



# RULE-MAKING ORDER

**CR-103P (May 2009)**  
(Implements RCW 34.05.360)

Agency: Department of Health

**Permanent Rule Only**

**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(5), Sanitary Control of Shellfish - Fees - Commercial Geoduck Paralytic Shellfish Poisoning (PSP) Testing. The rule equitably assesses the costs of commercial geoduck PSP testing based on the number of tests done the previous year. The testing is essential to public health. It is the only way to know if dangerous levels of PSP exist in commercial geoduck, and ensure toxic shellfish do not reach consumers.

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

Repealed: None  
Amended: WAC 246-282-990  
Suspended: None

**Statutory authority for adoption:** RCW 43.70.250

**Other authority :**

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

Adopted under notice filed as WSR 12-10-096 on 05/02/2012 (date).

Describe any changes other than editing from proposed to adopted version: There were no changes from the proposed to adopted versions of the rule.

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

Name: phone  
Address: fax  
e-mail

**Date adopted:** 07/02/12

**NAME (TYPE OR PRINT)**

Mary C. Selecky

**SIGNATURE**

**TITLE**

Secretary

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: July 02, 2012**

**TIME: 11:43 AM**

**WSR 12-14-073**

(COMPLETE REVERSE SIDE)

**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:**

<b>Federal statute:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Federal rules or standards:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Recently enacted state statutes:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

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

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted in the agency's own initiative:**

	New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Pilot rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Other alternative rule making:</b>	New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>

AMENDATORY SECTION (Amending WSR 11-19-011, filed 9/7/11, effective 10/8/11)

**WAC 246-282-990 Fees.** (1) The required annual shellfish operation license fees for shellstock shippers and shucker-packers due October 1, 2011, shall be reduced by twenty-five percent of the annual shellfish operation license fees in subsection (2) of this section. Beginning July 1, 2012, and for every subsequent year, the full annual shellfish operation license fees in subsection (2) of this section shall be assessed.

(2) Annual shellfish operation license fees are:

<u>Type of Operation</u>	<u>Annual Fee</u>
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

(3) The fee for each export certificate is \$20.00.

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

**Fee Category**

<u>Type of Operation</u>	<u>Number of Harvest Sites</u>	<u>Fee</u>
Harvester	≤ 2	\$173
Harvester	3 or more	\$259
Shellstock Shipper	≤ 2	\$195
0 - 49 acres		
Shellstock Shipper	3 or more	\$292
0 - 49 acres		
Shellstock Shipper	N/A	\$468
50 or greater acres		
Shucker-Packer	≤ 2	\$354
(plants < 2000 ft <sup>2</sup> )		
Shucker-Packer	3 or more	\$533
(plants < 2000 ft <sup>2</sup> )		
Shucker-Packer	≤ 2	\$429
(plants 2000 - 5000 ft <sup>2</sup> )		

**Fee Category**

<b>Type of Operation</b>	<b>Number of Harvest Sites</b>	<b>Fee</b>
Shucker-Packer (plants 2000 - 5000 ft <sup>2</sup> )	3 or more	\$644
Shucker-Packer (plants > 5000 ft <sup>2</sup> )	N/A	\$1,189

(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 1 of each year for companies licensed as harvesters; or
- (iii) July 1 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.

(5) Annual PSP testing fees for companies harvesting geoduck are as follows:

<b>Harvester</b>	<b>Fee</b>
Department of natural resources (quota tracts harvested by DNR contract holders)	<del>\$(9,616)</del> <u>9,433</u>
<u>Discovery Bay Shellfish</u>	<u>\$401</u>
Jamestown S'Klallam Tribe	<del>\$(1,221)</del> <u>3,412</u>
Lower Elwha Klallam Tribe	<del>\$(4,274)</del> <u>4,817</u>
<del>(Nisqually Indian Tribe</del>	<del>\$3,968)</del>
Port Gamble S'Klallam Tribe	<del>\$(3,053)</del> <u>7,626</u>
Puyallup Tribe of Indians	<del>\$(6,868)</del> <u>6,221</u>
Seattle Shellfish	<del>\$(1,374)</del> <u>201</u>
Squaxin Island Tribe	<del>\$(3,968)</del> <u>1,605</u>
Suquamish Tribe	<del>\$(16,026)</del> <u>17,261</u>
Swinomish Tribe	<del>\$(458)</del> <u>1,003</u>
<del>(SYS Enterprises</del>	<del>\$611)</del>
Taylor Shellfish	<del>\$(2,900)</del> <u>602</u>
Tulalip Tribe	<del>\$(3,663)</del> <u>5,418</u>

(6) PSP fees must be paid in full to department of health before a commercial shellfish license is issued or renewed.

(7) Refunds for PSP 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.