



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 – November 2023)**

SHELLFISH HARVESTING, HANDLING and TRANSPORT: Massachusetts bivalve molluscan shellfish (“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 the **Massachusetts Division of Marine Fisheries (DMF)** and **Department of Public Health (DPH)** regulations, to harvest shellfish only from open areas that are not polluted or contaminated (hereafter broadly referred to as contaminated or contamination). These harvesters are required to take steps protecting shellfish from temperature abuse and preventing exposure to contamination during harvest, handling, and transport to wholesale dealers for sale.

Shellfish become contaminated by filtering water through their gills in the process of feeding and respiration. Contaminated shellfish can transmit pathogenic organisms (bacteria, viruses, and protozoa) to people if eaten raw or undercooked. Contamination may occur at any point in the food distribution system including the point of harvest. Shellfish from waters contaminated with human or animal waste accumulate higher levels of disease-causing pathogens which can cause **Norovirus, hepatitis, cholera**, as well as other forms of viral and bacterial gastroenteritis. Exposure to contaminants during transport and lack of temperature control can further degrade shellfish allowing for the growth of naturally occurring pathogens which can cause illness, such as certain **Vibrio** bacteria. Remember, shellfish are considered ready-to-eat high risk food; consumers may not cook it sufficiently 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** and in the “**open status**”. Shellfish growing areas may be closed at any time for public health protection due to sanitary conditions, marine biotoxins (*Red Tide*), oil spills, or chemical contaminants [322 CMR 16.03]. *Information on shellfish area classifications can be found by searching “growing areas” on the DMF website: www.mass.gov/marinefisheries. Harvesters should always consult with their local shellfish department first, then DMF for the current area status prior to harvest.* Municipalities may also close 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 sunlight 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, handling, and transport of shellstock. Shellstock shall be stored on raised areas to prevent contact with bilge water and away from fuel, oil, and other chemicals. Shellstock shall be covered to prevent exposure to hot sun and bird droppings.

Each harvest boat must have a marine sanitation device (MSD) or container with a tight-fitting cover that is 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, then cleaned and sanitized. The overboard discharge of human waste is prohibited in Massachusetts [MGL c. 90B section 5C] and could result in re-classification or closure of the shellfish area.

All containers of shellfish must be individually tagged. For market-bound shellfish 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 most specific 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].

When conducting off-site culling or overwintering, as authorized by the Shellfish Aquaculture Propagation Permit, an aquaculturist may bulk tag all non-market bound shellfish being transported with a single green waterproof tag. The tag shall indicate the permit holder’s name, shellfish aquaculture permit number, date of removal, location of the licensed site (town and water body, including specific growing area), and number of containers in the lot with the following statement: *All shellfish containers in this lot have the same removal date and are from the same licensed site.* Additionally, one of the following statements must be on the tag: ***Aquaculturally Reared: To be culled or overwintered;*** or ***Aquaculturally Reared: Culled or overwintered, for return to License Site.***

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 (May 1 – October 31), all shellfish—except oysters during *Vibrio* Control season—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. During the *Vibrio* Control season oysters must be delivered to the dealer on the same calendar day and within 10-hours from the time of harvest. *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 *Vibrio* Control Plan]. Commercial harvesters of oysters during the *Vibrio* Control Season (May 19 - October 19) must read the 2024 *Vibrio* Control Plan and strictly implement all control measures outlined in the *Vibrio* Control 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 the DMF website: 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.

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:	