



Paul J. Diodati  
Director

# Commonwealth of Massachusetts

## Division of Marine Fisheries

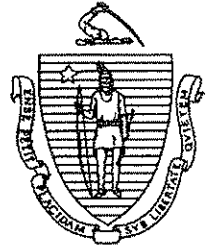
251 Causeway Street, Suite 400

Boston, Massachusetts 02114

(617)626-1520

fax (617)626-1509

June 20, 2013



Deval Patrick  
Governor

Timothy P. Murray  
Lt. Governor

Richard K. Sullivan, Jr.  
Secretary

Mary B. Griffin  
Commissioner

Board of Selectmen  
Town Hall  
549 main Street  
Chatham, MA 02633

Ladies and Gentlemen:

In accordance with Chapter 130, section 74A of the Massachusetts General Laws, the Division of Marine Fisheries has determined that Oyster Pond River (SC:49) and Oyster Pond (SC:50), in the Town of Chatham, do not meet the established criteria for a status of "OPEN TO SHELLFISHING" due to oysters from the area that were associated with illnesses.

Therefore, under authority of Massachusetts General Laws Chapter 130, sections 74A and 75, the status of the below defined areas have been changed to "CLOSED TO SHELLFISHING". Digging, harvesting or collecting and/or attempting to dig, harvest or collect shellfish and the possession of shellfish from the below defined areas are prohibited.

Under authority of 322 CMR 7.01 (7) all permits issued there under are hereby conditioned to prohibit the taking, selling or possession of shellfish from the below defined areas.

**CLASSIFICATION: APPROVED**

**Status: Closed To Shellfishing**

**SC:49**

**Oyster Pond River**

"The waters, flats and all tributaries of the Oyster Pond River, in the Town of Chatham, west of a line drawn across the southern mouth of Oyster Pond River and south of a line drawn across the mouth of Oyster Pond."

CLASSIFICATION: APPROVED

**Status: Closed To Shellfishing**

**SC:50**

**Oyster Pond**

“The waters, flats and all tributaries of Oyster Pond, in the Town of Chatham, west of a line drawn northwest for a distance of approximately 245 meters (800 feet) from Long Pont to the orange marker at the foot of Kelly Lane and east of a line drawn across the mouth of Oyster Pond.”

CLASSIFICATION: CONDITIONALLY APPROVED

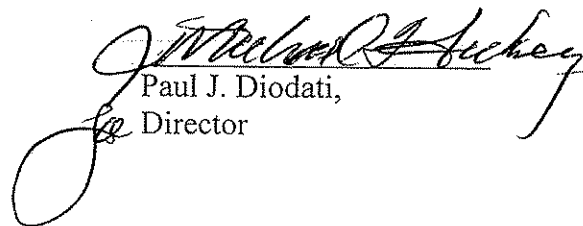
**Status: Closed To Shellfishing**

**SC:50.1**

**Oyster Pond**

“The waters and flats and all tributaries thereto of Oyster Pond in the Town of Chatham, east of a line drawn northwest for a distance of approximately 245 meters [800 feet] from Long Point to the orange marker at the foot of Kelly Lane excluding the 100 foot radius closure around the stormwater pipe at Oyster Furlong Rd. (SC:50.3) and the 100 foot radius closure around the stormwater pipe at Oyster Pond Beach (SC:50.4).”

Sincerely,

  
Paul J. Diodati,  
Director

cc: A. Gross, L. Roberts, E. Burns, DELE  
D. McKiernan, M. Hickey, DMF  
WPC. DEP  
DPH  
FDA  
R. Gagne, Chatham Shellfish Constable



# The Commonwealth of Massachusetts

Executive Office of Health and Human Services

Department of Public Health

Bureau of Environmental Health

Food Protection Program

305 South Street, Jamaica Plain, MA 02130

DEVAL L. PATRICK  
GOVERNOR

JOHN W. POLANOWICZ  
SECRETARY

CHERYL BARTLETT, RN  
COMMISSIONER

Tel: 617-983-6712

Fax: 617-983-6770

[www.mass.gov/dph](http://www.mass.gov/dph)

July 11, 2013

Ken Moore, Executive Director  
Interstate Shellfish Sanitation Conference  
209 Dawson Road, Suite 2  
Columbia, SC 29223

Dear Mr. Moore,

The purpose of this letter is to provide notification to ISSC as required by Chapter II, Section @.01 C (2) of the NSSP Guide for the Control of Molluscan Shellfish, 2011 revision.

In late June of 2013, the Massachusetts Department of Public Health (MDPH) investigated three Norovirus outbreaks associated with three different restaurants on Cape Cod. According to case interviews and traceback information, the common food at all three events was raw oysters harvested on 6/11/13 and 6/13/13 from MA harvest area SC49 (Oyster Pond River in Chatham).

When these findings were forwarded to the MA Division of Marine Fisheries (MDMF) on 6/20/13, MDMF closed two contiguous shellfish harvest areas in Chatham: SC49 (Oyster Pond River) and SC50 (Oyster Pond).

Traceback records collected by MDPH show that 3,500 of the 26,240 oysters harvested from SC49 between 6/11/13 and 6/20/13 were shipped to the out-of-state establishments listed in Table 1. The information in Table 1 illustrates that of these 3,500 oysters shipped out-of-state, 1,200 were destroyed and 2,300 were consumed prior to the initiation of the traceback.

**Table 1 – Oysters Shipped Out-of-State From SC49**

#	State	Establishment	Consumed		Destroyed	
			Shipped	Count	Shipped	Count
1	CT	City Fish Wethersfield	6/14	100		
2	CT	Summer Shack Mohegan Sun	6/17	200	6/19	200
3	GE	Halpern's Steak and Seafood Atlanta	6/14	100		
4	IL	Shaws Crabhouse Downtown Operation Chicago	6/12	200	6/19	500
5	MI	Julien Restaurant Kansas City			6/19	100
6	NY	Blue Ribbon Seafood New York	6/11	1,500	6/19	400
7	RI	Quality Seafood Johnston	6/14	100		
8	TX	A.M. Wholesale Fish Co. Dallas	6/14	100		
		<b>Total</b>		<b>2,300</b>		<b>1,200</b>

If you have any questions regarding this letter, please feel free to contact me at 617-983-6754.

Sincerely,



Michael J. Moore, RS, Director  
MDPH/BEH Food Protection Program  
phone: 617-983-6754 | fax: 617-983-6770  
[michael.moore@state.ma.us](mailto:michael.moore@state.ma.us)