



## Guidance for NJ Certified Shellfish Dealers Requesting to Conduct Temporary Retail Shellfish Operations

**LAST UPDATE: 4/14/20**

During the COVID-19 pandemic, the Shellfish Project, Public Health and Food Protection Program has not issued any special restrictions on wholesale shellfish operations. However, we have received some requests to allow NJ certified shellfish dealers to operate on a retail basis. We understand that this would assist with business continuity and keeping workers employed while restaurants are closed or operating in a limited capacity. While the Shellfish Project generally supports this concept for the good of the industry, it is the ultimate decision of the respective local health department to determine if certified shellfish dealers will be permitted to operate in a temporary retail capacity.

If you are a NJ certified shellfish dealer and would like to sell raw molluscan shellfish (clams, mussels, oysters) directly to the public, the following must be addressed:

1. Submit a formal request in writing to Virginia Wheatley, Shellfish Project Coordinator, at [virginia.wheatley@doh.nj.gov](mailto:virginia.wheatley@doh.nj.gov). Include information on the type of shellfish you plan to sell, the locations you plan to sell to, and how the shellfish will be delivered and/or picked up.
2. Contact the respective local/county health department(s) in the jurisdiction where your firm is located. A list of local health departments is available at: <https://www.nj.gov/health/lh/documents/LocalHealthDirectory.pdf>
3. For traceability purposes, maintain a separate written record or code system that indicates the following for each sale:
  - retail sale to public
  - date of sale
  - type of shellfish (clams, mussels, oysters) sold
  - quantity of shellfish sold
  - harvest date
  - harvest area
  - date last shellfish from container was sold (noted on the tag):
4. Maintain tags from each container of shellfish that is sold; tags must be kept for 90 days.
5. Certified dealers must keep shellfish in ice and/or in a cooler at or below 41F per Chapter 24, the retail food code. On the invoice, record the temperature of the shellfish upon delivery/pickup. If possible, it is recommended that dealers provide ice to consumers upon purchase. Ice must be from an approved source.
6. Certified dealer must not allow public contact and handling of raw shellfish prior to purchase. A written menu of purchase options is recommended.
7. Employees handling raw shellfish must have access to handwashing facilities, practice good hand hygiene, and use gloves properly. Hand sanitizer should be available if possible.
8. As detailed in Gov. Murphy's Executive Order 122 <https://nj.gov/infobank/eo/056murphy/pdf/EO-122.pdf>, essential businesses remaining in operation must implement additional public health policies for social distancing, cleaning, sanitizing, and hygiene to reduce potential spread of COVID-19 to staff and the public.
9. Staff at certified dealer facilities and or those making deliveries should take every effort to maintain social distancing.
10. Final approval must be obtained from the local health department(s).

***FDA and NJDOH regulations strictly prohibit harvesters from selling raw shellfish directly to the public unless that harvester is also a certified dealer. For concerns and additional questions, contact Virginia Wheatley, Shellfish Project Coordinator, at [virginia.wheatley@doh.nj.gov](mailto:virginia.wheatley@doh.nj.gov) or 609-826-4935.***