

# SENATE BILL REPORT

## SHB 1508

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As Reported by Senate Committee On:  
Agriculture, Water, Natural Resources & Parks, February 17, 2022

**Title:** An act relating to the sanitary control of shellfish.

**Brief Description:** Concerning the sanitary control of shellfish.

**Sponsors:** House Committee on Rural Development, Agriculture & Natural Resources  
(originally sponsored by Representatives Chapman and Pollet).

**Brief History:** Passed House: 1/14/22, 96-0.

**Committee Activity:** Agriculture, Water, Natural Resources & Parks: 3/16/21, 3/18/21  
[DP-WM]; 2/17/22.

### Brief Summary of Bill

- Gives authority to the Department of Health to regulate health and safety of commercially harvested crab in relation to biotoxin contamination.
- Requires the State Board of Health to adopt rules regulating crab harvesting, tracking, and recalls by July 2023.

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## SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

**Staff:** Jeff Olsen (786-7428)

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

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

Commercial Shellfishing Licenses. A person must acquire a license from DFW to commercially fish for and harvest shellfish, including crab. DFW has authority to set fishing seasons by species, geography, and 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 DOH administers, regulations governing the sanitary control of shellfish. This includes minimum performance standards for 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. Washington is a participant in the National Shellfish Sanitation Program (NSSP), a cooperative program between states and the federal government for the sanitary control of shellfish. The stated purpose of 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 NSSP include program guidelines, growing area classification and dealer certification programs, and 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 public health, are established in rule by BOH. In addition to requirements established by 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 FDA 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 DOH, must apply.

**Summary of Bill:** DOH has authority to regulate the health and safety of commercially harvested crab in relation to biotoxin contamination. BOH must develop rules regulating crab harvesting, tracking, and recalls by July 2023.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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