

WSR 25-06-081

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed March 4, 2025, 5:07 p.m., effective April 4, 2025]

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

Purpose: Sanitary control of shellfish, minimum performance standards, WAC 246-282-005. The department of health (department) amended WAC 246-282-005 (1)(a) to adopt by reference the 2023 version of the National Shellfish Sanitation Program's (NSSP) Guide for the Control of Molluscan Shellfish (guide). The department is updating the publication date of the NSSP guide adopted by reference from the 2019 to the 2023 version to ensure that the most current health and safety requirements are in rule as required by the statute. The United States Food and Drug Administration requires all shellfish-producing states to follow the most current version of the guide in order to place molluscan shellfish into interstate commerce.

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

Statutory Authority for Adoption: RCW 69.30.030.

Adopted under notice filed as WSR 25-02-007 on December 18, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.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: March 4, 2025.

Kristin Peterson, JD  
Chief of Policy  
for Jessica Todorovich, MS  
Acting Secretary of Health

OTS-5985.1

AMENDATORY SECTION (Amending WSR 21-14-019, filed 6/28/21, effective 7/29/21)

**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 ((2019)) 2023 (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.