



The Commonwealth of Massachusetts

Executive Office of Health and Human Services
Department of Public Health - Bureau of Environmental Health
Food Protection Program
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May 1, 2018

Daniel Hoort
Town Administrator
Town of Wellfleet
300 Main Street
Wellfleet, MA 02667

RE: Wellfleet Marina parking lot, 255 Commercial Street, Wellfleet, MA

Dear Mr. Hoort,

This letter is in response to an email dated April 24, 2018 from Nancy Civetta which requests authorization to allow oysters which are harvested elsewhere to be transferred to operators of wholesale seafood trucks parked at the above referenced location, instead of at the harvester's landing site as required by 105 CMR 500.021(B)(6)(b).

The Food Protection Program (FPP) of the Bureau of Environmental Health of the Massachusetts Department of Public Health has reviewed this request for compliance with 105 CMR 500.000, *Good Manufacturing Practices for Food*, and found that in this particular case, the strict enforcement of 105 CMR 500.021(B)(6)(b) would do manifest injustice. Therefore, under the authority of 105 CMR 500.212(A), the following variance hereby is granted for a period of three (3) years during the vibrio control seasons to be determined annually by the State Shellfish Authorities (MA Division of Marine Fisheries and MA Department of Public Health). The variance for this year will begin on May 19, 2018.

Variance for Town of Wellfleet

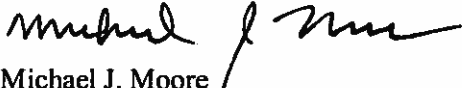
The Wellfleet Marina parking lot at 255 Commercial Street in Wellfleet may be used as the only location to transfer oysters harvested from any approved site in Wellfleet, provided that the following conditions are met:

- (1) Each transfer of oysters shall occur at the approved transfer site so that unannounced inspections may be conducted by the Wellfleet Shellfish Department, or State Shellfish Authorities,**
- (2) Each wholesale seafood dealer truck shall have a valid permit issued by DMF, and**
- (3) Each transfer of oysters shall be conducted in accordance with:**
 - (a) The Massachusetts Vibrio Control Plan in effect for that season,**
 - (b) The NSSP Guide for the Control of Molluscan Shellfish in effect for that season,**
and
 - (c) The DPH Regulation for Fish and Fishery Products in effect for that season.**

Each of the documents that are referenced in section 3(a) will be available on the FPP website at <https://www.mass.gov/lists/seafood> during each Vibrio Control season.

This variance will be valid for a period of three (3) years and shall be in effect during the range of dates identified in the Vibrio Control Plan for the years 2018, 2019, and 2020. At any time during this three-year period, this variance may be revoked, modified, or suspended by DPH if the conditions that are referenced above are not met. In accordance with 105 CMR 500.212(B), a copy of this variance will be available to the public.

If you have any questions concerning this letter, please do not hesitate to call contact me at 617-983-6754.
Sincerely,



Michael J. Moore
Director | MDPH/BEH Food Protection Program

CC: Dan McKiernan, Deputy Director, MDFG Division of Marine Fisheries
John Racioppi, Supervisor, FPP Seafood Unit
Nancy Civette, Wellfleet Shellfish Constable
Hillary Greenberg-Lemos, Wellfleet Health and Conservation Agent