

WSR 23-04-061  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH

[Filed January 27, 2023, 3:33 p.m.]

Subject of Possible Rule Making: WAC 246-282-990 Fees, sanitary control of shellfish. The department of health (department) is considering amending the fees to cover the operational costs of the shellfish program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.110 and 43.70.250.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Per RCW 43.70.250, the secretary of health (secretary) shall, from time to time, establish the amount of all application fees, license fees, registration fees, examination fees, permit fees, renewal fees, and any other fee associated with licensing or regulation of professions, occupations, or businesses (licensees) administered by the department. Any and all fees or assessments, or both, levied on the state to cover the costs of the operations and activities shall be borne by the persons who hold licenses. In fixing said fees, the secretary shall set the fees for each program at a sufficient level to defray the costs of administering that program.

The department has completed an initial assessment of the commercial shellfish program fiscal resources and determined the program is not generating sufficient revenue to cover the cost of the program. Rule making is needed to create or update fees for operator licenses, export certificates, and paralytic shellfish poisoning testing. The department is also considering changing the existing biotoxin fee into an environmental sampling fee that will also cover the cost of *Vibrio* testing. The department may also consider implementing cost recovery mechanisms consistently across operator license categories for harvesters, shippers, and shucker-packers, such as adding a late license renewal fee, reinspection fee, or a noncompliance-driven inspection fee.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The department will use a collaborative rule-making approach by keeping interested parties informed of the rule development through email and posting information on the department's rule-making websites. Stakeholders and interested parties will have the opportunity to provide comments throughout the rule-making process, during the formal comment period, and at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dani Toepelt, P.O. Box 47820, Olympia, WA 98504-7820, phone 360-236-3347, email [danielle.toepelt@doh.wa.gov](mailto:danielle.toepelt@doh.wa.gov), website [www.doh.wa.gov](http://www.doh.wa.gov); or Peter Beaton, P.O. Box 47820, Olympia, WA 98504-7820, phone 360-236-4031, email [peter.beaton@doh.wa.gov](mailto:peter.beaton@doh.wa.gov).

Additional comments: Please contact Dani Toepelt or Peter Beaton to be added to the interested parties list to receive rule-making notices.

January 27, 2023  
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Chief of Policy  
for Umair A. Shah, MD, MPH  
Secretary