks, where such animal life is intended for human consumption. Fish does not include birds or mammals.
- (6) "Fishery product" means any human food product in which fish is a characterizing ingredient.
- (7) "Food safety hazard" means any biological, chemical, or physical property determined through experience, illness data, scientific reports, or other information, that may cause a food to be unsafe for human consumption.
- (8) "Food processing establishment" has the same meaning as defined in section 3715.021 of the Revised Code.
- (9) "HACCP" means hazard analysis and critical control point.
- (10) "Molluscan shellfish" means any edible species of fresh or frozen oysters, clams, mussels, or scallops, or edible portions of such species, except when the product consists entirely of the shucked adductor muscle.
- (11) "Preventive measure" means physical, chemical, or other factors that can be used to control an identified food safety hazard.
- (12) "Process-monitoring instrument" means an instrument or device used to indicate conditions during processing at a critical control point.
- (13) "Processing of fish or fishery products" means handling, storing, preparing, heading, eviscerating, shucking, freezing, changing into different market forms, manufacturing, preserving, packing, labeling, dockside unloading, or holding of fish or fishery products.
- (14) "Processor" means any person engaged in commercial, custom, or institutional processing of fish or fishery products. A processor includes any person engaged in the production of foods that are to be used in market or consumer tests.
- (15) "Scombroid toxin-forming species" means tuna, bluefish, mahi mahi, and other species, whether or not in the family Scombridae, in which significant levels of histamine may be produced in the fish flesh by decarboxylation of free histidine as a result of exposure of the fish after capture to temperatures that permit the growth of mesophilic bacteria.

- (16) "Shellfish control authority" means a federal, state, or foreign agency, or sovereign tribal government, legally responsible for the administration of a program that includes activities such as classification of molluscan shellfish growing areas, enforcement of molluscan shellfish harvesting controls, and certification of molluscan shellfish processors.
- (17) "Shellstock" means raw, in-shell molluscan shellfish.
- (18) "Shucked shellfish" means molluscan shellfish that have one or both shells removed.
- (19) "Smoked or smoke-flavored fishery products" means the finished food prepared by:
- (a) Treating fish with salt (sodium chloride), and
 - (b) Subjecting the fishery product to the direct action of smoke from burning wood, sawdust, or similar material or imparting to the fishery product the flavor of smoke by a means such as immersing the fishery product in a solution of wood smoke.
- (20) "Tag" means a record of harvesting information attached to a container of shellstock by the harvester or processor.

Effective:

Five Year Review (FYR) Dates: 3/26/2024

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 3715.021
Rule Amplifies: 3715.59
Prior Effective Dates: 08/10/1951, 04/28/2003, 03/21/2016, 10/27/2018,
07/09/2020