



# The Commonwealth of Massachusetts

## Division of Marine Fisheries

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## SHELLFISH HARVESTING, HANDLING, AND TRANSPORT AFFIDAVIT

**\*\* THIS AFFIDAVIT MUST BE READ, SIGNED, AND RETURNED WITH THE PERMIT APPLICATION IN ORDER TO OBTAIN A COMMERCIAL SHELLFISH PERMIT (Affidavit Revised – December, 2020)**

**SHELLFISH HARVESTING, HANDLING and TRANSPORT:** Massachusetts shellfish are renowned for their high quality. Commercial harvesters, including shellfish growers, are required by the National Shellfish Sanitation Program (NSSP) as well as by **Massachusetts Division of Marine Fisheries (DMF)** and **Department of Public Health (DPH)** regulations to harvest shellfish only from open non-polluted areas. These harvesters are required to take steps that protect shellfish from temperature abuse, and prevent 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 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 shellfish allowing the growth of naturally occurring pathogens which can cause illness from **Vibrio** bacteria. Remember, shellfish are considered ready-to-eat; consumers may not cook it which is a critical step that generally kills pathogens.

**HARVEST:** Individuals commercially harvesting shellfish must have a state commercial fishing permit or other **DMF** permit endorsed for commercial shellfish harvesting and the companion Shellfish Transaction Card [322 CMR 7.01(2)].

Shellfish for direct marketing may only be harvested from waters classified as **Approved or Conditionally Approved** by **DMF** and in the **“open status”**. Information on shellfish growing area classifications can be found by searching “DSGA” on DMF’s website. However, harvesters should also consult with local shellfish authorities or DMF to determine the status of a shellfish growing area and whether it is open and safe for harvesting or closed to protect public health due to sanitary problems, biotoxins (Red Tide), oil spills or chemical contaminants [322 CMR 16.03]. Municipalities may also close certain shellfish growing areas for management purposes.

**HANDLING:** Harvesters shall ensure shellfish are harvested, handled, and transported in a manner to prevent contamination and deterioration. All containers used to hold shellfish shall be clean, free of debris, and fabricated using safe, easily cleanable materials (smooth surface). Shellfish shall be covered or in a closed vehicle during transport to prevent exposure to direct sun light and contaminants [322 CMR 16.04].

Boats used in harvesting are to be kept clean and free of debris during the harvest and transport of shellstock. Dogs, cats and other animals are not allowed on harvest vessels during the harvest and transport of shellstock. Shellfish shall be stored on raised areas to prevent contact with bilge water and away from fuel, oil and other chemicals. Shellfish shall be covered to prevent exposure to hot sun and bird droppings.

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Each harvest boat must have a marine sanitation device (MSD) or container with a tight- fitting cover and be secured and placed to prevent contamination of shellstock by spillage or leakage. Each container must be indelibly labeled "Human Waste" in contrasting letters at least three (3) inches in height [322 CMR 16.04]. Containers should be emptied only into a sewage disposal system and cleaned. The overboard discharge of human waste is prohibited in Massachusetts.

All containers of shellfish must be individually tagged. The tag shall contain the full name of the harvester, DMF Commercial Shellfish Permit ID number, date and time of harvest (time of exposure of first shellfish harvested), the type and quantity of shellstock, the initials MA, the shellfish area name and number, and if applicable the aquaculture site number. The following statement shall be written in bold capitalized type **“THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR IS RETAGGED AND THEREAFTER KEPT ON FILE FOR 90 DAYS”** [322 CMR 16.05].

**TRANSPORT:** All species of shellfish, regardless of the time of year, should be transported to a permitted wholesale dealer as soon as possible to be placed under refrigeration. Shellfish may also be sold to a wholesale dealer at the landing site. Shellfish bound for market may not be stored at any unpermitted facility prior to delivery to a permitted wholesale dealer [322 CMR 16.04].

All shellfish must be delivered to the dealer on the same day of harvest. However, during the warmer weather months of May, June, July, August, September and October all shellfish except oysters must be delivered to the dealer on the same day of harvest and in less than 18 hours from the time of harvest or exposure. Only Surf Clams and Ocean Quahogs intended for thermal processing are exempt from these standards [322 CMR 16.04].

During the Vibrio Control Season additional time-to-temperature requirements apply to the harvest, handling and transport of oysters [322 CMR 16.07 and the V.P. Plan].

#### **ADDITIONAL INFORMATION**

Harvesters shall be familiar with DMF’s Shellfish Harvest and Handling Regulations at 322 CMR 16.00.

Harvesters who do not submit federal vessel trip reports must report shellfish landings to DMF on a trip-level basis. To obtain additional information referenced in this document visit: [www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries).

You may also contact: Division of Marine Fisheries, 706 South Rodney French Boulevard, New Bedford, MA 02744 Tel. (508) 990-2860 or email us at [marine.fish@mass.gov](mailto:marine.fish@mass.gov).

#### **SIGNATURE REQUIRED FOR PERMIT RENEWAL OR INITIAL ISSUANCE\***

To obtain a permit or renew a permit, it is an NSSP requirement that each harvester acknowledge that they have read and understand the information provided in this document. After reading, please sign below and return the entire document with your permit application. It is advised that you retain a copy of this document for your files. The contents of this affidavit are codified by regulation at 322 CMR 7.00 and 16.00 and are enforceable by law.

**Full Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_