

processing does not include a treatment that ensures the destruction of vegetative cells of microorganisms of public health concern.

§ 123.28 Source controls.

(a) In order to meet the requirements of subpart A of this part as they apply to microbiological contamination, chemical contamination, natural toxins, and related food safety hazards, processors shall include in their HACCP plans how they are controlling the origin of the molluscan shellfish they process to ensure that the conditions of paragraphs (b), (c), and (d) of this section are met.

(b) Processors shall only process molluscan shellfish harvested from growing waters approved for harvesting by a shellfish control authority. In the case of molluscan shellfish harvested from U.S. Federal waters, the requirements of this paragraph will be met so long as the shellfish have not been harvested from waters that have been closed to harvesting by an agency of the Federal government.

(c) To meet the requirements of paragraph (b) of this section, processors who receive shellstock shall accept only shellstock from a harvester that is in compliance with such licensure requirements as may apply to the harvesting of molluscan shellfish or from a processor that is certified by a shellfish control authority, and that has a tag affixed to each container of shellstock. The tag shall bear, at a minimum, the information required in §1240.60(b) of this chapter. In place of the tag, bulk shellstock shipments may be accompanied by a bill of lading or similar shipping document that contains the information required in §1240.60(b) of this chapter. Processors shall maintain records that document that all shellstock have met the requirements of this section. These records shall document:

- (1) The date of harvest;
- (2) The location of harvest by State and site;
- (3) The quantity and type of shellfish;
- (4) The date of receipt by the processor; and
- (5) The name of the harvester, the name or registration number of the harvester's vessel, or an identification

number issued to the harvester by the shellfish control authority.

(d) To meet the requirements of paragraph (b) of this section, processors who receive shucked molluscan shellfish shall accept only containers of shucked molluscan shellfish that bear a label that complies with §1240.60(c) of this chapter. Processors shall maintain records that document that all shucked molluscan shellfish have met the requirements of this section. These records shall document:

- (1) The date of receipt;
- (2) The quantity and type of shellfish; and
- (3) The name and certification number of the packer or repacker of the product.

PART 129—PROCESSING AND BOTTLING OF BOTTLED DRINKING WATER

Subpart A—General Provisions

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AUTHORITY: 21 U.S.C. 342, 348, 371, 374; 42 U.S.C. 264.

SOURCE: 42 FR 14355, Mar. 15, 1977, unless otherwise noted.

Subpart A—General Provisions

§ 129.1 Current good manufacturing practice.

The applicable criteria in part 110 of this chapter, as well as the criteria in §§129.20, 129.35, 129.37, 129.40, and 129.80 shall apply in determining whether the facilities, methods, practices, and controls used in the processing, bottling,