



STATE OF WASHINGTON

DEPARTMENT OF HEALTH

DIVISION OF ENVIRONMENTAL PUBLIC HEALTH

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February 28, 2022

TO: Michelle A. Davis, Executive Director
State Board of Health

Umair A. Shah, MD, MPH
Secretary of Health

FROM: Lauren Jenks, Assistant Secretary
Division of Environmental Public Health

SUBJECT: Request to delegate emergency rulemaking authority for WAC 246-282-006, *Vibrio parahaemolyticus* control plan

The Department of Health (department) requests the State Board of Health (board) consider delegation of rulemaking authority for emergency rulemaking to amend WAC 246-282-006, *Vibrio parahaemolyticus* control plan. *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, especially in June and July. Currently in WAC 246-282-006 the most-strict “time of harvest to cooling requirements” occurs from July 1st through August 31st. The emergency rulemaking authority would only be used in the event of increased ambient and/or water temperatures prior to July 1st.

The department convened its Vp Advisory Committee (VpAC) on November 22, 2021 to discuss the Vp illnesses caused from the 2021 harvest season. Both tribal and non-tribal shellfish industries who attended are supportive of changing the requirements for closing and opening growing areas based on environmental conditions as they fluctuate during Vp season.

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 expects warmer temperatures to continue. This indicates a need to review all of WAC 246-282-006 to determine if improvements and more proactive measures can be implemented to better protect consumers, prevent illness, and protect public health through the permanent rulemaking process. The department also recognizes that other minor technical amendments should be considered in the chapter, such as updating definitions and seed size.

The department filed the CR-101 Preproposal statement of inquiry on February 23, 2022 WSR 22-06-034 to begin this permanent rulemaking. We will work with the VpAC, other stakeholders, and tribes to develop recommendations to the board for revising the chapter.

For additional information, please contact Todd Phillips, Director, Office of Environmental Health and Safety, todd.phillips@doh.wa.gov.