



Massachusetts Division of Marine Fisheries

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Policies, Procedures, and Guidelines

Issue: Policy regarding sale of shellfish at farmer's markets No: PPG-09

Introduction The Division of Marine Fisheries (DMF) working with the Department of Public Health (DPH) Food Protection Program has established standards and requirements governing the sale of shellfish at farmer's markets. This policy was established jointly after a two-year pilot program conducted by DMF and DPH.

Policy Specifics: This policy was developed and jointly adopted by the DMF and DPH, and is available in full detail at DPH's web site at www.mass.gov/dph/fpp

The specific policy can be found at the following link:

http://www.mass.gov/Eeohhs2/docs/dph/environmental/foodsafety/shellfish_at_farmer_markets_policy.pdf

A companion Question and Answer document published by DPH for municipal officials can be found at:

http://www.mass.gov/Eeohhs2/docs/dph/environmental/foodsafety/shellfish_at_farmer_markets_faq.pdf

Purpose and Effect: The policy maintains the requirement that a wholesale dealer's permit is needed to sell shellfish directly to the public. However, the policy provides a variance from the DMF and DPH requirements that shellfish not be sold from vehicles and be sold exclusively from permanent fixed business locations. Authorized wholesale dealers could obtain a Retail Seafood Dealer Permit issued jointly by DMF and DPH and the Retail Permit can then be endorsed for multiple farmer's market locations. For each location, the dealer would apply to the local board of health (BOH) for a retail food permit, and be subject to inspection by local BOH and DPH.

Because live shellfish are considered a "high hazard food" and must be strictly maintained at cold temperatures to prevent illnesses and tagged and tracked through commerce, the policy upholds the current standards whereby only licensed wholesale

dealers may sell shellfish to the public - including at these events. If a particular grower is not a certified wholesale dealer, the policy allows them to work with a wholesale dealer to sell their product at these markets as long as the wholesale dealer is willing to meet the requirements. Prohibitions will be maintained on any direct sale to the public by wild harevsters and aquaculturists who are not wholesale dealers.

Maintaining the safeguards on temperature, handling, and tracking is critical for the industry to keep the public safe. Outdoor summer-time conditions make it more challenging to meet the routine food safety standards and DPH staff are ready to assist dealers to advise them about ways to ensure the standards are maintained.

DMF and DPH have created an opportunity to allow consumers and producers to capitalize on the increasing popularity of temporary markets commonly called farmer's markets that consist of individual vendors, who set up booths, tables or stands, outdoors or indoors, to sell foods. Massachusetts, thanks to the efforts of the Department of Agriculture Resources, has become a national leader in the development of these markets and it is appropriate, whenever practical, to enhance the range of products available to the public at these events.

Industry has worked diligently with regulators to keep shellfish safe for the public, and in these modern times Massachusetts shellfish have earned an excellent reputation as a safe nutritious food, making Massachusetts shellfish highly desired on the local, national and international markets.

Date Issued: June 3, 2011