

WSR 23-17-073

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed August 14, 2023, 4:10 p.m., effective September 14, 2023]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 246-282-990(4), Sanitary control of shellfish—Fees, annual paralytic shellfish poisoning (PSP) testing fee redistribution. The adopted rule equitably assesses the cost of PSP testing by following the annual redistribution formula, which is based on the number of PSP tests done in the previous year. PSP testing is essential to public health as it is the only means available to determine if dangerous levels of PSP exist in commercial geoduck so that toxic shellfish do not reach consumers.

Citation of Rules Affected by this Order: Amending WAC 246-282-990.

Statutory Authority for Adoption: RCW 43.20.250.

Other Authority: RCW 69.30.050.

Adopted under notice filed as WSR 23-10-070 on May 2, 2023.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: August 14, 2023.

Kristin Petersen, JD  
Chief of Policy  
for Umair A. Shah, MD, MPH  
Secretary

OTS-4372.2

AMENDATORY SECTION (Amending WSR 22-10-050, filed 4/29/22, effective 5/29/22)

**WAC 246-282-990 Fees.** (1) Annual shellfish operation license fees are:

Type of Operation	Annual Fee
Harvester	\$263
Shellstock Shipper	
0 - 49 Acres	\$297
50 or greater Acres	\$476
Scallop Shellstock Shipper	\$297

Type of Operation	Annual Fee
Shucker-Packer	
Plants with floor space < 2000 sq. ft.	\$542
Plants with floor space 2000 sq. ft. to 5000 sq. ft.	\$656
Plants with floor space > 5000 sq. ft.	\$1,210

(2) The fee for each export certificate is \$55.00.

(3) Annual biotoxin testing fees for companies harvesting species other than geoduck intertidally (between the extremes of high and low tide) are as follows:

Fee Category		
Type of Operation	Number of Harvest Sites	Fee
Harvester	≤ 2	\$353
Harvester	3 or more	\$535
Shellstock Shipper		\$198
Wholesale Company		
Shellstock Shipper	≤ 2	\$393
0 - 49 acres		
Shellstock Shipper	3 or more	\$610
0 - 49 acres		
Shellstock Shipper	N/A	\$961
50 or greater acres		
Shucker-Packer	≤ 2	\$752
(plants < 2000 ft <sup>2</sup> )		
Shucker-Packer	3 or more	\$1,076
(plants < 2000 ft <sup>2</sup> )		
Shucker-Packer	≤ 2	\$882
(plants 2000 - 5000 ft <sup>2</sup> )		
Shucker-Packer	3 or more	\$1,297
(plants 2000 - 5000 ft <sup>2</sup> )		
Shucker-Packer	N/A	\$2,412
(plants > 5000 ft <sup>2</sup> )		

(a) The number of harvest sites will be the total number of harvest sites on the licensed company's harvest site certificate:

(i) At the time of first licensure; or

(ii) January 1st of each year for companies licensed as harvesters; or

(iii) July 1st of each year for companies licensed as shellstock shippers and shucker packers.

(b) Two or more contiguous parcels with a total acreage of one acre or less is considered one harvest site.

(4) Annual PSP testing fees for companies harvesting geoduck are as follows:

Harvester	Cert #	Fee
<u>Chuckanut Shellfish Inc.</u>	<u>WA-1350-HA</u>	<u>\$997</u>
Department of Natural Resources	NA	<del>(\$15,037)</del>
		<u>\$13,354</u>

Harvester	Cert #	Fee
Jamestown S'Klallam Tribe	WA-0588-SS	<del>(\$5,618)</del> \$4,584
Lower Elwha Klallam Tribe	WA-0587-HA	<del>(\$2,644)</del> \$2,392
Lummi Indian Business Council	WA-0098-SS	<del>(\$496)</del> \$399
<u>Nisqually Indian Tribe</u>	<u>WA-1268-HA</u>	<u>\$199</u>
Port Gamble S'Klallam Tribe	WA-0859-HA	<del>(\$5,123)</del> \$3,388
Puyallup Tribe of Indians	WA-1137-HA	<del>(\$4,957)</del> \$5,381
<u>Rising Tide CE, LLC</u>	<u>WA-1951-HA</u>	<u>\$199</u>
<del>((Seaproducts, Inc.</del>	<del>WA-1416-SS</del>	<del>\$661</del>
<del>Skokomish Indian Tribe</del>	<del>WA-0577-HA</del>	<del>\$165)</del>
Suquamish Tribe	WA-0694-SS	<del>(\$5,618)</del> \$7,175
Swinomish Indian Tribal Community	WA-1420-SS	<del>(\$661)</del> \$997
Taylor Shellfish Company, Inc.	WA-0046-SP	<del>(\$7,932)</del> \$9,168
The Tulalip Tribes	WA-0997-HA	<del>(\$9,088)</del> \$9,766

(5) Fees must be paid in full to department of health before a commercial shellfish license is issued or renewed.

(6) Refunds for fees will be given only if the applicant withdraws a new or renewal license application prior to the effective date of the new or renewed license.