

Aquaculture Advisory Council

November 18, 2022

**Teams Meeting- Special meeting to readdress two motions from October 18, 2022 meeting
Meeting Minutes**

Members Present: Sec. Douglas Fisher, Mr. Joe Cimino (Comm. Shawn LaTourette), Mr. Loel Muetter (Comm. Judith Persichilli), Dr. Douglas Zemeckis, Mr. Mike De Luca (Dr. Laura Lawson), Ms. Lisa Calvo, Mr. Barney Hollinger, Mr. Matt Gregg, Mr. Ned Gaine (Mr. Maury Sheets), Mr. Steve Fleetwood (Mr. Frank Virgilio), Dr. Amanda Wenzel

Members Absent: Ms. Melanie Willoughby (Sec. Tahesha Way), Dr. Dave Bushek, Mr. Bob Rush (Mr. Richard Herb)

Public in Attendance: Roll call of attendees not taken; names were stated when making comment.

Secretary Fisher called the meeting to order. Quorum was present.

Public Comment

No comments.

Review of Motions from October 28, 2022

No comments on the motions from the last quarterly meeting.

Motion to write a letter of support for Right to Farm Bill

Motion to write a letter of support for the Right to Farm for Aquaculture bills (S428/A3039) within the legislature did not pass in the October meeting. A new motion was needed for discussion.

Motion by Matt Gregg: AAC send a letter stating the importance of right to farm protections for aquaculture. The letter would not be specific to any legislation. Second by Barney Hollinger.

J. Cimino- On behalf of the DEP, had abstained from prior motions regarding specific legislation since the specific wording of the legislation was not known. There could be implications for state agencies depending on the language. Willing to support Matt's motion and move away from abstaining on this vote.

D. Zemeckis- Similar to DEP, abstained previously on motion because it was directed at legislation. This motion grants more flexibility to discuss and vote on the topic. Questioned the recipients of this letter since it is not specific to legislation. Sec. Fisher- Suggested the Senate and Assembly Committees, especially the Chairs of the Committee, and the Senate President and Speaker of the Assembly. Also highlighted that the letter is a straightforward support of aquaculture.

Roll Call Vote:

Sec. Douglas Fisher- Yes

Mr. Joe Cimino (Comm. Shawn LaTourette)- Yes

Mr. Loel Muetter (Comm. Judith Persichilli)- Yes
Dr. Douglas Zemeckis- Yes
Mr. Mike De Luca (Dr. Laura Lawson)- Yes
Ms. Lisa Calvo- Yes
Mr. Barney Hollinger- Yes
Mr. Matt Gregg- Yes
Mr. Ned Gaine (Mr. Maury Sheets)- Yes

All in favor- motion passed.

Motion to approve Shellfish AMPs

D. Zemeckis- At the October meeting, there were two issues with the Shellfish AMP draft that had to be resolved. The first item was the removal of the reference to Title 50. That has been removed from the November version of the AMP document sent out before this meeting.

The other issue was with respect to the disease identification and prevention section of the AMP document- first bullet, second sentence. The Committee provided feedback on possible edits via email, and there was feedback from the NJDA and other Councilmembers. Based on the conversations, put together three possible options for the AAC to consider.

The three options are [options were visible to meeting attendees via teams shared screen and were provided to AAC members prior to meeting]:

1. Proposed Wording: Monitor the health of shellfish stock for disease related mortalities (e.g., atypically high and sudden deaths). Notify the appropriate authorities and section of the Shellfisheries Council, as well as adjoining farms, within one month of identifying disease related mortalities.
2. Proposed Wording: Monitor the health of shellfish stock for disease related mortalities (e.g., atypically high and sudden deaths). Notify the (a) NJDEP Bureau of Shellfisheries, (b) the appropriate section of the Shellfisheries Council, and (c) adjoining farms within one month of identifying disease related mortalities.
3. Proposed Wording: Monitor the health of shellfish stock for disease related mortalities (e.g., atypically high and sudden deaths). When mortalities exceed expected numbers and disease is suspected, expertise should be sought to: (1) identify or rule out disease as a causative agent using appropriate clinical methods and (2) receive guidance on farm strategies to minimize losses and reduce the potential for the spread of any identified disease. Information regarding all aspects of shellfish biosecurity, including contacts for expert shellfish pathologists can be found at: <https://rssbp.org>.

Ned Gaine made a motion to approve proposed wording number 1. He stated that he had concerns with the word “identification” but for an AMP, he moved the first option.

Jeff Normant- Clarifying that this should not be calling for the NJDEP, Bureau of Shellfisheries (BSF) to be doing something. The BSF may know the appropriate authorities and who should be

notified, but it would require a lot more discussion on what the BSF could actually do in this situation. N. Gaine responded that this is not calling for the BSF to do anything, nor notify adjoining farms. The onus to act is on the farmer. This is a management practice and so it is on the farmer to act and notify neighbors, notify the BSF. J. Normant- Wanted that to be clarified here. The BSF is usually the first agency notified and that is fine because we can seek guidance on situations. Sec. Fisher- OK, so if you're not the agency to contact, it shouldn't be listed. J. Normant- It should probably be the grower notifying the appropriate agency. If it says the BSF is going to contact the Shellfish Council and send out letters to leaseholders, it may make a bigger situation out of something that doesn't need it and actually end up hurting the industry. N. Gaine- It's saying notify the appropriate agencies and it means the farm notifies them, not you.

Lisa Calvo- I'm concerned with the notification requirement. If I as a grower have an issue, I don't want to be telling the world about it. I am more inclined to remove notification. If notification must remain, it should not be to industry folks, it should be to the state authorities. If it's NJDA or NJDEP, BSF, they can be notified, keep confidentiality, and they can tell the Shellfish Council if they want without telling them which farm is having the issue. I've been working on disease issues at the broader regional level for years and we are always concerned with confidentiality.

J. Normant- Echoing what Lisa stated, there is a certain responsibility to notify when an event occurs, but then at the same time you do need to keep it confidential, you do not want a target on your back. Keep it general- notify appropriate authority. I then question what the appropriate authority would do. They need to make an assessment, is it a disease that can impact everybody and potential harm the industry; or is it Dermo or something that is already here and there is nothing for us to do.

N. Gaine- I think this is very important to understand that we are not making regulations here. We are making management practices for the right to farm. This is the one situation where one farm can affect another. If you're have a disease outbreak on your farm and it is festering, I think it is absolutely a best management practice to tell your neighbor. In this situation, it is the neighbor-to-neighbor complaint that we're going to get. It is one farm complaining about another farm, so the notification gets in front of that issue. It's actually a worse event if you have a festering disease population and you don't notify me or notify the neighbor or notify any people surrounding you that this is occurring. That's why we need this notification in there to sort of say, did you do your due diligence when you found this out? Did you notify the authorities? Did you tell your neighbor you're having an issue? Right. Did you notify the Shellfish Council that this is occurring? This is to basically get in front of a complaint because if it goes to the complaint process and it goes to a CADB or it goes to the SA DC, then they say, oh, OK, well, you had an event. You didn't tell anybody because you don't have to. And we're fine, right? There's no complaint. And they're going to get stuck with having to deal with this. It's like beekeeping and over spraying, you notify your neighbor.

Mike De Luca- I was wondering if there is an analogous situation in agriculture where this may occur. Sec. Fisher- I was thinking about this and thought about cattle and anthrax where a management practice may be to notify neighbors. With the HPAI (highly pathogenic avian influenza) there is a quarantine for the farm as well as a buffer area around it where neighboring farms would be notified, they would be quarantined. I'm not sure about in water examples. A.

Wenczel- For diseases listed by the World Organization for Animal Health, those diseases are listed internationally, carry more urgency, and require notification when they are found. I don't foresee those occurring in the State because of the management of the industry. If it's abnormal disease and it's say dermo and its worse because of climate, then that's less of a concern for notices. Sec. Fisher- When we do have outbreaks, we are very guarded with the information. We tend to provide information on the county where it occurs but do not get specific to location or even farm. But a neighbor telling a neighbor, I would think you would want that to protect your own industry.

B. Hollinger- You can take out the Shellfisheries Council because once something happens everyone is eventually going to find out. Sec. Fisher- The motion right now has the Shellfisheries Council in there, unless the person who motioned wants to amend the motion. N. Gaine- I do not want to remove the Shellfish Council. I'm not saying this needs to be done in a public meeting. What we're saying is this is a neighbor-to-neighbor complaint and the one being notified could say they were never told of the issue. By bringing in a third party that does not need to keep confidentiality and is supposed to look out for the interest of the industry, it can help mediate the dispute. My motion still stands.

Sec. Fisher called for a second to the motion. B. Hollinger seconded.

L. Calvo- expressed again that Shellfish Council notice is not agreeable. Convey issues to the NJDA or NJDEP who can then determine best path of notification. I don't think the Shellfish Council has this role for aquaculture.

Bill Avery- If you're monitoring the health of your shellfish for disease and there is a mortality event, you cannot test dead meat for disease. It's kind of pointless, why are you even doing it? Also, is this for the right to farm, only? Sec. Fisher- Yes. B. Avery- Why can't you just use the existing AMPs that have been laid out and worked on for 20 years? I like that it's short and sweet but this one goes past a lot of things.

M. De Luca- I thought I heard an amendment to the language in proposed wording #1 from Barney and Lisa to remove the Shellfish Council and that Lisa was more supportive of keeping it generic. Is this is appropriate time to address that proposed amendment? Sec. Fisher- No, the person making the motion will not entertain the amendment.

After clarification, the amendment would not be a friendly amendment, but it can be discussed. A vote can be made to see if the Council is agreeable to the amended motion. If so, then the amendment motion will be the main motion on the floor.

The amended language was motioned by Barney Hollinger, seconded by Lisa Calvo. The amended proposed wording is:

Monitor the health of shellfish stock for disease related mortalities (e.g., atypically high and sudden deaths). Notify the appropriate authorities, as well as adjoining farms, within one month of identifying disease related mortalities.

Roll call vote to amend the motion to the above text and make the amended motion the main motion on the floor.

Sec. Douglas Fisher- Yes
Mr. Joe Cimino (Comm. Shawn LaTourette)- Yes
Mr. Loel Muetter (Comm. Judith Persichilli)- Yes
Dr. Douglas Zemeckis- Yes
Mr. Mike De Luca (Dr. Laura Lawson)- Yes
Ms. Lisa Calvo- Yes
Mr. Barney Hollinger- Yes
Mr. Matt Gregg- Yes
Mr. Ned Gaine (Mr. Maury Sheets)- No

Majority in favor- motion passed to move the amended motion to the floor as the main motion.

Roll call vote on the amended motion for inclusion in the Shellfish AMP document

Sec. Douglas Fisher- Yes
Mr. Joe Cimino (Comm. Shawn LaTourette)- Yes
Mr. Loel Muetter (Comm. Judith Persichilli)- Yes
Dr. Douglas Zemeckis- Yes
Mr. Mike De Luca (Dr. Laura Lawson)- Yes
Ms. Lisa Calvo- Yes
Mr. Barney Hollinger- Yes
Mr. Matt Gregg- Yes
Mr. Ned Gaine (Mr. Maury Sheets)- No

Majority in favor- motion passed.

Doug Zemeckis made a motion to accept the November version of the Shellfish AMP document along with the revised language for disease notification above (previous motion). Seconded by Matt Gregg. All in favor- so moved.

Public Comment

B. Avery- I just saw the AMPs this morning and the requirements for the oil spill kit are just for vessels over 24feet. We don't need these. And the waste disposal records are not need. B. Hollinger- Its part of the NSSP requirement.

Meeting adjourned.