

6.32: Shell-on Lobster Parts

(1) Definitions. For purposes of 322 CMR 6.32 the following words shall have the following meanings:

Carapace means the upper body of a lobster excluding the tail and claws.

Division means the Massachusetts Division of Marine Fisheries.

Mutilated means a lobster that has been altered in any way that affects its measurement.

Processor means any wholesale dealer permitted by the Division, in accordance with G.L. c. 130 § 80 and 322 CMR 7.01(3), and authorized in writing by DPH to process lobsters.

DPH means the Massachusetts Department of Public Health.

(2) Requirements for the Processing of Shell-on Lobster Parts. The processing of shell-on lobster parts by wholesale dealers is authorized pursuant to M.G.L. c. 130, § 44 and c. 94, § 77G subject to the following restrictions:

(a) Authorization to Process Lobster.

1. The processor shall be in possession of ~~or obtain~~ a wholesale dealer permit;
2. ~~The Department of Public Health (DPH)~~ DPH shall inspect and approve in writing ~~frozen~~ the shell-on lobster part processing facility;
3. Upon receipt of DPH approval, the Director shall endorse the Wholesale Dealer Permit to include ~~frozen~~ shell-on lobster part processing.

(b) Rules Specific to Whole Live Lobster Processing.

1. All **whole** lobsters at the approved lobster processing facility or at any location associated with the approved **processor processing facility** shall meet the minimum size requirement in M.G.L. c. 130, § 44;
2. All **whole** lobsters utilized in the processing of shell-on lobster tails shall be live and shall meet the minimum size requirement in M.G.L. c. 130, § 44;
- ~~3. For purposes of producing shell-on lobster parts, processors may only process and possess carapaces and shell-on lobster tails;~~
3. 4. All shell-on lobster tails shall weigh three ounces or more;
4. ~~5.~~ All processing, freezing, packaging and labeling of ~~carapaces and~~ shell-on lobster **parts tails** shall take place within the approved lobster processing facility at the address appearing on the **wholesale dealer** permit;
5. ~~6.~~ All shell-on lobster **parts tails** or packages of shell-on lobster **parts tails** shall be labeled with a description of the product and the license number and address of the facility where they are processed and the date they are processed; and
6. ~~7.~~ Packaged and labeled shell-on lobster **parts tails** may be stored on the premises or off-site at a facility approved by DPH, provided that accurate

records of inventory and disposition are kept and made available for inspection by Environmental Police Officers and DPH. ~~Division of Food and Drug Inspectors.~~

(c) Rules Specific to the Importation of Shell-on Lobster Parts for Processing.

Processors may import shell-on lobster parts into the Commonwealth for processing, provided:

1. All shell-on lobster parts are accompanied by a bill of lading, or other similar documentation, describing the product; the identity and address of the original processor; the name of the receiving Massachusetts dealer; and the address of the wholesale dealer facility in Massachusetts where processing will occur.
2. All processing, freezing, packaging and labeling of shell-on lobster parts in accordance with 322 CMR 6.32(2)(c), shall take place at an approved facility belonging to the receiving Massachusetts' processor.
3. Upon completion of all final processing activity, the receiving Massachusetts processor shall label all shell-on lobster parts or packages thereof, with labels that include the following information: a description of the processed product; the identity of the processor; the address of the approved facility where the final processing occurred; and the date when the final processing occurred.
3. Once labeled in accordance with 322 CMR 6.32(2)(c)(3), all shell-on lobster parts may be stored on the premises of the Massachusetts processor, or at an offsite facility approved by DPH. Accurate records of inventory and disposition of all processed shell on lobster parts must be kept and made available for inspection by Environmental Police Officers and DPH.
4. All shell-on lobster tails shall weigh at least 3 ounces or more.
5. The importation, transportation and processing of all lobster parts authorized pursuant to 322 CMR 6.32(2)(c) shall comply with all other applicable DPH laws and regulations.

(3) Requirements for the Sale of Shell-on Lobster Parts. The sale of shell-on lobster parts is authorized pursuant to M.G.L. c. 130, § 44 and c. 94, § 77G subject to the following restrictions:

1. Only legal sized lobster carapaces and shell-on lobster **parts tails** may be possessed, offered for sale or sold;
2. All shell-on lobster **parts tails** shall be accompanied by a bill of sale and a description of the product, the identity of the processor and the country of origin.