

# WASHINGTON STATE BOARD OF HEALTH

**Date:** August 9, 2023

**To:** Washington State Board of Health Members

**From:** Patty Hayes, Board Member

**Subject:** Rules Update – Sanitary Control of Shellfish, Chapter 246-282 WAC

## Background and Summary:

The State Board of Health (Board) and the Washington Department of Health (Department) collaborate to regulate the sanitary control of molluscan shellfish. The Board serves as the rulemaking body and the Department serves as the regulatory agency. The Department also serves as the state shellfish authority administering the model ordinance of the National Shellfish Sanitation Program (NSSP).

RCW 69.30.030 authorizes the Board to adopt rules governing shellfish sanitation, shellfish growing areas, and shellfish operations to protect public health and safety. Further, RCW 43.20.050, establishes authority to adopt rules for the prevention and control of infectious and noninfectious disease, including food and vector borne illness.

On February 23, 2022, the Board filed a CR-101, Preproposal Statement of Inquiry, as WSR 22-06-034, to initiate rulemaking to update chapter 246-282 WAC, Sanitary Control of Shellfish. The rulemaking covers miscellaneous technical revisions along with updates to WAC 246-282-006, *Vibrio parahaemolyticus* (Vp) Control Plan.

Complementing this update to the chapter, on March 9, 2022, the Board delegated rulemaking authority to the Department to amend the Vp Control Plan in the event heat-wave conditions occurred early in the Vp control season and prior to completion of rulemaking on the chapter. The Department exercised this authority and adopted an emergency rule on May 17, 2023, filed as WSR 23-11-074, to allow enforcement of the strictest Vp time-to-cooling standards for commercial oyster harvesters and dealers.

Finally, Board shellfish rulemaking authority does not include fee authority. Separate from the Board's rulemaking on other sections of the chapter, the Department is currently exploring updates to fees for commercial shellfish operations and harvesters in WAC 246-282-990.

Today, Dani Toepelt, manager of the Department's Shellfish Licensing and Certification Section, will join us to update the Board on the status of the shellfish rulemaking. This is an informational update with no formal Board action. The chapter rulemaking is scheduled for completion in 2024.

(continued on the next page)

Washington State Board of Health  
August 9, 2023 Meeting Memo  
Page 2

Staff

Stuart Glasoe

To request this document in an alternate format or a different language, please contact the Washington State Board of Health at 360-236-4110 or by email at [wsboh@sboh.wa.gov](mailto:wsboh@sboh.wa.gov). TTY users can dial 711.

PO Box 47990 • Olympia, WA 98504-7990  
360-236-4110 • [wsboh@sboh.wa.gov](mailto:wsboh@sboh.wa.gov) • [sboh.wa.gov](http://sboh.wa.gov)