



Massachusetts Division of Marine Fisheries

Paul Diodati, Director

Policies, Procedures, and Guidelines

Issue: Policy regarding interstate shipment of non-conforming lobster products No: PPG-01

Introduction and Purpose:

Legally caught and processed frozen lobster product from Canada or other states that do not conform with Massachusetts statutes and regulations may be exempt, under specific circumstances, from the provisions of M.G.L. Chapter 130 § 44 and code of Massachusetts regulations, 322 CMR 6.32. Non-conforming lobster products include whole frozen lobsters from Canada and frozen shell-on lobster tails from Canada as well as certain states such as Maine.

Non-conforming product imported may be imported into the Commonwealth and then transferred to a cold storage facility for a temporary period of time for eventual transfer to wholesale or retail outlets outside the Commonwealth as long as the following conditions are met:

1. lobster product shall be frozen;
2. lobster product may not be co-mingled or susceptible to co-mingling with lobsters from the Commonwealth;
3. lobster product shall remain packed, sealed, and labeled with country or state of origin and may not be kept in possession for more than one year;
4. bills of lading, custom documentation, or other papers must be present on the premises;
5. any non-conforming lobster product shipped out of state must be documented to indicate final destination outside of the Commonwealth and the documentation must be kept on the premises for at least 60 days; and
6. non-conforming lobster product may not be sold in the Commonwealth. This means that it shall be unlawful to offer for sale shell-on lobster tails or shell-on body parts of a mutilated lobster within the Commonwealth. A lobster shall be considered mutilated if it has been altered in any way that affects its measurement.

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