

SENATE BILL REPORT

2SHB 1010

As of March 13, 2023

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

Brief Description: Concerning the sanitary control of shellfish.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Chapman, McEntire, Dent, Reed, Griffey, Reeves and Kloba).

Brief History: Passed House: 3/3/23, 95-0.

Committee Activity: Agriculture, Water, Natural Resources & Parks: 3/13/23.

Brief Summary of Bill

- Provides authority for the Washington Department of Health to create regulations governing commercially harvested crab in relation to biotoxin contamination.
- Authorizes the Washington State Board of Health to adopt rules regulating crab harvesting, tracking, and recalls by June 30, 2025.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Staff: Jeff Olsen (786-7428)

Background: The Department of Fish and Wildlife (DFW) and the Department of Health (DOH) both regulate commercial shellfish harvesting in Washington. DFW creates and administers rules governing certain aspects of harvesting such as the timing of seasons, required gear, and harvesting limits, while DOH, in conjunction with the State Board of Health, creates sanitization standards and requirements for harvesting processes. Federal regulations also apply to some aspects of shellfish sanitization.

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.

DOH administers regulations that specify sanitization processes and standards associated with harvesting shellfish. These regulations touch on many aspects of shellfish harvesting, including the quality of shellfish growing waters and areas, boat and barge sanitation, sewage and wastewater disposal, ventilation, insect and rodent control, shell disposal, garbage and waste disposal, and the handling, storage and refrigeration of shellfish. The regulations are created by the State Board of Health and administered by DOH. DOH is not expressly authorized to regulate sanitization standards for commercial crab harvesting.

In addition to the state regulations administered by DOH, Washington is a participant in the National Shellfish Sanitation Program (NSSP), a cooperative program between states and the federal government that regulates sanitary controls for shellfish. The program is designed to promote and improve the sanitation of shellfish moving in interstate commerce through uniformity of state shellfish programs and regulations. Components of the NSSP include program guidelines, growing area classification and dealer certification programs, and the evaluation of state programs by the United States Food and Drug Administration (FDA). Any person engaged in shellfish harvesting, possessing a commercial quantity of shellfish, or possessing any quantity of shellfish for sale for human consumption, must comply both with the requirements of the NSSP and federal regulations adopted by FDA.

Summary of Bill: DOH may create regulations governing biotoxin contamination of commercially harvested crab and the State Board of Health may adopt rules regulating crab harvesting, tracking, and recalls by June 30, 2025.

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: PRO: This bill would strengthen public health by filling a gap in state law and providing tools to address marine biotoxins impacting the commercial crab industry. Over the past few years, the dungeness crab harvest has been impacted by domoic acid, impacting producers and coastal communities. Marine biotoxins represent a serious public health threat to consumers of crab. Biotoxin events like the recent influx of domoic acid can be managed, but new authority is required to regulate the fishery. Delays to the commercial crab season could result in more interactions between crabbing vessels and humpback whales. The bill would address the regulatory gap and help protect both consumers of crab and harvesters. The bill would give DOH and others time needed to work with stakeholders to develop effective standards. Funding for implementing the bill is in the Governor's budget.

Persons Testifying: PRO: Heather Hall, WDFW; Larry Thevik, Washington Dungeness

Crab Fishermen's Association; Danielle Toepelt, Washington State Department of Health;
Stuart Glasoe, Washington State Board of Health.

Persons Signed In To Testify But Not Testifying: No one.