

# SENATE BILL REPORT

## SHB 1404

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As Reported By Senate Committee On:  
Natural Resources, March 23, 1995

**Title:** An act relating to seafood safety enhancement.

**Brief Description:** Revising shellfish sanitation requirements to enhance the safety of recreationally and commercially harvested seafood.

**Sponsors:** House Committee on Natural Resources (originally sponsored by Representatives Fuhrman, Buck and Basich; by request of Department of Health).

**Brief History:**

**Committee Activity:** Natural Resources: 3/21/95, 3/23/95 [DP].

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### SENATE COMMITTEE ON NATURAL RESOURCES

**Majority Report:** Do pass.

Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

**Staff:** Vic Moon (786-7469)

**Background:** The Department of Health's Office of Shellfish Programs is responsible for protecting the public from illnesses caused by eating contaminated oysters, mussels and clams. The office monitors and classifies the sanitary condition of major commercial shellfish growing areas and over 140 recreational beaches.

Commercial shellfish beds that do not meet federal shellfish sanitation standards are decertified by the department. State law does not allow commercial shellfish harvesting in areas that are decertified. Recent changes in the national shellfish program, administered by U.S. Food and Drug Administration, allows certain harvests in decertified beds if procedures are in place to ensure that the shellfish will not be used for human consumption.

The department's shellfish program does not have authority to restrict shellfish harvests at recreational beaches if a public health threat is present. The department does operate a toll-free hotline to warn the public of a public health threat. Also, the department does not have authority to restrict the harvest of non-shellfish marine species that may pose a public health threat.

In 1992, the U.S. Food and Drug Administration (FDA) included scallops as a species requiring public health controls. State law does not define scallops as a shellfish for purposes of the state shellfish sanitation program.

The FDA also requires state's shellfish sanitation programs to have clear statutory authority to inspect commercial shellfish operations, including the ability to impose administrative inspection warrants.

A person convicted of illegally harvesting, possessing, or selling shellfish from a commercial bed is guilty of a gross misdemeanor and may be fined, imprisoned, or both. Current law specifies that any fine may not be less than \$25 or more than \$1,000 and that any imprisonment may not be less than 30 days or more than one year.

**Summary of Bill:** Scallops are included in the definition of shellfish covered under the department's shellfish protection program.

Commercial shellfish growers are allowed to harvest shellfish in a decertified bed, if certain conditions are met to ensure that the harvested shellfish will not be used for human consumption.

The department is explicitly authorized to have access to all areas of a commercial shellfish operation during an inspection, and may issue an administrative inspection warrant if certain conditions are met. The department must conduct inspections during normal working hours and days.

The Department of Health is given authority to close, by administrative order, commercial or recreational harvest of any marine species, if it is found that a public health threat exists. "Marine species" is defined as any marine fish, invertebrate, or plant. The department may not restrict the harvest of shellfish taken from private tidelands.

Any person found to be illegally selling marine species that are restricted by the department is guilty of a gross misdemeanor and to civil penalties. Any person found to be illegally in possession of a restricted marine species is subject to civil penalties. The specific references to the minimum and maximum fines and jail terms are removed.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The bill is needed to clarify the Department of Health's shellfish safety authority.

**Testimony Against:** None.

**Testified:** Maryanne Gurchard, Dept. of Health.