

WAC 220-370-240 Aquaculture disease control—Emergency provisions. (1) The director may take the following emergency enforcement actions when evidence indicates these actions are necessary to protect aquaculture products and native stocks from disease causing severe mortality:

(a) Deny issuance of an transport permit.

(b) Quarantine the aquaculture products.

(c) Confiscate or order the destruction of the aquaculture products.

(d) Require removal of the aquaculture product from state waters.

(2) For finfish, shellfish, amphibian, and marine plant aquaculture products:

(a) Quarantine may be ordered without a hearing when aquaculture products are transferred without appropriate inspections or permits or transferred in violation of the conditions of a permit.

(b) Quarantine may be ordered without a hearing when evidence demonstrates that aquaculture products, previously imported, may introduce a disease not known to occur in Washington.

(3) For finfish aquaculture products, if an epizootic caused by a regulated finfish pathogen is detected, quarantine may be ordered without a hearing.

(4) For shellfish aquaculture products, an outbreak of serious mortality in which contagious disease is suspected may result in quarantine or require removal of the suspected diseased shellfish aquaculture products from state waters, subject to the aquatic farmer's right to an emergency departmental hearing, if removal from state waters is ordered.

(5) When there is evidence that continued presence of aquaculture products in state waters may cause disease that would harm other aquaculture products or native fauna or flora, the director may order quarantine, confiscation, destruction, or removal from state waters. Except as provided for in subsection (3) of this section, the aquatic farmer has a right to a departmental hearing. In the event the director has ordered emergency action of confiscation, destruction, or removal from state waters, the director shall give notice to the affected aquatic farmer. At the time of notice of emergency action, the affected aquatic farmer may request an emergency departmental hearing. If requested, the hearing will take place no later than the third working day after notice is received by the aquatic farmer. The hearing will be presided over by a hearing officer appointed by the director, who will consider the severity of the disease outbreak, remedies, and alternate courses of action. The hearing officer shall present a recommendation to the director. The director will then review the emergency action and, if appropriate, order confiscation, destruction, or removal from state waters. If so ordered, the emergency action will take place no sooner than forty-eight hours after service of the order. If no request for an emergency departmental hearing is received, the emergency action of confiscation, destruction, or removal from state waters, may take place immediately after the third working day after the notice is served on the aquatic farmer.

(6) If the department refuses to issue a transport permit, or orders quarantine or isolation of aquaculture products, the aquatic farmer has a right to a hearing under the Administrative Procedure Act (chapter 34.04 RCW).

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-370-240, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 02-02-013 (Order 01-281), § 220-77-070, filed 12/21/01, effective 1/21/02. Statutory Authority: RCW 75.58.010. WSR 87-08-033 (Order 87-20), § 220-77-070, filed 3/27/87.]