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GOVERNOR

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

**MEMORANDUM OF UNDERSTANDING
PRIVATE LABORATORY 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 if using a private laboratory for any biotoxin testing for regulatory purposes. **Please see DMR website for all DMR approved private lab testing facilities.**

Testing may be pursued by the following _____ (LEASE/WET STORAGE SITE) before, during or after any biotoxin closure to guide regulatory decision-making. The following species may be collected, analyzed and results sent to DMR by an approved laboratory: _____(SPECIES).

All shellfish samples analyzed by a DMR approved laboratory will be considered by the DMR for regulatory action. Sample results may include paralytic shellfish toxins (PSTs), amnesiac shellfish toxins (ASTs), diuretic shellfish toxins (DSTs), or other lipophilic toxins.

Results from private laboratories will need to be received between 8am and 5pm, Monday through Friday unless DMR has agreed to an alternative schedule. This MOU is to provide the option for the use of private laboratories at any time of the year and specifically during the following scenarios:

High Risk Area Lot Testing

Lot testing is an option at exception sites if testing can no longer be provided by DMR due to resource constraints during the biotoxin season (May-September). Notification to DMR by the **PERMIT HOLDER** will be required 24-48 hours if daily/lot testing is being considered and should include the following information: laboratory name and contact, toxin to be tested (AST, PST, DST, or other), and

date/time results. Once results are received, DMR will notify **PERMIT HOLDER** to approve harvest or require destruction of product. Any daily/lot testing with a private laboratory will be paid for by industry.

High Risk Aquaculture Species: Scallop

All biotoxin testing for whole or roe-on scallop Aquaculture harvest is required through a private laboratory and paid for by industry. Testing will be required before and during any harvest period for whole or roe-on product. Notification to DMR by the **PERMIT HOLDER** will be required at least **two weeks prior** to testing and include the following information: laboratory name and contact, product to be harvested (whole or roe-on), toxin to be tested (ASTs, PSTs, DSTs or other), anticipated results date/time and a testing schedule if testing will continue. Once results are received, DMR will notify **PERMIT HOLDER** to approve harvest. Once open for harvest, **weekly samples** will be required through a private laboratory and paid by industry during the biotoxin season (May-Sept) or **a testing schedule based on results (see biotoxin guidance document)** outside the biotoxin season (October-April) for continued harvest. During any hiatus in harvest, the reopening criteria will be reinitiated (two samples seven days apart) and sample schedule determined.

Aquaculture site permit/lease 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, transport and analysis. All copies of field sheets must accompany sample results sent to DMR by private laboratories. This agreement shall be in effect yearly as determined by the DMR, or the site is no longer active and will be renewed annually.

I also provided a signed MOU for DMR testing (Other Aquaculture Species)

By: _____
Aquaculture Lease Holder/Industry Name

By: _____
J. Kohl Kanwit, Director, Bureau Public Health

cc: Marine Patrol
USFD