

WAC 220-370-200 Shellfish aquaculture disease control. (1) It is unlawful for any person to import into Washington or possess live imported aquatic invertebrates, except market ready shellfish, without first obtaining an aquatic invertebrate import permit issued by the department. A copy of the permit shall accompany the aquatic invertebrates at all times within the state of Washington, and must be presented upon request to department employees.

(2) The director shall appoint a seven-member advisory committee consisting of one representative each from the department, the department of agriculture, the aquatic farmers of Washington, the federally recognized treaty tribes, private displayers of aquatic invertebrates, aquatic invertebrate ecologists, and aquatic invertebrate disease control specialists. The committee will advise the department on importation of aquatic invertebrates, make recommendations on classification of shellfish diseases, and review department policy. Recommendations of the committee are not binding on the commission or director.

(3) Established species from existing import areas with current disease free tissue certification from areas of origin free of Class A shellfish diseases are eligible for continued importation.

(a) An additional disease free tissue certification must be submitted every three years. The department will waive the certification requirement if there is sufficient information that the source area is free of Class A shellfish diseases.

(b) Additional disease free certification may be required upon discovery or reports of disease at the geographic source.

(4) Established species from new areas of origin are eligible for import if health history documentation and disease free tissue certification are provided to the department. Import into quarantine is required for imports originating from outside the west coast commerce region.

(a) Conditional importation approval will be initiated by permit application.

(b) Presence of any Class A shellfish disease in the area of origin will result in denial of conditional approval.

(c) At least one additional disease free certification will be required during the first year of importation. In the absence of disease during the first year of importation, established species will be eligible for continued importation, and the provisions of subsection (3) of this section will apply.

(5) Nonestablished species for which a health history documentation and disease free tissue certification have been initiated by permit application are eligible for importation only into quarantine.

A SEPA check list is required for any importation of a new species.

(6) Health history documentation will be based on available documentation over the five years prior to application for an import permit, unless a longer documentation is required for cause, and is required to be provided by the applicant. Disease free tissue certification is required from representative invertebrates proposed for import, and must be certified by a department-approved invertebrate health care professional. Disease-free tissue certification may be waived for aquatic invertebrate species placed into a terminal quarantine facility upon approval of an aquatic invertebrate import permit application.

(7) Department employees may inspect quarantine facilities used for permitted shellfish imports at reasonable times without prior notification.

(8) Importers are required to immediately report to the department any epizootic, significant mortality potentially attributable to an infectious disease or discovery of a Class A shellfish disease in an approved source area. The report is required to be made within 24 hours of the event or discovery. Annual reporting of the presence or absence of Class A or Class B shellfish diseases may be a condition of any permit.

(9) Violation of these rules or the conditions of the permit, confirmation of a Class A shellfish disease at the geographic source, or verification of a substantial shellfish mortality at the geographic source may result in the suspension or revocation of the import permit.

In the event of denial, suspension, or revocation of an import permit, the affected party may appeal through the Administrative Procedure Act. A suspended or revoked permit will remain suspended or revoked during the appeal process.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-370-200, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 02-06-018 (Order 02-35), § 220-77-040, filed 2/22/02, effective 3/25/02. Statutory Authority: RCW 75.08.080. WSR 97-08-078 (Order 97-56), § 220-77-040, filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.58.010. WSR 87-08-033 (Order 87-20), § 220-77-040, filed 3/27/87.]