

HOUSE BILL REPORT

HB 1620

As Passed Legislature

Title: An act relating to increasing the surcharge to fund biotoxin testing and monitoring.

Brief Description: Increasing the surcharge to fund biotoxin testing and monitoring.

Sponsors: Representatives Tharinger, Fey, Lytton, Van De Wege, Stanford, Fitzgibbon, Walkinshaw, Cody, Pollet and Jinkins; by request of Department of Health.

Brief History:

Committee Activity:

Appropriations: 2/4/15, 2/25/15 [DP].

Floor Activity:

Passed House: 3/10/15, 92-5.

Senate Amended.

Passed Senate: 4/15/15, 38-10.

House Concurred.

Passed House: 4/21/15, 90-7.

Passed Legislature.

Brief Summary of Bill

- Increases the biotoxin testing and monitoring surcharge on various recreational shellfish licenses by \$1.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 30 members: Representatives Hunter, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Carlyle, Cody, Dent, Dunshee, Fagan, Haler, Hansen, Hudgins, S. Hunt, Jinkins, Kagi, Lytton, MacEwen, Magendanz, Pettigrew, Sawyer, Schmick, Senn, Springer, Stokesbary, Sullivan, Tharinger, Van Werven and Walkinshaw.

Minority Report: Do not pass. Signed by 3 members: Representatives Condotta, G. Hunt and Taylor.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Mary Mulholland (786-7391).

Background:

In 2009 the Legislature created the Biotoxin Account (Account) administered by the Department of Health (DOH). Revenue from the following surcharges, originally authorized by the Legislature in 2003 and collected by the Department of Fish and Wildlife (DFW), are deposited in the Account, which include a:

- \$3 surcharge on resident and non-resident adult shellfish and seaweed licenses;
- \$2 surcharge on annual resident and non-resident adult combination licenses;
- \$2 surcharge on annual resident and non-resident razor clam licenses; and
- \$1 surcharge on the three-day razor clam license.

Moneys from the Account are used to fund biotoxin testing and monitoring by the DOH of beaches used for recreational shellfishing, and to fund monitoring by the Olympic Region Harmful Algal Bloom Program at the University of Washington. Moneys in the Account may be spent only after appropriation.

In addition to the statutory surcharges on recreational shellfish licenses, the DOH collects a biotoxin testing fee on commercial shellfish licenses. The fees on commercial shellfish licenses are set in WAC 246-282-990, and may be increased by the DOH through the rulemaking process. Fee revenue is deposited in the General Fund-Private/Local and may be spent only after appropriation.

Summary of Bill:

The biotoxin testing and monitoring surcharge on recreational shellfish licenses is increased by \$1 per license. The total biotoxin testing and monitoring surcharge after the \$1 increase would be a:

- \$4 surcharge on resident and non-resident adult shellfish and seaweed licenses;
- \$3 surcharge on annual resident and non-resident combination licenses;
- \$3 surcharge on annual resident and non-resident razor clam licenses; and
- \$2 surcharge on the three-day razor clam license.

Revenue generated by the above surcharges may not be used to pay for the DFW's administrative costs.

The surcharge on recreational shellfish licenses may not be increased by more than \$1, and may only be increased when the DOH increases the corresponding fees in rule on commercial shellfish licenses.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The idea of the legislation is to raise the fee on recreational shellfish licenses to provide better research and testing of shellfish in the state. The fee has not been raised in over a decade. This measure would help provide citizens with access to good seafood and enjoyable recreation that brings significant economic benefits.

The Department of Health (DOH) is the state shellfish control authority, and its job is to make sure that shellfish harvested in Washington waters are safe to eat. The increased fee would provide funding for the DOH to test and monitor for Diarrhetic Shellfish Poisoning (DSP) so that the public can be confident that shellfish are safe to eat. The first known incidence of DSP occurred in 2011, when three people were poisoned after eating mussels in Sequim Bay. Current surcharge revenue is sufficient to test and monitor for paralytic shellfish poisoning and domoic acid, but is not sufficient to test for DSP. Without an adequate monitoring program, there would be longer closures of recreational and commercial shellfish beaches. The increased fee would allow the DOH to collect the minimum 3,000 shellfish samples that are needed to inform solid public health decisions about DSP.

The Department of Fish and Wildlife (DFW) works to sustainably manage the bountiful shellfish resources on the coast, and to provide maximum recreational, economic, and social value to the small communities located there. Successful management of shellfish is made more difficult by the ever-present threat of harmful algal species that present potential harm to human health. The increased surcharge will be important to continue the work that the DFW has done to predict and prevent harmful algal blooms.

The surcharge revenue also funds the University of Washington (UW) Olympic Regional Harmful Algal Bloom (ORHAB) program. The ORHAB program is located in Forks and was created by the Legislature in 1989 to bring UW resources to outer coast communities. The ORHAB joins federal, state, and tribal partners from the fishery management, scientific, and public health fields to better understand harmful algal blooms and to respond to early warnings of biotoxins that can threaten human health and safety.

The Puget Sound Partnership was created by the Legislature in 2007 to coordinate the work of hundreds of partners to achieve Puget Sound recovery. The increased surcharge would support this work by helping to address Puget Sound Action Agenda priorities. It would help restore and reopen shellfish beds to support industry and tribal treaty rights, guide investment in effective Puget Sound recovery strategies, and help achieve human quality of life goals.

All the bill does is raise fees. The bill does not direct the DOH to do anything particularly specific. The uses of funds in the Biotoxin Account are defined in statute, and the funds are subject to appropriation by the Legislature.

(Opposed) None.

Persons Testifying: Representative Tharinger, prime sponsor; Dan Ayres, Washington Department of Fish and Wildlife; Rich Osborne, University of Washington Olympic Natural Resource Center; Jerrod Davis, Washington State Department of Health; and Jeff Parsons, Puget Sound Partnership.

Persons Signed In To Testify But Not Testifying: None.