



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (October 2017)  
(Implements RCW 34.05.310)**

Do **NOT** use for expedited rule making

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DATE: February 23, 2022

TIME: 1:43 PM

WSR 22-06-034

**Agency:** State Board of Health

**Subject of possible rule making:** Chapter 246-282 WAC, Sanitary control of shellfish. The State Board of Health (board) is considering revisions to the chapter to modify harvest control requirements by setting more proactive measures to prevent illnesses and protect public health. The rule revision may also include updating definitions, seed size and other technical and editorial changes as needed.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 69.30.030 and RCW 43.20.050

**Reasons why rules on this subject may be needed and what they might accomplish:** *Vibrio parahaemolyticus* (Vp) is a naturally occurring bacteria found in marine waters. Molluscan bivalve shellfish acquire Vp through filter feeding. Humans who consume raw or undercooked shellfish containing Vp can develop an intestinal disease called vibriosis.

In 2021, there were a high number of vibriosis cases involving Washington shellfish largely due to very high temperatures during the summer months. The Department of Health (department) expects this trend to continue. This indicates a need to review the rule requirements to determine if the current controls are adequate to protect consumers and consider more proactive measures to prevent illness and protect public health.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** The U.S. Food and Drug Administration (FDA) requires a *Vibrio parahaemolyticus* control plan for the state of Washington and requires that the plan be in compliance with requirements set forth in the NSSP Model Ordinance.

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Collaborative


**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:**

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**Additional comments:** The department convened its Vp Advisory Committee (VpAC) on November 22, 2021 to discuss the Vp illnesses caused from the 2021 harvest season. The department will work with the VpAC to develop recommendations to the board for revising the chapter. The VpAC is made up of representatives from tribal and non-tribal shellfish industries, Washington Sea Grant, Local Health Jurisdictions, the Food and Drug Administration, the National Oceanic and Atmospheric Administration, the department's Public Health Lab, and the Washington State Department of Fish and Wildlife. The department will consult with additional stakeholders and collaborate with tribes as needed on revisions to the chapter.

<b>Date:</b> 02/23/2022	<b>Signature:</b> 
<b>Name:</b> Michelle A. Davis	
<b>Title:</b> Executive Director	