



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
GREATER ATLANTIC REGIONAL FISHERIES OFFICE  
55 Great Republic Drive  
Gloucester, MA 01930

October 3, 2023

Wes Townsend, Chair  
Mid-Atlantic Fishery Management Council  
800 North State Street, Suite 201  
Dover, DE 19901

Eric Reid, Chair  
New England Fishery Management Council  
50 Water Street, Mill 2  
Newburyport, MA 01950

Dear Wes and Eric,

We received a letter, dated September 29, 2023, from Mark Moorman, Director of the Office of Food Safety, Center for Food Safety & Applied Nutrition, U.S. Food and Drug Administration (U.S. FDA), requesting that NOAA's National Marine Fisheries Service (NMFS) reopen the Georges Bank Paralytic Shellfish Poisoning (PSP) Closed Area to the harvest of Atlantic surfclams and ocean quahogs. This area has been closed to the harvest of surfclams and ocean quahogs since 1989, first under emergency authority and subsequently made permanent (56 FR 3980, February 1, 1991). These closure actions were taken to preserve public health and did not have a corresponding Council action. A portion of this closed area was reopened in 2012, with a requirement that harvesters adhere to a PSP-testing protocol approved under the National Shellfish Sanitation Program (NSSP) (77 FR 75057, December 19, 2012).


The partial reopening was done under Regional Administrator authority and did not require a Council action. In a similar fashion, we intend to develop a proposed rule, and supporting National Environmental Policy Act documentation, to seek public input on fully removing the Georges Bank PSP Closure Area from the regulations. Because this request was not previously anticipated, and staff resources are limited, we expect final implementation of this action will take longer than the six months we often project for Council-derived actions. We are currently anticipating a proposed rule in the spring of 2024 with a final rule next summer.

As explained in the attached U.S. FDA letter, after we remove the current closure, the area would be in "controlled access" status. Harvesters would be required to have a marine biotoxin management plan in order to fish for surfclams or ocean quahogs in the area. This will ensure the continued protection of public health. The FDA and NOAA Seafood Inspection Program are cooperating agencies on the implementation of new NSSP requirements for biotoxin management and traceability. It is my understanding that the requirement for a biotoxin management plan would likely apply to the harvest of other bivalve molluscan shellfish in the area, including landing whole scallops (*i.e.*, scallops that are not shucked at sea). More information about these requirements will become available in the coming months when that program is formally rolled out.



Much of this area has been effectively closed to the surfclam and ocean quahog fishery, and therefore to the hydraulic dredges used by this fishery, for nearly 34 years. I recognize that removing this closure may have implications on the management of other fisheries and welcome Council feedback on our plan to implement this change. If you have questions about our action to reopen this area, please contact Douglas Potts at [Douglas.Potts@noaa.gov](mailto:Douglas.Potts@noaa.gov) or 978-281-9341.

Sincerely,



Michael Pentony  
Regional Administrator

cc: Dr. Christopher Moore, Dr. Cate O'Keefe

Attachment