



**Shellfish Advisory Panel**  
**March 2, 2023 Meeting Summary**

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This document serves as a brief summary of the March 2, 2023 Shellfish Advisory Panel (SAP) meeting. This meeting was held virtually via Zoom. All meeting materials are available on the [SAP's past meeting website](#) and a recording of the full meeting is posted to [DMF's YouTube channel](#).

**Update on Bulk Tagging Considerations**

DMF informed the SAP it would not move forward with a pilot program to allow all shellfish aquaculturists to bulk tag market bound shellfish. The allowance for bulk tagging by so-called “grower-dealers”—shellfish aquaculturists who are also wholesale dealers and primary buyers purchasing their own reared shellfish—would remain in effect. DMF determined the negative impacts of expanding bulk tagging opportunities were disproportionate to the anticipated benefits. Specifically, DMF was concerned it would shift the enforcement and compliance burden from commercial fishers to seafood dealers; weaken public health protections afforded through shellfish traceability and recall; and result in larger quantities of shellfish potentially subject to embargo for non-compliance. Members of the SAP expressed frustration that DMF did not consult the SAP's Bulk Tagging Sub-Committee before closing the door on expanding bulk tagging allowances and requested the agency reconsider this decision. DMF stated it would convene the Bulk Tagging Sub-Committee to further discuss the issue and consider a more narrow pilot program to assist in the development of potential industry-wide standards that could address DMF's concerns regarding bulk tagging.

**ISSC Biennial Meeting Proposals**

DMF briefed the SAP on the National Shellfish Sanitation Program (NSSP) and Interstate Shellfish Sanitation Conference (ISSC). The ISSC is a conference of state regulatory officials (shellfish resource and public health agencies), federal regulatory officials (including US FDA), the shellfish industry (harvesters, growers, and dealers), and foreign governments. The ISSC provides a formal structure to ensure states are establishing and implementing regulatory programs that conform to the NSSP and a process for government and industry to settle disputes regarding the application of NSSP. The ISSC is scheduled to hold its biennial meeting in late March 2023. DMF then provided an overview of some of the proposals that would be addressed at this upcoming meeting. Relevant to Massachusetts were proposals addressing shellfish sanitation and classification—particularly with regards to marinas, mooring areas, and wastewater treatment plants—as well as marine biotoxin management.

**Surf Clam Management Update**

DMF has been involved in discussions concerning the ongoing challenges where state regulated commercial fishing activities—particularly hydraulic surf clam fishing—may be constrained by municipal conservation commissions (“ConComs”) under the Wetlands Protection Act. This issue came to the forefront several years ago as the result of Provincetown enforcing local ConCom regulations restricting hydraulic fishing off Herring Cove. While commercial fishing interests have avoided fishing in these waters since, a surf clam fisher recently filed a Notice of Intent (“NOI”) with the town and the Department of Environmental Protection to fish in this area. DMF encouraged the applicant to rescind the NOI filing given concerns about the precedent the issuance of an NOI may set for the surf clam fishery state-wide. DMF has been working closely with DEP to determine how to protect legacy commercial fisheries, a manner that allows DEP to continue to address activities that may alter wetlands

resource areas.

### **Sub-Committee on Municipal Aquaculture License Site Transfers**

The Chair of SAP (Dan McKiernan) called for the formation of a sub-committee to examine how municipalities currently manage shellfish aquaculture license site transfers. The sub-committee will not weigh in on home rule authorities. However, DMF will compile and the sub-committee will review all municipal regulations governing aquaculture license site permitting and transfer rules and engage with municipal officials and industry members on what may (or may not) be working. DMF sought to appoint Bill Doyle, Dale Leavitt, Amy Croteau, and Renee Gagne to the sub-committee and welcomed additional volunteers. It was determined that Ron Bergstrom would sit in for Renee Gagne. Josh Reistma, Alex Hay, and Mike DeVasto also volunteered to be on the sub-committee. DMF would make official sub-committee appointments in advance of the next SAP business meeting.

### **Upcoming Meetings**

The SAP business meeting will be held on April 27, 2023 at SMAST East from 4PM to 7PM. SMAST East is located at 836 South Rodney French Blvd, New Bedford, MA 02744.