



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930-2298

June 16, 2005

--SMALL ENTITY COMPLIANCE GUIDE--

Dear Federal Permit Holder or Dealer:

In response to a public health emergency the National Marine Fisheries Service (NOAA Fisheries Service), at the request of the Food and Drug Administration (FDA), filed an emergency rule closing a portion of the U.S. Exclusive Economic Zone (EEZ) off the coasts of New Hampshire and Massachusetts to the harvest of bivalve shellfish, with the exception of Atlantic sea scallops harvested and shucked at sea only for adductor muscles, or “meats”, with the Office of the Federal Register on June 14, 2005. The emergency rule will publish in the Federal Register on June 16, 2005, and will be available to the public on the Northeast Regional Office website at that time. The rule is effective from June 14 – September 30, 2005. However, the effective period may be reduced or extended based upon FDA’s determination that the concentration of the toxin in shellfish is at a level considered safe, or unsafe, respectively, for human consumption.

The public health emergency is due to one of the largest blooms of toxic algae (red tide) in Federal waters adjacent to Massachusetts in recent history. Red tide is responsible for the production of marine biotoxins that cause Paralytic Shellfish Poisoning (PSP) in persons consuming affected shellfish. The FDA, on behalf of the Secretary of Health and Human Services, requested NOAA Fisheries Service to take immediate action to close the following portion of Federal waters given the severity of the illness associated with PSP. The closure area is in Federal waters bound by the following coordinates in the order stated: 43°00' N. lat., 71°00' W. long.; 43°00' N. lat., 69°00' W. long.; 40°00' N. lat., 69°00' W. long.; 40°00' N. lat., 71°00' W. long., and then ending at the first point. A chart showing the affected area is attached.

The Commonwealth of Massachusetts and Woods Hole Oceanographic Institution are working closely with the FDA and NOAA Fisheries Service to monitor the situation. Shellfish testing in these waters indicates that the algal bloom is moving in an easterly direction towards Georges Bank, an area already closed to the harvest of surfclams and ocean quahogs.

A copy of the final emergency rule will be made available through the NOAA Fisheries Service’s Northeast Regional Office Web Site: <http://www.nero.noaa.gov>. If you have any questions on this emergency action please call Brian Hooker at (978) 281-9220. NOAA Fisheries Service is also soliciting public comments on this action through July 18, 2005.

Sincerely,

Patricia A. Kurkul
Regional Administrator



**Area Closed to Shellfish Fishing (EEZ Portions Only),
With the Exception of Sea Scallop Adductor Muscles,
Due to the Presence of the Toxin that Causes Paralytic Shellfish Poisoning**

