Rescinding 105 CMR 525.000:
Newburyport Shellfish Treatment Plant

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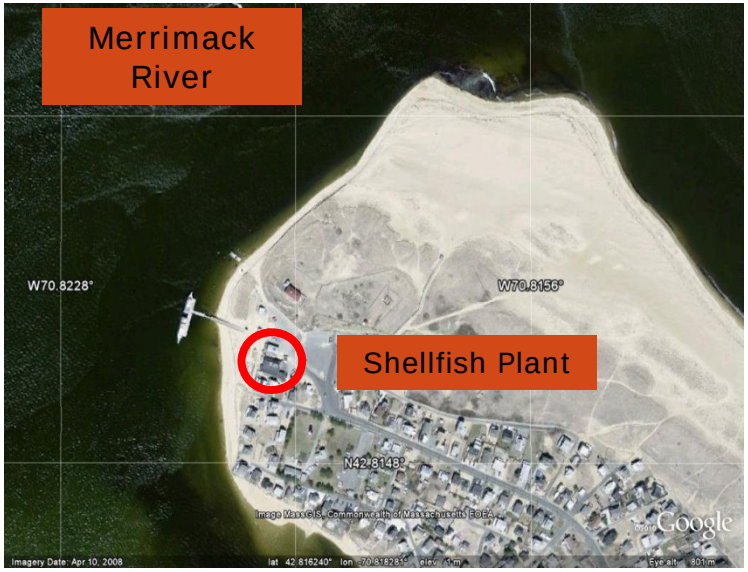
I. Background

- 105 CMR 525.000 sets standards for the Newburyport Shellfish Treatment Plant operated by the MA Department of Fish and Game, Division of Marine Fisheries (DMF).



- When promulgated in 1972, the regulation set standards for shellfish processing, plant sanitation, sampling procedures, water treatment, and related safeguards to ensure that post-processed shellfish would be purged of bacterial contaminants and thus safe for human consumption.

I. Background (cont'd)

- The Newburyport Plant purifies shellfish by soaking shellstock in temperature-controlled saltwater treated with ultraviolet light.
- Over a minimum of 44 hours, the shellfish cleanse themselves of bacterial contaminants (e.g., fecal coliform) and become fit for human consumption.
- Operations at the Newburyport Plant support the activities of master diggers, who are able to harvest shellfish from restricted areas.

II. Reasons to Rescind Regulation

1) 105 CMR 525.000 is outdated.

- Updates to 105 CMR 525 were last made over 20 years ago.
- 105 CMR 525 relies on obsolete federal standards that were established circa 1965.

2) Other regulations adopt current sanitation standards for shellfish, including:

- Massachusetts regulations under DPH's Food Protection Program (e.g., 105 CMR 533 Fish & Fishery Products).
- The National Shellfish Sanitation Program's Model Ordinance, which is updated annually with input from U.S. FDA, states, and industry.

II. Reasons to Rescind Regulation (cont'd)

3) DPH does not rely on 105 CMR 525 to provide the authority to inspect the facility to ensure adequate sanitation.

- DPH and DMF signed an MOU in 1996 to provide for routine inspections of the plant by DPH's Food Protection Program. The MOU remains in effect and does not reference 105 CMR 525.

- DPH conducts inspections of the facility for compliance with 105 CMR 533 (Fish & Fishery Products) and the National Shellfish Sanitation Program's Model Ordinance.

- Monthly facility inspections and review of lab documents by DPH's Food Protection Program will continue.

III. Next Steps

- No comments were received during the public comment period and no testimony was presented at the public hearing.
- We request that the Public Health Council approve rescinding this regulation.
- Pending final approval, the Counsel's Office will proceed with rescinding this regulation.

Questions?