

WSR 21-14-019

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed June 28, 2021, 10:38 a.m., effective July 29, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 246-282-005 sanitary control of shellfish, minimum performance standards. The department of health (department) updated the publication date of the National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish (guide) from 2017 to the most recently adopted 2019 version of rules previously adopted by reference. The United States Food and Drug Administration requires all shellfish-producing states to follow the most current version of the NSSP guide.

Citation of Rules Affected by this Order: Amending WAC 246-282-005.

Statutory Authority for Adoption: RCW 96.30.030 [69.30.030].

Adopted under notice filed as WSR 21-10-087 on May 3, 2021.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: June 28, 2021.

Lauren Jenks
Assistant Secretary
Division of Environmental
Public Health

OTS-2971.1

AMENDATORY SECTION (Amending WSR 19-14-094, filed 7/1/19, effective 8/1/19)

WAC 246-282-005 Minimum performance standards. (1) 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 and is subject to:

(a) The requirements of the U.S. Food and Drug Administration National Shellfish Sanitation Program (NSSP), Guide for the Control of Molluscan Shellfish (~~((2017))~~) (2019) (copies available through the U.S. Food and Drug Administration, Shellfish Sanitation Branch, and the Washington state department of health, office of shellfish and water protection);

(b) The provisions of 21 Code of Federal Regulations (C.F.R.), Part 123 - Fish and Fishery Products, adopted December 18, 1995, by the United States Food and Drug Administration, regarding Hazard Analysis Critical Control Point (HACCP) plans (copies available through the U.S. Food and Drug Administration, Office of Seafood, and the Washington state department of health, office of food safety and shellfish programs); and

(c) All other provisions of this chapter.

(2) If a requirement of the NSSP Model Ordinance or a provision of 21 C.F.R., Part 123, is inconsistent with a provision otherwise established under this chapter or other state law or rule, then the more stringent provision, as determined by the department, will apply.

[Statutory Authority: RCW 96.30.030 [69.30.030]. WSR 19-14-094, § 246-282-005, filed 7/1/19, effective 8/1/19; WSR 17-12-047, § 246-282-005, filed 6/1/17, effective 7/2/17. Statutory Authority: RCW 60.30.030 [69.30.030]. WSR 15-04-049, § 246-282-005, filed 1/29/15, effective 1/29/15. Statutory Authority: RCW 60.30.030 [69.30.030]. WSR 14-09-003, § 246-282-005, filed 4/3/14, effective 5/4/14; WSR 14-01-002, § 246-282-005, filed 12/4/13, effective 1/4/14; WSR 11-17-104, § 246-282-005, filed 8/22/11, effective 9/22/11; WSR 09-08-116, § 246-282-005, filed 3/31/09, effective 5/1/09; WSR 07-20-014, § 246-282-005, filed 9/20/07, effective 10/21/07; WSR 06-01-055, § 246-282-005, filed 12/16/05, effective 1/16/06. Statutory Authority: RCW 69.30.030 and 43.20.030. WSR 01-04-054, § 246-282-005, filed 2/5/01, effective 3/8/01. Statutory Authority: RCW 69.30.030. WSR 98-18-066, § 246-282-005, filed 8/31/98, effective 10/1/98; WSR 98-03-096, § 246-282-005, filed 1/21/98, effective 2/21/98; WSR 96-18-096, § 246-282-005, filed 9/4/96, effective 10/5/96; WSR 94-23-026, § 246-282-005, filed 11/8/94, effective 12/9/94.]