



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: August 14, 2023

TIME: 4:10 PM

WSR 23-17-073

**Agency:** Department of Health

**Effective date of rule:**

**Permanent Rules**

31 days after filing.

Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

Yes  No If Yes, explain:

**Purpose:** WAC 246-282-990(4), Sanitary control of shellfish - Fees, Annual paralytic shellfish poisoning (PSP) testing fee redistribution. The adopted rule equitably assesses the cost of PSP testing by following the annual redistribution formula, which is based on the number of PSP tests done in the previous year. PSP testing is essential to public health as it is the only means available to determine if dangerous levels of PSP exist in commercial geoduck so that toxic shellfish do not reach consumers.

**Citation of rules affected by this order:**

New:

Repealed:

Amended: WAC 246-282-990

Suspended:

**Statutory authority for adoption:** RCW 43.20.250

**Other authority:** RCW 69.30.050

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 23-10-070 on 5/2/2023 (date).

Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	Amended	Repealed
Federal rules or standards:	New	Amended	Repealed
Recently enacted state statutes:	New	Amended	Repealed

**The number of sections adopted at the request of a nongovernmental entity:**

New	Amended	Repealed
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**The number of sections adopted on the agency's own initiative:**

New	Amended	<u>1</u>	Repealed
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	Amended	Repealed
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**The number of sections adopted using:**

Negotiated rule making:	New	Amended	Repealed
Pilot rule making:	New	Amended	Repealed
Other alternative rule making:	New	Amended	<u>1</u> Repealed

**Date Adopted:** 8/14/2023

**Name:** Kristin Petersen, JD for Umair A. Shah, MD, MPH

**Title:** Chief of Policy for Secretary of Health

**Signature:**



**WAC 246-282-990 Fees.** (1) Annual shellfish operation license fees are:

<b>Type of Operation</b>	<b>Annual Fee</b>
Harvester	\$263
Shellstock Shipper	
0 - 49 Acres	\$297
50 or greater Acres	\$476
Scallop Shellstock Shipper	\$297
Shucker-Packer	
Plants with floor space < 2000 sq. ft.	\$542
Plants with floor space 2000 sq. ft. to 5000 sq. ft.	\$656
Plants with floor space > 5000 sq. ft.	\$1,210

(2) The fee for each export certificate is \$55.00.

(3) Annual biotoxin testing fees for companies harvesting species other than geoduck intertidally (between the extremes of high and low tide) are as follows:

<b>Fee Category</b>		
<b>Type of Operation</b>	<b>Number of Harvest Sites</b>	<b>Fee</b>
Harvester	≤ 2	\$353
Harvester	3 or more	\$535
Shellstock Shipper		\$198
Wholesale Company		
Shellstock Shipper	≤ 2	\$393
0 - 49 acres		
Shellstock Shipper	3 or more	\$610
0 - 49 acres		
Shellstock Shipper	N/A	\$961
50 or greater acres		
Shucker-Packer	≤ 2	\$752
(plants < 2000 ft <sup>2</sup> )		
Shucker-Packer	3 or more	\$1,076
(plants < 2000 ft <sup>2</sup> )		
Shucker-Packer	≤ 2	\$882
(plants 2000 - 5000 ft <sup>2</sup> )		
Shucker-Packer	3 or more	\$1,297
(plants 2000 - 5000 ft <sup>2</sup> )		
Shucker-Packer	N/A	\$2,412
(plants > 5000 ft <sup>2</sup> )		

(a) The number of harvest sites will be the total number of harvest sites on the licensed company's harvest site certificate:

(i) At the time of first licensure; or

- (ii) January 1st of each year for companies licensed as harvesters; or
- (iii) July 1st of each year for companies licensed as shellstock shippers and shucker packers.
- (b) Two or more contiguous parcels with a total acreage of one acre or less is considered one harvest site.
- (4) Annual PSP testing fees for companies harvesting geoduck are as follows:

<b>Harvester</b>	<b>Cert #</b>	<b>Fee</b>
<u>Chuckanut Shellfish Inc.</u>	<u>WA-1350-HA</u>	<u>\$997</u>
Department of Natural Resources	NA	(( <del>\$15,037</del> ))
		<u>\$13,354</u>
Jamestown S'Klallam Tribe	WA-0588-SS	(( <del>\$5,618</del> ))
		<u>\$4,584</u>
Lower Elwha Klallam Tribe	WA-0587-HA	(( <del>\$2,644</del> ))
		<u>\$2,392</u>
Lummi Indian Business Council	WA-0098-SS	(( <del>\$496</del> ))
		<u>\$399</u>
<u>Nisqually Indian Tribe</u>	<u>WA-1268-HA</u>	<u>\$199</u>
Port Gamble S'Klallam Tribe	WA-0859-HA	(( <del>\$5,123</del> ))
		<u>\$3,388</u>
Puyallup Tribe of Indians	WA-1137-HA	(( <del>\$4,957</del> ))
		<u>\$5,381</u>
<u>Rising Tide CE, LLC</u>	<u>WA-1951-HA</u>	<u>\$199</u>
<del>((Seaproducts, Inc.</del>	<u>WA-1416-SS</u>	<u>\$661</u>
<del>Skokomish Indian Tribe</del>	<u>WA-0577-HA</u>	<u>\$165</u> )
Suquamish Tribe	WA-0694-SS	(( <del>\$5,618</del> ))
		<u>\$7,175</u>
Swinomish Indian Tribal Community	WA-1420-SS	(( <del>\$661</del> ))
		<u>\$997</u>
Taylor Shellfish Company, Inc.	WA-0046-SP	(( <del>\$7,932</del> ))
		<u>\$9,168</u>
The Tulalip Tribes	WA-0997-HA	(( <del>\$9,088</del> ))
		<u>\$9,766</u>

- (5) Fees must be paid in full to department of health before a commercial shellfish license is issued or renewed.
- (6) Refunds for fees will be given only if the applicant withdraws a new or renewal license application prior to the effective date of the new or renewed license.