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GAME AND FISH

Shellfish: Change the Minimum Size of Shellfish Which May Be Taken for Commercial or Noncommercial Purposes

CODE SECTION:	O.C.G.A. § 27-4-194 (amended)
BILL NUMBER:	SB 38
ACT NUMBER:	303
GEORGIA LAWS:	2001 Ga. Laws 999
SUMMARY:	The Act, relating to the minimum size of shellfish which may be taken for commercial or recreational purposes, reduces the depth of a clam's shell which may be harvested from one inch to three-quarters of an inch thickness.
EFFECTIVE DATE:	July 1, 2001

History

Georgia's small mariculture industry rallied support to promote their clam farming businesses.¹ Georgia was disadvantaged compared to Florida and South Carolina in the clamming industry.² Georgia has an approximately one million dollar industry; Florida's industry brings in over fifteen million dollars annually.³ Both Florida and South Carolina have separate laws for wild clams and for farm-grown aquaculture clams; Florida allows farmed clams to be harvested at five-eighths of an inch, and South Carolina's law is similar.⁴ Georgia had only one law pertaining to clams.⁵ The one inch harvesting limit applies to wild clams because that allows the clams to grow large enough to spawn; the size limit is unnecessary for farm-grown clams because the farmers set out purchased seed to fertilize the clams.⁶ Restaurants often request smaller

1. See Electronic Mail Interview with Susan Shipman, Chief, Marine Fisheries Section, Coastal Resources Division of the Department of Natural Resources (Apr. 16, 2001) [hereinafter Shipman Interview].

2. See Telephone Interview with Charlie Phillips, Owner of Sapelo Sea Farms (Apr. 17, 2001) [hereinafter Phillips Interview].

3. See Telephone Interview with Sen. Tommie Williams, Senate District No. 6 (Apr. 19, 2001) [hereinafter Williams Interview].

4. See Phillips Interview, *supra* note 2.

5. See *id.*

6. See *id.*

clams to be used as “pasta clams.”⁷ Georgia farmers would spend money to harvest their clams, then had to sort through the clams and return those less than one inch in thickness.⁸ When Georgia clam farmers then received restaurant orders for the smaller clams, Georgia law compelled them to buy these clams from Florida farmers even though they themselves had access to the smaller clams.⁹

Georgia was also historically disadvantaged because of the Food and Drug Administration (FDA) requirement that, prior to clam harvesting, the state must test growing water quality; farmers are not allowed to test the water themselves.¹⁰ Georgia had cut all funding for testing water for shellfish harvesting purposes; recently, testing was reinstated but funded under state clean water initiatives, not shellfish harvesting outlays.¹¹

After visiting farms at the invitation of clam farmers, Senator Williams agreed to introduce this bill to promote Georgia’s clamming industry and allow Georgia farmers to compete with the surrounding states.¹²

SB 38

Senators Tommie Williams, Hugh M. Gillis, Sr., Peg Blicht, and Rene’ D. Kemp of the 6th, 20th, 7th, and 3rd Districts, respectively, sponsored SB 38.¹³ Senator Williams introduced the bill on the Senate floor on January 23, 2001.¹⁴ The Senate assigned the bill to its Natural Resources Committee, which favorably reported the bill, as amended.¹⁵ The amendment was simply to correct a misprint by changing the word “lawful” to “unlawful” as it was originally intended.¹⁶ The Senate unanimously passed the Committee amendment and the bill on February 1, 2001.¹⁷

7. See Shipman Interview, *supra* note 1.

8. See Williams Interview, *supra* note 3.

9. See *id.*

10. See Phillips Interview, *supra* note 2.

11. See *id.*

12. See Williams Interview, *supra* note 3.

13. See SB 38, as introduced, 2001 Ga. Gen. Assem.

14. See State of Georgia Final Composite Status Sheet, SB 38, Mar. 21, 2001.

15. See *id.*

16. Compare SB 38, as introduced, 2001 Ga. Gen. Assem., with SB 38 (SCA), 2001 Ga. Gen. Assem. See Audio Recording of Senate Proceedings, Feb. 1, 2001 (remarks by Sen. Tommie Williams), at <http://www.state.ga.us/services/leg/audio/2001archive.html> [hereinafter Senate Audio].

17. See Georgia Senate Voting Record, SB 38 (Feb. 1, 2001); State of Georgia Final Composite Status

On February 2, 2001, the House assigned SB 38 to its Game, Fish, and Parks Committee, which favorably reported the bill, without changes, on February 7, 2001.¹⁸ The House unanimously passed the bill without changes on February 16, 2001.¹⁹ The General Assembly forwarded the bill to Governor Roy Barnes on April 4, 2001.²⁰ The Governor signed SB 38 into law on April 27, 2001.²¹

The Act

The Act amends language in Code section 27-4-194 by reducing the minimum harvestible clam size from one inch to three-quarters of an inch, as measured by shell depth.²² The Act will allow Georgia clam farmers to better compete with the surrounding states in the aquaculture industry.²³

Amy Haywood

Sheet, SB 38, Mar. 21, 2001.

18. See State of Georgia Final Composite Status Sheet, SB 38, Mar. 21, 2001.

19. See Georgia House of Representatives Voting Record, SB 38 (Feb. 16, 2001); State of Georgia Final Composite Status Sheet, SB 38, Mar. 21, 2001.

20. See State of Georgia Final Composite Status Sheet, SB 38, Mar. 21, 2001.

21. See 2001 Ga. Laws 999, § 2, at 1000.

22. Compare 1991 Ga. Laws 693, § 6, at 699 (formerly found at O.C.G.A. § 27-4-194 (2000)), with O.C.G.A. § 27-4-194 (2001).

23. See Williams Interview, *supra* note 3.