

Dear Town Clerk

I am writing to inform you and your Shellfish Committee of legislation that was passed this year that allows for municipalities to contract with private laboratories, certified by the Department of Marine Resources (DMR), to conduct water quality tests under the National Shellfish Sanitation Program model ordinance requirements. The DMR does not have sufficient resources to conduct all of the water quality sampling and testing that is needed to maximize the amount of shellfish acreage that might be opened for harvesting while ensuring protection of public health. This legislation allows interested municipalities to work with DMR to try to open additional shellfish harvest areas. The following types of projects are needed:

- Accelerated sampling: The NSSP allows up to 2 samples per month from active water sampling stations collected every two weeks. This accelerated sampling can then be used in data analysis leading to faster changes in classification after pollution source abatement occurs and in the presence of an updated shoreline survey (< 5 years old).
- Conditional classification: Some shellfish growing areas in the state that are classified other than approved may have the potential to be open under certain conditions. Special studies are needed to determine whether classifications can be changed to a conditionally approved classification. Studies to determine rainfall and seasonal impacts will only be allowed in areas not meeting approved standards and where the shoreline survey is less than 5 years old. Rainfall studies will be in areas where the poor water quality has been shown to be primarily due to rainfall.
- Rainfall conditional area re-opening verification: DMR collects water samples starting at 14 days after a closure in order to assess whether the area can be re-opened. Shellfish meat and water studies are needed in rainfall conditional areas beginning 48 hours after rainfall events to determine if there is a correlation between lower water scores and lower bacterial levels in shellfish meats. If a correlation exists and the contaminant reduction is demonstrated then an area may be opened in <14 days.

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DMR will develop a Memorandum of Understanding with interested municipalities during the next 18 months to conduct two or possibly more water quality test projects. DMR will assist with design of the project, training, private lab certification, and data review. Towns will be responsible for providing samplers, ensuring sampling schedules are maintained, contracting with private laboratories, and providing all data in a format approved by the Department.

Please let me know of your town's interest in participating in this program, the study and area you would like to work on, and laboratory you would like to use. The Shellfish Advisory Council that was also established by this legislation is being formed and will assist DMR in the selection of projects to be initiated.

Sincerely yours,

David Etnier
Deputy Commissioner