
**Rural Development, Agriculture &
Natural Resources Committee**

HB 1508

Brief Description: Concerning the sanitary control of shellfish.

Sponsors: Representative Chapman.

Brief Summary of Bill

- Provides that the Department of Health (DOH) has authority to regulate health and safety of commercially harvested crab in relation to biotoxin contamination.
- Requires the DOH to adopt rules regulating crab harvesting, tracking, and recalls by July 2023.

Hearing Date: 2/10/21

Staff: Rebecca Lewis (786-7339).

Background:

The Department of Fish and Wildlife (DFW) and Department of Health (DOH) both have a role in managing the state's shellfish resources. Primary responsibilities of the DFW include season setting, administering and issuing shellfish licenses, and enforcement, and responsibilities of the DOH include administering regulations governing the sanitary control of shellfish.

Commercial Shellfishing Licenses.

In order to commercially fish for and harvest shellfish, including crab, a person must acquire a license from the DFW. The DFW has authority to set fishing seasons by species, geography, and

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gear type by rule. Examples of commercial crab licenses include coastal Dungeness crab, Puget Sound crab ring net, and Puget Sound Dungeness crab licenses.

Sanitary Control of Shellfish.

The State Board of Health (BOH) establishes, and the DOH administers, regulations governing the sanitary control of shellfish. This includes minimum performance standards for the growing, harvesting, processing, packing, storage, transport, and sale of shellfish for human consumption. Shellfish are defined as all varieties of fresh or frozen oysters, mussels, clams, and scallops, whether shucked or in the shell. Additionally, Washington is a participant in the National Shellfish Sanitation Program (NSSP), which is a cooperative program between states and the federal government for the sanitary control of shellfish. The stated purpose of the NSSP is to promote and improve the sanitation of molluscan shellfish moving in interstate commerce through uniformity of state shellfish programs and regulations. Components of the NSSP include program guidelines, growing area classification and dealer certification programs, and the evaluation of state program elements by the United States Food and Drug Administration (FDA).

The sanitary shellfish standards, as well as rules and regulations governing shellfish growing areas and shellfish plant facilities and operations to protect the public health, are established in rule by the Board of Health (BOH). In addition to requirements established by the BOH, any person engaged in a shellfish operation or possessing a commercial quantity of shellfish or any quantity of shellfish for sale for human consumption must comply with:

- the NSSP; and
- federal regulations adopted by the United States Food and Drug Administration requiring processors of fish and shellfish, to implement Hazard Analysis Critical Control Point (HACCP) plans.

If a provision of either the NSSP model ordinance or regulations requiring HACCP plans are inconsistent with state law, the more stringent provision, as determined by the DOH, must apply.

Summary of Bill:

The Department of Health (DOH) has authority to regulate the health and safety of commercially harvested crab in relation to biotoxin contamination. The DOH must develop rules regulating crab harvesting, tracking, and recalls by July 2023.

Appropriation: None.

Fiscal Note: Requested on February 6, 2021.

Effective Date: The bill contains an emergency clause and takes effect immediately.