



The Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Department of Public Health  
Bureau of Environmental Health  
Food Protection Program  
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To: Massachusetts Local Boards of Health  
Re: Questions and Answers Related to Shellfish Offered for Sale at Farmer's Markets  
Date: May 25, 2011

The Food Protection Program *Shellfish at Farmer's Market* policy was updated in May 2011 after collaborative review by the Massachusetts Division of Marine Fisheries (DMF), the Massachusetts Department of Public Health, the Massachusetts Department of Agricultural Resources, and members of the shellfish industry.

This policy is provided to assist local boards of health in the review of applications for permits to sell shellfish at local farmer's markets.

**Who can sell shellfish at farmer's markets?**

- Licensed wholesale shellfish dealers may sell shellfish at farmer's markets.
- Aquaculturists (growers of shellfish), who are not licensed wholesale seafood dealers, may sell shellfish at farmer's markets if they are affiliated with, or act as an employee of, a licensed wholesale seafood dealer, and operate under the licensed wholesale seafood dealer's DMF permit.
- Individuals who only hold a commercial digger permit *are not allowed* to sell shellfish at farmer's markets.
- Individuals who only hold a retail and/or wholesale seafood truck permit *are not allowed* to sell shellfish at farmer's markets.
- Only DMF-permitted wholesale seafood dealers (or those acting as employees under the permit) may sell shellfish at a farmer's market.

**How does a wholesale seafood dealer obtain approval to sell shellfish at a farmer's market?**

In addition to the wholesale seafood dealer permit, wholesale dealers, who wish to sell shellfish at farmer's markets, are required to obtain a state "retail seafood dealer" permit which is jointly issued by the DMF and DPH. This permit may be approved by DMF/DPH for multiple farmer's market locations and dates for one market season. This retail seafood dealer permit allows the wholesale dealer to conduct retail sales of shellfish to consumers at the farmer's markets.

Wholesale dealers selling shellfish at farmer's markets are required to use refrigerated vehicles to transport the shellfish to the markets.

The DPH Food Protection Program (FPP) will provide technical assistance to members of the seafood industry and local boards of health who are participating in the sale of shellfish at farmer's market program.

The FPP inspectional staff will conduct pre-operational plan reviews of the DMF retail seafood permit application. After applying for the retail seafood dealer permit for the farmer's market and approval of the plan review, the applicant (in accordance with Massachusetts 105 CMR 590.000) must also apply for a "retail food permit" from the appropriate board of health. The local board of health will conduct an on-site farmer's market inspection of the applicant in accordance with local policies and regulations.

**What documents must an applicant submit to the local Board of Health in order to obtain a retail permit to sell shellfish at a farmer's market?**

- A copy of a valid current retail seafood permit from DMF.
- A written operational and HACCP plan (which adequately addresses food safety hazards associated with the activity.)
- Verification that the vehicle used to transport shellfish to the farmer's market is insulated and mechanical refrigerated.
- Verification that the shellfish offered for sale at the farmer's market will be held under appropriate temperature controls, e.g., insulated mechanical refrigeration, ice, or other approved temperature controls.

**During the market season, what are the responsibilities of the local Board of Health concerning shellfish vendors at farmer's markets?**

The local Board of Health agents should inspect the shellfish vendors at the farmer's markets at frequencies established for high-risk vendors. Local health inspectors should assure that logs of shellfish sales are being maintained, that shellfish is appropriately tagged for sale, and that shellfish is being monitored and maintained at appropriate temperature at the farmer's market (at or below 41°F).

Local inspectors should ascertain whether the shellfish vendor has received any consumer complaints while at the market. If any problems or complaints have been received, the local inspectors may contact the FPP seafood unit (617-983-6712) for advice or to request inspectional assistance.

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The sale of shellfish at farmer's markets offers shellfish dealers the opportunity to sell local products to consumers, and provide a robust venue for locally-produced shellfish..

The policy and inspectional practices are intended to ensure a safe and wholesome product for Massachusetts consumers. As necessary, this policy will be revised to address issues and changes that arise during the farmer's markets season.

We want this program to succeed. If you have any questions, contact the Food Protection Program at: 617-983-6712.