



David E. Pierce, PhD.  
Director

# Commonwealth of Massachusetts

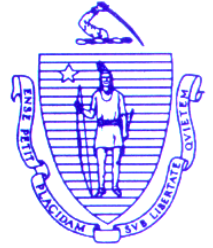
## Division of Marine Fisheries

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January 7, 2019

### STATEMENT OF PERMIT CONDITIONS: SHELLFISH HARVEST, HANDLING, TRANSPORT AND SALE

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Massachusetts shellfish are renowned for their high quality. Commercial harvesters, including shellfish growers, are required by the National Shellfish Sanitation Program (NSSP) and by Massachusetts Division of Marine Fisheries (DMF) and Department of Public Health (DPH) regulations to harvest shellfish only from open areas that are not contaminated and to take steps that protect the shellfish from temperature abuse and exposure to contamination during handling and transport to wholesale dealers for sale.

Disease-causing bacteria and viruses can be found in raw shellfish. Contamination may occur at any point in the food distribution system, including the point of harvest. Since molluscan shellfish filter water to obtain food, any bacteria, viruses and protozoa in the water will be concentrated by the shellfish. Shellfish from waters contaminated with sewage wastes accumulate higher levels of disease-causing pathogens which can cause *Norovirus*, *hepatitis*, *cholera*, and various other forms of viral and bacterial gastroenteritis. Exposure to contaminants during transport and lack of temperature control can further degrade the shellfish and allow growth of pathogens that can cause illness, such as the *Vibrio* bacteria. Shellfish is considered ready-to-eat and consumers may not cook it; a step that generally kills pathogens.

Pursuant to the authority at, G.L. c. 130 §§ 2, and 80 and 322 CMR § 7.01(7), all 2019 commercial shellfish fisherman permits or commercial fisherman permits endorsed for shellfish have been hereby conditioned:

1. Shellfish for direct marketing shall only be harvested from Designated Shellfish Growing Areas (DSGAs) classified as Approved or **Conditionally Approved** by DMF and in the “**Open Status**”. Information regarding shellfish classification and specific DSGA classifications may be found on the Division’s [Shellfish Classification Area webpage](#) and [website](#) and [Legal Notice webpage](#). Harvesters are advised to consult with local shellfish authorities or DMF to determine what areas are open and safe for harvesting or closed to protect public health due to sanitary problems, bio-toxins, oil spills or chemical contamination.
2. Harvesters shall ensure shellfish are harvested, handled and transported in a manner that prevents contamination and deterioration.

- a. Containers used to hold shellstock shall be clean, free of debris and fabricated using safe, easily cleanable materials (e.g., smooth surface).
  - b. Shellfish shall be covered to prevent exposure to direct sunlight, heat and contaminants.
  - c. Vessels used in the harvest of shellfish shall be clean.
  - d. Shellfish onboard vessels shall be held in raised areas to prevent contact with bilge water and away from fuel, oil and other potential chemical contaminants.
  - e. For handling human waste, vessels shall be equipped with a marine sanitation device or a secured container with a tight fitting cover that does not leak or spill. All containers shall be indelibly labeled with the words “**Human Waste**” in contrasting letters at least three inches in height. Containers shall be emptied only into sewage disposal systems and thoroughly cleaned once empty.
  - f. Dogs, cats or other animals shall not be onboard vessels during the harvest or transport of shellfish.
3. Market bound shellfish may be sold to a wholesale dealer at the landing site or may be transported by the harvester directly to a permitted wholesale dealer facility .Market bound shellfish shall not be stored at any unpermitted location prior to being accepted by the wholesale dealer. Harvesters shall only sell to a Permitted wholesale dealer.
  4. From January – April and November – December, shellstock must be accepted by a wholesale dealer on the same day as it was harvested. From May – October, shellstock must be accepted by a wholesale dealer on the same day of harvest and within 18 hours of time of first harvest or exposure. This shall not apply to surf clams or ocean quahogs intended for thermal processing. Additional time to temperature requirements apply to oysters during the *Vp* control season (322 CMR 16.05).

Any violation of the above stated permit condition is subject to the fines and penalties set forth at G.L. c. 130 §§ 2 and 80, G.L. c. 21A § 10H and 322 CMR 7.01(9), including but not limited to an administrative hearing to suspend or revoke your commercial fisherman permit.

Thank you for your cooperation in this matter,



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David E. Pierce, PhD  
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January 04, 2019

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Effective Date