

Chapter 246-282 WAC, Sanitary Control of Shellfish Rulemaking Update

Background

- *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. The majority of Vibriosis cases in Washington state occur during the summer months due to increased air and water temperatures, which allow the bacteria to thrive.
- WAC 246-282-006, Washington state *Vibrio parahaemolyticus* control plan, requires commercial shellfish operations that harvest and process oysters to follow additional requirements from May through September to prevent Vibriosis illnesses.
- In 2021, there were a high number of Vibriosis cases involving Washington shellfish, largely due to exceedingly high temperatures in June.
- The Washington State Department of Health (Department) expects the trend of high temperatures to continue. The 2021 event highlighted gaps in the current rule and demonstrated the need to review the rule to determine if the current controls are adequate to protect consumers.

Rulemaking Overview

- The Washington State Board of Health (Board) delegated emergency rulemaking authority to the Department if heat-wave conditions occur prior to July 1 until permanent rulemaking is complete.
- Revisions to the permanent rule could include a combination of requirements based on environmental factors to determine the safety of shellfish prior to harvest and consumption. The rule revision may also include updating definitions, seed size, and other technical and editorial changes as needed.

Rulemaking Timeline

- In February 2022, the CR-101 for permanent rulemaking was filed.
- In March 2022, the Board delegated emergency rulemaking authority. The Department enacted the emergency rule in May 2023 for 120 days due to hotter than normal weather and mid-day low tides.
- From October 2022 to April 2024, meetings were held with a Rulemaking Advisory Committee (RAC) and Tribal partners to work on rule updates and language.
- On August 9, 2023, the Department updated the Board.
- In April 2024, the proposed WAC changes were sent for informal review to the RAC and Tribal partners. These groups requested more time to review the changes, so the informal review was extended by two weeks.

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