



The Commonwealth of Massachusetts

Division of Marine Fisheries

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April 7, 2025

Marine Fisheries Advisory

REMINDER TO COMMERCIAL FISHERS AND DEALERS ON RULES GOVERNING SALE AND TRANSPORT OF SHELLFISH

The advisory is a periodic reminder to commercial shellfish fishers and seafood dealers of the rules governing the sale and transport of shellfish shellstock. Please note the following is specific to whole in-shell shellfish harvested from an Approved or Conditionally Approved shellfish growing area in the Open Status. While some of these provisions may apply to other shellfish product (e.g., shucked scallop meats, moderately contaminated clams for depuration), the proper harvest, handling, transport, and sale practices for these shellfish products are beyond the scope of this reminder.

Commercial fishers may only sell their shellfish shellstock to a wholesale dealer authorized as a primary buyer of shellfish. This primary transaction may only occur at the initial landing site, at the dealer facility, or at a municipally managed location approved by DMF. Both the harvester and dealer (or dealer or aquaculture farm employee) must be present for the transaction. Additionally, except for surf clams and ocean quahogs intended for thermal processing, this transaction must occur on the same calendar day as the harvest activity. During the warmer weather months, this restriction is even more conservative. From May 1 – October 31, this primary transaction must occur on the same calendar day and within 18-hours from time of harvest, and for oysters, during the *Vibrio* Control season the primary transaction is to occur on the same calendar day and within 10 hours from time of harvest.

For intertidal areas where shellstock is exposed to the air, the time of harvest constitutes the time of first exposure. This is the case even when shellstock is exposed by the tide earlier than a half-hour before sunset. It is unlawful to actively harvest from one half hour after sunset to one half hour before sunrise, however the correct time of harvest recorded on the harvest tag should be the time of exposure even when the time of exposure is earlier than one half hour before sunrise. This proper time of harvest designation for intertidal shellstock will not be used to implicate illegal night harvest.

If the primary transaction does not occur at the landing site, commercial fishers are required to directly transport shellstock to the dealer facility or authorized municipal property. The holding, handling, or storing of shellfish at any location or facility—unless so approved by the Department of Public Health or the municipal Board of Health for this purpose—is prohibited. Additionally, wild harvesters may not store shellstock within the waters under the jurisdiction of the Commonwealth. This activity constitutes shellfish planting and requires a shellfish propagation permit. In effect, a commercial shellfish fisher should not be harvesting shellstock

on any calendar day if they are uncertain that the shellstock can be lawfully sold within these time standards.

Commercial shellfish fishers are required to tag each container of shellfish shellstock. The tag is to be waterproof and durable and at least 2 5/8" in height and 5 1/4" in width. The tags are to contain the: name of the harvester; permit number; date and time of harvest; type of shellfish; quantity of shellfish; initials of the state of harvest; the most specific alpha-numeric sequence describing the shellfish growing area where it was harvested including decimal designation; an aquaculture grant license site number if applicable, and the following statement in bold and capitalized letters **"THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR IS RETAGGED AND THEREAFTER KEPT ON FILE FOR 90-DAYS."**

Subject to a bulk tagging plan approved by DMF, shellfish aquaculturists who are also licensed wholesale dealer and primary buyer of shellfish may apply a single harvester tag ("bulk tag") to a lot of shellfish for transport between their shellfish aquaculture grant and their wholesale dealer facility. Bulk tagging of shellstock between dealers, or between the Grower-Dealer acting only as the harvester and a different wholesale dealer acting as the primary buyer is prohibited.

Dealers may only accept properly tagged shellfish from commercial fishers. A dealer tag may replace the harvester tag once the product is brought to the dealer facility in accordance with Department of Public Health regulations. Dealers are to keep shellfish harvester tags accessible and on file at the dealer facility for at least 90-days after the primary transaction for purposes of recall and inspection by the Department of Public Health, Division of Marine Fisheries, or the Massachusetts Environmental Police.

Commercial shellfish fishers annually receive DMF's [Shellfish Harvest, Handling and Transport Affidavit](#) with their commercial fishing permit application. This affidavit details the state's shellfish sanitation regulations for commercial harvesters and requires they acknowledge they read and understand the document. DMF will not issue you a shellfish permit without a complete and signed affidavit.

Please visit our website: www.mass.gov/marinefisheries.