

July 22, 2008

Dear Town Clerk

I am following up on a letter we sent in May 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 reclassify additional shellfish harvest areas for direct market harvest. 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.

If your town is interested in participating in this program, please send us a letter describing the study you would like to work on with the following information:

- Type of study (accelerated sampling, conditional area study, rainfall conditional area re-opening)
- Location of the proposed study
- Size of study area and estimate of the amount of resource in the area that could be harvested
- Letters of commitment by volunteer samplers agreeing to conduct the study
- Letter of commitment from the laboratory you would like to use.
- Letter of commitment for funding to pay for sample processing at a private certified laboratory

The Shellfish Advisory Council (SHAC) that was also established by this legislation held its first meeting on June 25 and will assist DMR in the selection of projects to be initiated. The SAC will review and select two or more water quality test projects to be carried out over the next 18 months under a Memorandum of Understanding between chosen municipalities and the DMR. 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.

Proposals must be received by Friday August 15th and will be considered jointly by the SHAC and DMR at a subsequent meeting. Proposals postmarked after that date will not be considered.

Sincerely yours,

David Etnier
Deputy Commissioner