

Title: MSI Scoping Committee Public Meeting #4

Date: October 17, 2019

Location: Massachusetts Maritime

Type: DRAFT Meeting Minutes

Time: 7-8:30PM

Attendance: 28 + 5 (chairs)

*As listed by sign in sheet

Jeff Kennedy, Chris Schillaci, Rob O'Leary, Sean McNally, Dan McKiernan, Tom Shields, Mike Hickey, Sean Bowen, Melissa Sanderson, Steve Kirk, Amy Crouteu, Josh Reistma,

1. Introductions and Ground Rules

O'Leary introduced himself thanking the audience for coming out and introduced everyone to Mass Maritime. McKiernan, Kennedy, Schillaci, and McNally introduced themselves and provided their affiliations to the audience.

Following introductions O'Leary opened the floor to Schillaci. Schillaci introduced the MSI to the audience and gave a brief overview of the MSI process, the task force and the various committees to date.

Schillaci's presentation primarily discussed the objectives of the MSI (what it is and what it is not). The MSI is not a regulatory body. The MSI is looking for common ground. Shellfish management is unique in the commonwealth in there is a massive local component, it puts the people who know the resources best in charge of their resources.

Schillaci stated that there needs to be a forum for discussions around shellfish and the process is to start to look at how we are going to address the future and ensure the opportunities that exist now will continue to exist. The MSI is looking for a perspective from everyone involved in shellfish resources in the state. Schillaci proposed the questions - What do we want for shellfish? A lot of towns, a lot of people have ideas about shellfish management.

Schillaci closed his presentation remarks and made mention of the extension of the comment period and asked the audience to submit written comment to O'Leary. Schillaci reiterated that this an iterative process and that the scoping committee is working to get representation across the board and if more work needs to be done to achieve that we will do it.

O'Leary thanked Schillaci for the presentation and opened the floor to general comments from the audience.

2. Public Comments/Questions

The members of the scoping committee asked the audience for a show of hands on who has submitted written comment so far and who plans on submitting written comments.

Damian Parkington followed the question posed by the committee and brought forward a question on interagency coordination around the management of shellfish resources in the state. Specifically, asking what the feasibility and reality of coordinating on the level need to really address these issues across state agencies and across government levels.

Schillaci paraphrased Parkington's question to the audience and responded to Parkington that the first-time interagency coordination was really even discussed in detail was at the first task force in January 2019. Schillaci made mention that DMF has requested a meeting in a week to sit down with all state agencies involved in the management of shellfish resources and to discuss cooperation and coordination between the agencies. Schillaci stated that he thinks there are issues that are beyond this particular initiative but there are things that we can do, and we plan to.

Buster (?) addressed the committee next and stated that he gets more confused every time he comes to one of these meetings. He asked if the MSI plans to be a governing body. He stated that he is trying to figure out what is going on in the process and how to track it. He stated concerns he has about when the process first started, he was looking at different people in the front and now sees them sitting in the audience. He stated that it makes me not trust the process and that he is still working out where this is all going.

Schillaci responded to Buster and stated that he's part in this process is to state and report on what we have heard to date. The MSI is trying to respond to things about what people are concerned about. The information gathered by the scoping committee working to synthesis what the committee is hearing about shellfish resources in order to bring that information to the task force.

Schillaci stated that there is no predestined outcome here. The only goal of the scoping committee to date is to capture what people are saying. The committee is putting something in front of you and asking you to be reactive. Schillaci reiterated that the public comment is trying to change the dynamic. Working specifically to put what the task force needs to hear from the people that have a real stake in how shellfish resources are managed.

Amy Croteau reiterated Schillaci's point in on the MSI process itself and mentioned the initial challenges of starting the MSI. She stated that these sessions are really trying to get the public to weigh in on what are your issues. This is forum to be used and to discuss those issues. She closed her remarks and stated she was disappointed that more people have not weighed into date because the process really is trying to make an honest effort.

Rob Curtis commented that he has followed heard about fantastic initiatives everywhere else in the world and he has been waiting for something like that to happen here in Massachusetts – it was what drew him to be involved in the process. He stated that he looks at his industry and it is a shadow of what it once was (commercial shellfishing). The industry is gone, it's terrible and we have nobody to talk to. He stated that the industry gets "yes manned a lot" and that being a part of the scoping committee that maybe we could change that and that he would like to see the MSI step in and help so that everyone who has a grant and fishes can make a living.

McKiernan brought the conversation back to Buster's comment(s) about the MSI and stated that there was an attempt by the staff to present as much information about shellfish resource management as possible so that the public can make an informed recommendation about what is out there.

McKiernan went on to discuss the points he has taken from the document. The report highlights the decline in funding to aquaculture centers, that is something that we had that we lost. Sanitary surveys – there is tons of information about how my agency does not have what they need to get out there and do their jobs. There is a lot in there about the 208 plan, the need to test for biotoxins, etc. He made mention of the ongoing initiative by Schillaci and others to improve aquaculture permitting to make it more consistent and a more rapid process. McKiernan stated that the Division and the Assessment Committee (AC) wrote the report so that anyone can open the report use the information to inform their comment. The report has a lot of meat in it for people to bring forward their particular concerns.

Buster commented that he would feel more comfortable if he was contacted about Vibrio closures. He stated that he never seems to get any emails around these issues. He also stated commented about the lack of sharing of the report itself.

Schillaci responded and stated that every time a Vibrio investigation is concluded a letter is sent out. Schillaci admitted that the Division does indeed need to do a better job at communicating around these issues and that it is a priority of the Division's strategic plan for the future.

Mike Hickey commented that he thinks the whole MSI got off to a bad start. However, this is the only venue that we have to sort out all of the problems that the state faces in the management of shellfish resources in Massachusetts. He stated that the management of shellfish resources involves numerous agencies as Parkington has pointed out. Hickey commented that he has worked in shellfisheries for nearly 50 years and it is a whole lot different than it was. Public health and shellfish resources management is getting more and more complicated as years go on. Water quality requirements, sanitary survey requirements, etc. keep getting stricter every two or three years. The ISSC and the FDA run that show. The diseases we deal with today are different than what we dealt with 50 years ago and that these issues are going to continue.

Hickey stated that in order to protect public health, these programs are going to need to be beefed up. He specifically brought the audience's attention to the office of public health does not fall under the same department as the Division and that these issues are bigger than just coordinating the offices at the Energy and Environmental Affairs. Hickey then commented that the Division's strategic plan is in draft form. This draft is a strategic plan with six major areas of ongoing issues in the state with seven major goals and subsequent strategies.

Hickey stated that he would like to submit the strategic plan to the assessment committee and scoping committee for consideration. He commented that there a lot of good work that has been put into this and that it is a good place to start and highlights what the Division thinks needs to be done.

Hickey summarized the report and stated that Division needs to find a way to coordinate what the different agencies are doing, and we need to do it in a better way, and we need to figure out a better way to work with the various cities and towns. The Division needs better technical assistance and coordination between towns and the state. We know what needs to be done. We got most of this down on paper already. The problem here is this. Any initiative that comes out of a state agency is dead on arrival. It has to come from constitutes and the public. It has to come from stakeholders otherwise it

won't work, It has to come from the people who will benefit from it. He concluded his remark with - whatever comes out of this it's not a win or loss for me because I will be long gone. We know what needs to be done here.

Jamie Basset commented that as a wild shellfishermen he is required to sell his product on the same calendar day. He mentioned that as we move throughout the year and tidal cycles this can cause a real problem from fishermen.

Basset provided the example that, If someone is fishing on a late tide most wholesalers are closed at 5 or even some close at 4:30. However, when you have a dead low you cannot shellfish past that time and you can't keep your product over night to sell the next day. He recommended a change in the selling of product on the same calendar day – he calculated that there 35% of the time in the calendar year that people cannot fish and get product to a wholesaler. I understand that there are public health issues but if you are able to keep your product overnight using best practices why shouldn't someone be able to.

Schillaci responded to Basset and stated that "he gets it". However, there aren't solutions we can get at tonight, but we are trying. There is no simple fix to that one.

Basset followed with a second comment on the ability of a commercial shellfishermen to sell directly to local markets. He stated that this has been a real problem over the past 10-15 years. Specifically, mentioning that there are instances where sometimes it is not possible to sell to market to one of the small number of dealers and wholesalers. He stated that if there was an environment that all things worked like clockwork most shellfishermen could sell our product but that is not that case currently. When a seller brings a product to a dealer he is selling at specific price. If he was able to bring product directly to a buyer (restaurant or consumer) and has HACCP training why can't he his fresh product to them.

Basset summarized that if fishermen use best practices to bring product directly to a restaurant all of the current issues can be minimized. As, he stated how can I mitigate the issue of me showing up to a dealer and them turning me away? What am I supposed to do with my product if I can't sell it the next day? Mass.gov lists 200 some farmers markets. Why can't we use best practices and sell directly to the consumer.

Basset closed his remarks and stated that these are some issues that he hopes the MSI can look at.

Rob Curtis followed Basset's comment and second his comments. Curtis stated that he started fishing 40 years ago and that things have changed but he feels like it's changing to a point that its ridiculous. Fishermen in the state are not allowed to wet storage any kind of shellfish and stated that he would like to be able to hold his product at least overnight.

Curtis stated that the other problem with the current regulation is they play directly into the hand of the dealer. Current regulations make it easier and easier for the dealer but harder for us. Curtis commented that it has regulated commercial fishermen out of existence.

Schillaci responded to both Curtis and Basset's comments and stated that the Division sometimes feels the same way. The Division does not stand by and actively comments on the federal regulation re writes. The Federal regulations do not understand the industry. We work at these meetings to put forward these issues. It is not the state that push these agendas. It has really been the state against the FDA and

a lot of it is the nitpicky stuff and the nickel and dime.

Schillaci stated that the feeling is not lost on Division. We have to maintain a level and right now the things that we are thinking about are within the resources we have and what we have on the books. The idea with this comment periods is to hear these issues from you so that we can begin to work out these issues in a broader sense with FDA and not within the resources we have.

Curtis commented that people are sick of it. The price is the same in every market. Dealers know that they can't do it. He stated that he has tried to get people to come to these meetings and discuss but there is a fear within the industry that if people stand up and speak someone will be knocking on their door giving them a hard time.

O'Leary addressed the audience and asked if anyone else would like to speak, make an observation, or comment.

Parkington commented that he feels that the stakeholders and public need to know that it is time that people stood up. He stated that the burden shouldn't be on the entirety of the industry and DMF to protect this resource. The public should know their responsibility. Water quality is a good example. The public at large need to protect their food sources and in turn protecting their local communities and fishermen. Parkington closed his remark and stated that DMF needs to encourage this more. A lot of the things we are talking about are trickle down from larger things and it is not our fault and people need to take the responsibility of it.

No further comments were submitted to the committee. O'Leary concluded that this fourth and final public hearing. He stated that now our job is to take what we hear and share that with the MSI task force. O'Leary commented that it is really important for the public to get involved in the process. Legislators need to hear what people want. Hopefully this process will result in people at the state level to get some information on what needs to happen in terms of this business and protecting water quality to get the kind of attention of money and resources the state level.

Meeting adjourned at 8:13PM