

SENATE BILL REPORT

SHB 1508

As Reported by Senate Committee On:
Agriculture, Water, Natural Resources & Parks, February 17, 2022
Ways & Means, February 28, 2022

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: 1/14/22, 96-0.

Committee Activity: Agriculture, Water, Natural Resources & Parks: 3/16/21, 3/18/21
[DP-WM]; 2/17/22, 2/17/22 [DP-WM].

Ways & Means: 4/01/21, 4/02/21 [DP, w/oRec]; 2/24/22, 2/28/22 [DPA].

Brief Summary of Amended Bill

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

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)

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.

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended.

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

Staff: Jed Herman (786-7346)

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: The bill as referred to committee not considered.

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

EFFECT OF WAYS & MEANS COMMITTEE AMENDMENT(S):

- Provides that the State Board of Health may, rather than shall, adopt 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 on Substitute House Bill (Agriculture, Water, Natural Resources & Parks) (Regular Session 2022): PRO: The commercial coastal crab fishery is the most valuable single-species fishery on the West Coast and is important to coastal communities. If high levels of domoic acid persists, we need tools to manage in addition to delaying the coastal crab fishing season. Delays risk pushing the crab harvest season into the spring when gray and humpback whales arrive, increasing risk of entanglements. Domoic acid tends to only impact the viscera of crab and not the meat, so an evisceration requirement would allow the fishery to open safely. Evisceration is a necessary tool to have available to manage when necessary and ensure crab is safe to consume.

Currently, the Department of Health is limited in how they can regulate crab. The industry would like to see an expeditious timeline to implement the program. Washington can implement a program with transparent sampling and testing similar to Oregon, consistency with Oregon is very important.

OTHER: This is important new work for the Department of Health to expand sanitary control to commercial crab harvesting. The Board of Health would prefer to have until 2024 to allow enough time for proper rulemaking.

Persons Testifying (Agriculture, Water, Natural Resources & Parks): PRO: Larry

Thevik, Washington Dungeness Crab Fishermen's Association; Tom McBride, WDFW; Jonathan Gonzalez, Pacific Seafood; Susan Chambers, West Coast Seafood Processors Association.

OTHER: Todd Phillips, Washington State Department of Health.

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

Staff Summary of Public Testimony on Bill as Amended by Committee (Ways & Means) (Regular Session 2022): PRO: The commercial dungeness crab fishery generates a significant amount of money in both the coast and Puget Sound. If biotoxins are present, it results in closure of the fishery. Currently the Department of Health has no authority to manage the fishery. Domoic acid tends to only impact the viscera of crab and not the meat, so an evisceration requirement would allow the fishery to open safely. The bill would allow the Department of Health to track and recall product if necessary.

Persons Testifying (Ways & Means): PRO: Tom McBride, WDFW.

Persons Signed In To Testify But Not Testifying (Ways & Means): OTHER: Todd Phillips, Washington State Department of Health (available for questions).