

# SENATE BILL REPORT

## SHB 1508

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As Reported by Senate Committee On:  
Agriculture, Water, Natural Resources & Parks, March 18, 2021  
Ways & Means, April 2, 2021

**Title:** An act relating to the sanitary control of shellfish.

**Brief Description:** Concerning the sanitary control of shellfish.

**Sponsors:** House Committee on Rural Development, Agriculture & Natural Resources  
(originally sponsored by Representatives Chapman and Pollet).

**Brief History:** Passed House: 2/25/21, 98-0.

**Committee Activity:** Agriculture, Water, Natural Resources & Parks: 3/16/21, 3/18/21  
[DP-WM].

Ways & Means: 4/01/21, 4/02/21 [DP, w/oRec].

### Brief Summary of Bill

- Gives authority to the Department of Health to regulate health and safety of commercially harvested crab in relation to biotoxin contamination.
- Requires the State Board of Health to adopt rules regulating crab harvesting, tracking, and recalls by July 2023.

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## SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford, Rolfes, Short and Stanford.

**Staff:** Jeff Olsen (786-7428)

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

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## SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass.

Signed by Senators Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun, Carlyle, Conway, Darneille, Dhingra, Gildon, Hunt, Keiser, Mullet, Muzzall, Pedersen, Rivers, Van De Wege, Wagoner, Warnick and Wellman.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Hasegawa and Liias.

**Staff:** Corban Nemeth (786-7736)

**Background:** The Department of Fish and Wildlife (DFW) and the Department of Health (DOH) both have a role in managing the state's shellfish resources. DFW duties include season setting, administering and issuing shellfish licenses, and enforcement. Primary responsibilities of DOH include administering regulations governing the sanitary control of shellfish.

Commercial Shellfishing Licenses. A person must acquire a license from DFW to commercially fish for and harvest shellfish, including crab. DFW has authority to set fishing seasons by species, geography, and gear type by rule. Examples of commercial crab licenses include coastal Dungeness crab, Puget Sound crab ring net, and Puget Sound Dungeness crab licenses.

Sanitary Control of Shellfish. The State Board of Health (BOH) establishes, and DOH administers, regulations governing the sanitary control of shellfish. This includes minimum performance standards for growing, harvesting, processing, packing, storage, transport, and sale of shellfish for human consumption. Shellfish are defined as all varieties of fresh or frozen oysters, mussels, clams, and scallops, whether shucked or in the shell. Washington is a participant in the National Shellfish Sanitation Program (NSSP), a cooperative program between states and the federal government for the sanitary control of shellfish. The stated purpose of NSSP is to promote and improve the sanitation of molluscan shellfish moving in interstate commerce through uniformity of state shellfish programs and regulations. Components of NSSP include program guidelines, growing area classification and dealer certification programs, and evaluation of state program elements by the United States Food and Drug Administration (FDA).

The sanitary shellfish standards, as well as rules and regulations governing shellfish growing areas and shellfish plant facilities and operations to protect public health, are established in rule by BOH. In addition to requirements established by BOH, any person engaged in a shellfish operation or possessing a commercial quantity of shellfish or any quantity of shellfish for sale for human consumption must comply with the NSSP; and

federal regulations adopted by the FDA requiring processors of fish and shellfish, to implement hazard analysis critical control point (HACCP) plans.

If a provision of either the NSSP model ordinance or regulations requiring HACCP plans are inconsistent with state law, the more stringent provision, as determined by DOH, must apply.

**Summary of Bill:** DOH has authority to regulate the health and safety of commercially harvested crab in relation to biotoxin contamination. BOH must develop rules regulating crab harvesting, tracking, and recalls by July 2023.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony (Agriculture, Water, Natural Resources & Parks):** PRO: The Dungeness crab fishery is one of the most valuable fisheries on the west coast with over \$40 million in value landed each season. Recently there has been an issue with domoic acid that has delayed the fishery. There needs to be additional tools to plan for possible persistent events in the future. Evisceration is a tool that could allow the crab to be processed and safe for human consumption.

Delays in the crab fishery may overlap with the presence of whales off the coast of Washington and increase the risk of entanglements. Providing clear authority to develop rules, hopefully before 2023, could allow for the Department of Health to regulate for health and safety.

OTHER: DOH is neutral on the bill because funding is not provided in the Governor's budget. The bill would allow DOH to expand from its current work in shellfish safety and public health protection to sanitary controls in crab harvesting. BOH would work with stakeholders to develop health and safety rules to address biotoxin contamination.

**Persons Testifying (Agriculture, Water, Natural Resources & Parks):** PRO: Larry Thevik, Washington Dungeness Crab Fishermen's Association; Heather Hall, Washington Department of Fish and Wildlife.

OTHER: Todd Phillips, Washington Department of Health.

**Persons Signed In To Testify But Not Testifying (Agriculture, Water, Natural Resources & Parks):** No one.

**Staff Summary of Public Testimony (Ways & Means):** PRO: Costs at DFW are necessary to fund collecting crab, rulemaking, and enforcement.

OTHER: Within our office, we have shellfish, food safety, and other compliance programs. We are looking forward to working with the crabbing industry to find solutions. This represents important new work for safety for commercial crab harvesting. We have been working with tribes, the BOH, DFW, and stakeholders.

**Persons Testifying (Ways & Means):** PRO: Heather Hall, Washington Department of Fish and Wildlife.

OTHER: Todd Phillips, Washington Department of Health.

**Persons Signed In To Testify But Not Testifying (Ways & Means):** No one.