



The Commonwealth of Massachusetts

Division of Marine Fisheries

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DANIEL J. MCKIERNAN
Director

January 7, 2022

Michael Maresco Town Administrator
Town of Marshfield
870 Moraine Street
Marshfield, MA 02050

RE: North and South River Shellfish Growing Area Classification

Dear Mr. Maresco,

In response to your November 24, 2021 letter, the harvest and handling of shellfish in the United States is administered through the National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish. And as you aware the Massachusetts Division of Marine Fisheries (DMF) is the state shellfish control authority for the classification of shellfish growing areas in the Commonwealth of Massachusetts. The current published NSSP 2019 Guide represents the current thinking on what is minimally necessary for the safe and sanitary control of bivalve molluscan shellfish by member states.

Though intended as a control on commercial activities no parallel or alternative set of sanitary controls exist for recreational (non-commercial) shellfishing. Rather, the NSSP is regarded by all member states as agnostic public health standards for bivalve shellfish harvest and handling. Standards developed and honed by public health professionals over the last 100 years apply and protect retail consumers as well as recreational harvesters equally. To the consumer of bivalve shellfish whether the product was landed by a commercial or recreational harvester matters little in view of public health. Certainly, recreational permit holders deserve the same protections as the larger shellfish -consuming public, never less.

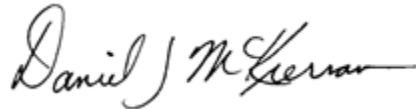
DMF is required to meet National Shellfish Sanitation Program (NSSP) requirements when classifying shellfish growing areas, particularly around WWTP outfalls. As a member of the Interstate Shellfish Sanitation Conference (a state-industry-FDA partnership), Massachusetts is committed to remaining in compliance with the NSSP. Furthermore, state law and regulations reflect this commitment and require that DMF follow the NSSP when classifying shellfish growing areas (see MGL c. 130 sec. 74 and 322 CMR 16) regardless of whether they are used for commercial or recreational purpose.

DMF will continue with its existing approach; by monitoring sewage and effluent within the North-South River estuary to characterize the treatment process for the reduction of both bacterial and viral loads. A new wastewater treatment plant evaluation should provide details on routine procedures, and contingencies to deal with plant upsets and/or permit excursions. Finally, the Massachusetts legislature has increased the appropriation in DMF's FY2022 budget for UMASS Dartmouth School of Marine and Atmospheric Science and Technology (SMAST) specifically to conduct hydrographic modeling of DMF identified WWTP's. The Division particularly appreciates the assistance of Senator O'Connor and Representative Kearney in securing this funding. Prioritizing the development of a hydrographic model to aid in the creation of a dilution analysis of the Scituate WWTP effluent is one of the many goals of this new initiative between DMF and SMAST.

The Division acknowledges and applauds the continued investment by both Marshfield, and Scituate for their wastewater infrastructure to meet clean water standards. Developing the NSSP required dilution analysis we believe is the correct course of action which can hopefully lead to a shellfish harvest management scheme to allow for future harvest opportunities benefitting both Marshfield and Scituate. But abandoning established public health protections would be both risky and short-sighted.

We will continue to provide updates to Marshfield and Scituate Shellfish Constable Mike DiMeo in all these matters. Please do not hesitate to contact me or Jeff Kennedy, the Shellfish Program Lead, with any questions.

Sincerely,



Daniel J. McKiernan, Director
Massachusetts Division of Marine Fisheries

cc: Sen. P. O'Connor, Massachusetts, Plymouth and Norfolk
Rep. P. Kearney, Massachusetts, 4th Plymouth
M. DiMeo, Marshfield/Scituate Shellfish Constable
Select Board, Town of Scituate
S. Harrison, Scituate Shellfish Advisory Committee
S. Woods, North and South Rivers Watershed Association
J. Kennedy, G. Sawyer, H. Williams, DMF