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Statutory Authority: 44-1-140

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Subject: Crabmeat

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By Date Action Description Jt. Res. No. Expiration Date

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- 01/12/2016 Received by Lt. Gov & Speaker 05/11/2016

H 01/12/2016 Referred to Committee

S 01/13/2016 Referred to Committee

H 03/23/2016 Resolution Introduced to Approve 5144

- 05/11/2016 Approved by: Expiration Date

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provided for in the Regulation

Document No. 4567

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

CHAPTER 61

Statutory Authority: 1976 Code Section 44-1-140

61-49. Crabmeat

**Synopsis:**

Regulation 61-49, *Crabmeat*, prescribes requirements for processors of crab meat and is intended to protect the health of consumers of crab meat. This regulation was last updated in 1976 and still refers to the implementing state agency as the South Carolina State Board of Health. Currently, there are no crab meat processing facilities operating under this regulation, and no facility has operated under this regulation since 2001. This regulation has been superseded by more up-to-date state and federal laws and regulations that address the storing, processing, and handling of seafood, including crab. As such, the Department has repealed Regulation 61-49 because it has become obsolete and is no longer needed.

A Notice of Drafting for this proposed repeal of Regulation 61-49 was published in the *State Register* on February 27, 2015.

**Instructions:** Repeal Regulation 61-49 in its entirety.

**Text:**

**Repeal 61-49 to read:**

**61‑49**. **[Repealed]**

**Fiscal Impact Statement**:

There are no anticipated new costs associated with the repeal of this regulation to the State or its political subdivisions.

**Statement of Need and Reasonableness**:

The Statement of Need and Reasonableness was determined by staff analysis pursuant to 1976 S.C. Code Section 1-23-115(C) (1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: Repeal of Regulation 61-49, *Crabmeat*.

Purpose: Regulation 61-49, *Crabmeat,* prescribes requirements for processors of crab meat and is intended to protect the health of consumers of crab meat. This regulation was last updated in 1976 and still refers to the implementing state agency as the South Carolina State Board of Health. Currently, there are no crab meat processing facilities operating under this regulation, and no facility has operated under this regulation since 2001. This regulation is obsolete and has been superseded by more up-to-date state and federal laws and regulations that address the storing, processing, and handling of seafood, including crab.

Legal Authority: 1976 Code Section 44-1-140.

Plan for Implementation: None. Upon approval of the General Assembly and publication in the S.C. *State Register* this regulation is deemed repealed and will be noted as repealed in the S.C. Code of Regulations.

DETERMINATION OF NEED AND REASONABLENESS OF THE REGULATION REPEAL BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

In the interest of good government and efficiency, the Department has repealed Regulation 61-49, *Crabmeat.*

The regulation is obsolete and has been superseded by more up-to-date state and federal laws and regulations for the storage, processing and handling of crab to protect human health. The South Carolina Code of Laws, Section 39-25-180(K) and (L) incorporates by reference the federal Food, Drug and Cosmetic Act and associated federal regulation that address the storage, processing, and handling of fish and fishery products (Code of Federal Registers, Fish and Fishery Products, Title 21 Section 123; 21 CFR 123). The definition of “Fish” in federal regulation 21 CFR 123 includes crustaceans (crabs). A crab processor would be required to have and follow a Hazard Analysis and Critical Control Point (HACCP) Plan as defined in 21 CFR 123. A HACCP plan would contain process controls for the storage, processing and handling of food products in accordance with the latest FDA safety guidelines.

DETERMINATION OF COSTS AND BENEFITS:

The Department anticipates no fiscal or economic impact on the State or its political subdivisions and the regulated community by the repeal of this regulation.

Internal Costs: Implementation of the repeal will not require additional resources. There is no anticipated additional cost by the Department or State government.

External Costs: There are no anticipated additional external costs for repealing this regulation.

External Benefits: Regulation 61-49 should be repealed because it has been superseded by more up-to-date state and federal laws and regulations that address the storing, processing, and handling of seafood, including crab. The repeal removes superfluous regulations from the books.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

There are no anticipated negative environmental or public health effects resulting from this repeal.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There are no anticipated negative effects on the environment and public health by the repeal of this regulation.

**Statement of Rationale:**

The Department has determined that Regulation 61-49 is obsolete and no longer needed. Currently, there are no crab meat processing facilities operating under this regulation, and no facility has operated under this regulation since 2001. This regulation is obsolete and has been superseded by more up-to-date state and federal regulations that address the storing, processing, and handling of seafood, including crab.