

# FINAL BILL REPORT

## SHB 1453

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Synopsis as Enacted

**Brief Description:** Regarding commercial shellfish enforcement.

**Sponsors:** House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Rolfes, Chandler, Blake, Van De Wege, Upthegrove, Stanford, Jinkins and Kretz; by request of Department of Health).

**House Committee on Agriculture & Natural Resources**  
**Senate Committee on Natural Resources & Marine Waters**

**Background:**

The Department of Health (DOH) is the state agency responsible for providing licenses to commercial shellfish operations. Commercial shellfish growers must be licensed and must be able to match certificates of compliance with the state's sanitary standards to shellfish sold or offered for sale. The sanitary shellfish standards are established in rule by the Board of Health.

Commercial shellfish may legally be removed only from shellfish beds that have been certified by the DOH as an area that meets all sanitation standards. A person intending to commercially harvest shellfish must apply to the DOH for a certificate for the growing area. An approved certificate is valid for 12 months, but is subject to revocation should the sanitation of the area degrade. Shellfish being harvested that are not intended for human consumption must also be monitored by the DOH to ensure that the shellfish being harvested are not diverted for human consumption.

Once issued, the DOH can deny, revoke, or modify a license or a certificate of approval if the holder fails or refuses to comply with all relevant rules. In the event of a denial or revocation, the affected person is prohibited from participating in any shellfish operation.

A violation of the sanitary shellfish rules is punishable as a gross misdemeanor. The rules are enforceable by both personnel of the DOH and the enforcement personnel of the Washington Department of Fish and Wildlife (WDFW).

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

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shellfish. The stated purpose of the NSSP is to promote and improve the sanitation of 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.

**Summary:**

A specific requirement is added to the state's sanitary shellfish requirements that require an approved shellfish tag or label be affixed to each container of shellfish prior to removal from the growing area. The approved tag must meet the requirements of the NSSP model ordinance and may be applied in bulk to mollusks still in their shells. Any shellfish removed from a growing area without a tag may be seized by the DOH or the WDFW.

The authority to modify a license or certificate of approval is removed from the DOH if a person is found operating in violation of the rules governing shellfish production. However, the DOH may still deny, revoke, or suspend the license or certificate of approval. In addition, a denial, revocation, or suspension may occur should a person harass or threaten an employee of the DOH.

Persons found in violation of shellfish requirements are prohibited from brokering the sale of shellfish or in any way participating in the shellfish sales. This is in addition to the prohibition against working in shellfish production. Any person found engaging in any of the prohibited activities following a license revocation may be prosecuted for a class C felony and have his or her license revoked for at least five years.

**Votes on Final Passage:**

House	96	2
Senate	49	0

**Effective:** July 22, 2011