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GOVERNOR

STATE OF MAINE  
DEPARTMENT OF MARINE RESOURCES  
MARINE RESOURCES LABORATORY  
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PATRICK C. KELIHER  
COMMISSIONER

### MEMORANDUM OF UNDERSTANDING DMR BIOTOXIN TESTING AND ANALYSIS

Memorandum made this \_\_\_\_\_(DATE), by and between \_\_\_\_\_( PERMIT HOLDER) and the Maine Department of Marine Resources, Bureau of Public Health (“DMR”). This MOU is intended to be followed for all DMR testing purposes. **For testing conducted by a private laboratory, an additional MOU (Private Laboratory Testing and Analysis) is also available on the DMR website: [http://www.maine.gov/dmr/rm/public\\_health/biotoxinmonitoring.htm](http://www.maine.gov/dmr/rm/public_health/biotoxinmonitoring.htm).**

Biotoxin sampling will begin May 1<sup>st</sup> or at DMR discretion and will include a weekly shellfish sample and a 2 Liter surface water sample where requested. Sampling will continue weekly and may be requested two times a week at \_\_\_\_\_ (LEASE/WET STORAGE SITE) before, during or after any biotoxin closure during the biotoxin season (May-September). Weekly sampling will continue through August 31<sup>st</sup> unless otherwise advised by DMR. The following species may be collected at this site:

\_\_\_\_\_ (SPECIES).

Shellfish sample results will be used by the DMR for regulatory management purposes. Samples may be analyzed for paralytic shellfish toxins (PSTs), for amnesiac shellfish toxins (ASTs), for diuretic shellfish toxins (DSTs), or other lipophilic toxins on request by DMR. At least 12-20 live animals of market size will constitute a sample.

The purpose of this agreement is to maintain harvest at exception sites during the biotoxin season May-September and for species with blanket closures (whole scallops). Based on this agreement, samples will be collected a minimum of once a week from each site by permit holders or those employed by permit holders to allow harvest during biotoxin closures. If this lease/wet storage site is closed due to biotoxins,

two samples below regulatory limits seven days apart are required to re-open or to initiate harvest. It is the responsibility of the lease/wet storage site permit holder to notify local marine patrol of sample collection activity when samples are collected in an exception site that is closed to harvest.

Lease/wet storage site permit holders or those employed by the permit holders will be required to follow sample collection protocols to ensure all quality control measures have been met for sample collection and transport. All samples will be picked up by DMR staff at DMR designated sample drop locations.

Sample collection frequency and testing requirements will be based on the site and species and will adapt with increases in toxicity or at the DMR's discretion. Harvesting of shellfish may continue at this lease/wet storage site as long as samples are collected, stored and transported in accordance with the requirements of this agreement and unless test results show the presence of biotoxins that, in the sole determination of the DMR, indicate that quarantine is necessary. Samples that require lot testing during the biotoxin season or any scallop samples will be paid for by industry and results reported to DMR by an FDA conforming biotoxin laboratory approved by DMR (**MOU Private Laboratory Testing**). This agreement shall be in effect from the time of signature to the end of the calendar year and will be renewed annually.

- I have read and understand the guidance document associated with high risk areas and species.
- I request DMR training for freezing and storing scallop samples.
- I have also provided a signed MOU for private laboratory testing and analysis.

By: \_\_\_\_\_  
Aquaculture Lease/Wet Storage Permit Holder

By: \_\_\_\_\_  
J. Kohl Kanwit, Director, Bureau Public Health

cc: Marine Patrol  
USFDA