



## NISQUALLY INDIAN TRIBE

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February 20, 2015

Laura Wigand Johnson  
Department of Health  
P.O. Box 47824  
Olympia, WA 98504-7824

Subject: WAC246-282-006

Dear Ms. Johnson:

I would like to take this opportunity to comment on the proposed rule revision of the Washington State *Vibrio parahaemolyticus* control plan WAC 246-282-006.

The Nisqually Indian Tribe owns and operates 122 acres of commercially farmed tideland near Olympia, Washington. This tideland has been in oyster production for over 100 years, and continues to be very productive farm land. The Nisqually Tribe has ventured into the commercial production of shellfish to employ tribal members, provide high quality, safe oysters for the tribal membership, and to become an economic driver for tribal self-sufficiency.

The Tribe believes that the proposed vibrio rule revision will unfairly burden our economic future in this endeavor. Millions of dollars have been invested into the Tribe's shellfish farm for the production of oysters intended for raw consumption.

The Tribe believes the economic impact statement provided to the State Board of Health does not reflect the real qualitative and quantitative costs associated with the plan's implementation. Specifically, the cultural loss of production from the Tribe's shellfish farm was not taken into account. In addition, the CDC illness assumptions were greatly exaggerated. This flawed analysis of costs associated with the implemented rule was based on 21 responses to the survey. How can that be statistically significant?

It is the Tribe's concern that the proposed rule will not reduce illnesses, but will unfairly burden small business while benefitting operators large enough to have farms in multiple growing areas. The temperature based environmental conditions approach to closure is not based on true statistical data analysis. Illnesses may decrease, but only because many farms will be closed, and any gains from this will be temporary.

The farming logistics needed to follow the proposed control plan were not clearly thought out. The Tribe's emerging shellfish markets and customer loyalty will be fractured with inconsistent production.

The landings data is an important part of the data set- however; it has no value until it is accumulated for several years. The risk calculator should be based on comprehensive landings data. The rule does not explain the use of the landings data, and how it will be implemented in future rule revisions. Also, the

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data will be inaccurate due to the fact that many growers will be unable to provide input because they will be closed.

The Tribe has demonstrated it has the systems and safeguards in place to grow, harvest, and deliver a safe shellfish product. The proposed Washington State *Vibrio parahaemolyticus* control plan WAC 246-282-006 will place unfair unnecessary burdens on the Tribe's shellfish operation.

In conclusion, the Tribe is asking that the proposed any vibrio rule revision be based upon science and accumulated landings data to achieve a science based approach. The Tribe does not support the proposed Vibrio Rule WAC-246-282-006.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Cushman", written over a horizontal line.

Joe Cushman,  
Planning and Economic Development Director