

# SENATE BILL REPORT

## SSB 5449

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As Passed Senate, March 3, 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:** Senate Committee on Natural Resources (originally sponsored by Senators Snyder, Drew, Oke, Owen and Winsley; by request of Department of Health).

**Brief History:**

**Committee Activity:** Natural Resources: 2/7/95, 2/17/95 [DPS].  
Passed Senate, 3/3/95, 48-0.

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### SENATE COMMITTEE ON NATURAL RESOURCES

**Majority Report:** That Substitute Senate Bill No. 5449 be substituted therefor, and the substitute bill 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 Fish and Wildlife and the Department of Health are both involved in regulation of shellfish. The primary responsibility for shellfish health and the safety question is the responsibility of the Department of Health. However, clear statutory authority giving the Department of Health the ability to protect the public from contaminated shellfish is not clear.

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 clarifies the sanitary condition of any major commercial shellfish growing areas, and regulates over 130 recreational beaches. The department inspects and certifies 300 commercial shellfish operations, and participates in a cooperative shellfish sanitation program with tribal jurisdictions that have commercial shellfish operations.

The Department of Health's Shellfish Program also tests shellfish for the presence of harmful biotoxins including paralytic shellfish poisoning and domoic acid. The department operates a toll-free hotline for beach closure information due to the presence of biotoxins or other health hazards, and provides the education and information to the public at large. The agency participates in the Puget Sound Water Quality Authority's efforts to monitor and restore water quality in shellfish growing areas.

**Summary of Bill:** Scallops are included in the definition of shellfish covered under the Department of Health's program to be consistent with national standards of the United States

Food and Drug Administration, which recently included scallops as a species requiring public health controls. Bait and seed issues are modified so that commercial shellfish growers are allowed to harvest shellfish for bait and seed in areas that would otherwise be closed due to health hazards if the shellfish are used for human consumption.

Language is added to ensure due process and proper procedures when the department inspects commercial shellfish operations or shellfish growing areas.

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.

Enforcement of violations is provided by the Department of Fish and Wildlife enforcement officers. Fish and Wildlife enforcement officer is defined.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** The statutory authority of the Department of Health needs to be updated to provide better service to both the public and the shellfish industry.

**Testimony Against:** None.

**Testified:** PRO: Maryanne Guichard, Department of Health; Cyreis Schmitt, Department of Fish and Wildlife; Tim Smith, Oystergrowers; Bill Daley, Oystergrowers.