



# Massachusetts Division of Marine Fisheries

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## Policies, Procedures, and Guidelines

### Importation, Possession, and Processing of Non-Conforming Quahogs

#### Introduction and Purpose:

At 322 CMR 6.20(2), the Division of Marine Fisheries (DMF) establishes a minimum size for quahogs (*Mercenaria mercenaria*) of 1" shell thickness (hinge width). This minimum size applies as a possession limit and therefore can be interpreted as applying to harvesters, seafood dealers, and consumers. Exempt from this are Massachusetts' aquaculture raised quahogs, which are subject to a 7/8" shell thickness minimum size and must be sold outside of the Commonwealth following the initial sale to a Massachusetts primary buyer, consistent with DMF regulations at 322 CMR 14.03(3).

The 1" shell thickness minimum size standard is a historic, biologically based metric designed to sustain wild quahog populations. Certain state jurisdictions allow quahogs to be harvested and sold at sizes smaller than Massachusetts' 1" shell thickness standard, particularly aquaculture-reared product. Moreover, seafood production and consumer markets are dynamic and there are emerging markets that favor value-added, frozen quahogs measuring less than 1" shell thickness. In a state like Massachusetts that is both a major seafood producer and a major seafood processor, DMF must balance resource conservation with the interests of our fishing industry and the broader seafood processing economy.

The National Shellfish Sanitation Program (NSSP) is a cooperative state-federal-industry program for the sanitary control of shellfish produced for human consumption. To safeguard public health the NSSP's Model Ordinance establishes a shellfish traceability program through harvester and dealer tagging requirements. This traceability also benefits enforcement and conservation, as it allows for the shellfish to be traced back to its area of harvest allowing for the enforcement of public health as well as shellfish conservation regulations. Accordingly, this

allows for the interstate shipment of shellfish without negatively impacting local shellfish conservation and enforcement efforts. This policy to allow the possession of non-conforming quahogs relies on the tagging requirements of the NSSP's Model Ordinance to ensure there remains compliance with and enforcement of state conservation management regulations governing quahogs.

As a state with a large seafood processing sector, Massachusetts seafood dealers have an interest in obtaining non-conforming sized quahogs for processing into frozen, value-added products to be sold into commerce. This policy seeks to differentiate between the possession and sale of quahogs as raw shellstock and the possession and sale of frozen quahogs. In doing so, it describes the narrow circumstances whereby frozen quahogs that do not conform with the state's minimum size standard at 322 CMR 6.20(2) may be possessed and sold in Massachusetts.

**Policy:** The quahog minimum size regulation at 322 CMR 6.20(2) shall apply to all quahog shellstock and processed inshell quahogs except as enumerated below:

1. Packaged, frozen, value-added, inshell quahogs may be possessed, offered for sale, and sold in Massachusetts. This shall be inclusive of wholesaling, retailing, and possession by end-consumers.
2. Consistent with 322 CMR 6.20(2) and 14.03(3), Massachusetts wholesale dealers who are primary buyers ("primary buyer") of shellfish may purchase quahog shellstock at a shell thickness of 7/8" from lawfully permitted Massachusetts aquaculturists and shall only sell this quahog shellstock outside of Massachusetts. However, the primary buyer may process the shellstock into packaged, frozen, value-added, inshell quahog product and this product may be sold in Massachusetts consistent with this policy.
3. Massachusetts wholesale dealers may obtain frozen, inshell, aquaculture-reared quahogs from another jurisdiction that do not conform to the state's minimum size regulations at 322 CMR 6.20(2), provided they were lawfully harvested in the jurisdiction of origin. The wholesale dealer may then process the frozen, inshell quahogs into packaged, frozen, value-added, inshell quahog product and this product may be sold in Massachusetts consistent with this policy.
4. To conduct the value-added processing activities described in #2 and #3 above, the Massachusetts wholesale dealer shall obtain a Letter of Authorization and Statement of Permit Conditions issued by the Division of Marine Fisheries in accordance G.L. c. 130, §80 and 322 CMR 7.01(7). This Letter of Authorization will set forth the conditions by which the non-conforming frozen, inshell quahogs may be possessed and imported. This includes but is not limited to the disposition of the product, as well as segregation and tagging requirements. A Letter of Authorization is not necessary for primary buyers to purchase quahog shellstock at a shell thickness of 7/8" from lawfully permitted Massachusetts aquaculturists and to sell this shellstock out of state.

This policy shall not be construed to affect any other laws or regulations of the Commonwealth, including but not limited to all requirements of the Massachusetts Department of Public Health regarding the sanitary control of shellfish produced or sold for human consumption.