

**Department of Health  
Laura Wigand Johnson  
243 Israel Rd. SE  
Tumwater, WA 98501  
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**Comments RE: Draft Vibrio Rule**

**There are a number of concerns that I have with the new proposed rules for Vibrio P. control, starting May of 2015.**

- 1. “The proposed rule incrementally eliminates the division of controls based on coastal and inland growing areas” page 2. I was originally surprised that it would only take one confirmed illness to go from Category 1 to a Category 2 growing area. Upon further re-reading, this is what Health intended by the above quote. I think that most folks on the Coast are trying to figure out how to meet Category 1 requirements, when really we need to be thinking about meeting Category 2 requirements. I hope people on the Coast are not caught off guard and design systems for only Category 1.**

**I would suggest having more than one confirmed illness in order to move from Category 1 to Category 2. At some point I would suggest a growing area that consistently has illnesses should be closed during Vibrio season.**
- 2. Page 2 “ the majority of respondents thought that there would be no or minimal costs associated” I need to say these ‘key informant questionnaires’ seemed to be asking us to speculate on something without seeing the proposed rule and understanding the impact it is likely to have. For example, I am looking at a minimum of \$40,000 to upgrade my ice making capacity in order to meet the cooling requirements. When I spoke about this to one of the larger producers I was told they expect to**

**spend \$500,000 in at least three locations for ice making capacity (that amounts to \$1.5 million). To say most people thought they would 'incur additional costs for recordkeeping' and no or minimal costs for refrigeration is not logical.**

**Page 3, also states that for a two hour time of harvest to cooling reduction would cost between 0 and \$70.00 per day, but a four hour time of harvest to cooling reduction would cost 0 to \$145.00 per day. This leads one think that the data is flawed. Why would it cost more to cool slower? In fact, most people from the survey thought it would cost more to calibrate thermometers than it would be to refrigerate, page 4.**

**Now that this Draft Vibrio Rule has been released and the industry has had time to review it I think DOH would get a different picture on the effects this Rule will have on the industry.**

- 3. Please define calibration. Most of my temperature monitoring devices can only be calibrated by the factory. We do check (verify) accuracy by using an ice water bath. Please provide a list or at least describe the type of thermometer or recording device which will be acceptable to DOH.**
- 4. Some growing areas are quite large and may easily have multiple illnesses due to their sheer size and the complexity of growing and harvesting techniques within that area. Perhaps DOH can subdivide the larger, more diverse growing areas.**
- 5. We would request that DOH considers reclassifying each area on an annual basis rather than a 5 year average of illnesses. This would give growers and harvesters a chance to see their efforts reflected both positively and negatively.**

**If DOH stays with the 5 year average, perhaps creating a way to move into a less restrictive category when there is a reduction in annual illnesses, such as there is a credit system for reduction in illnesses.**

**6. Educating growers. We would suggest that DOH carefully think out how they plan to educate ALL harvesters and growers of shellfish. Already we have seen confusion amongst HA holders who think since they are shipping to an SP that these rules exempt them, or only partially affect them. If everyone is not involved in this solution we will continue to not understand if these control methods will help reduce illnesses.**

**7. Thank you to all who have invested so much time and effort on this.**

**Thank you for taking my comments.**

**Nick Jambor  
Ekone Oyster Co.**