

Draft Language as of 7/25/14

WAC 246-282-006

Washington state *Vibrio parahaemolyticus* control plan.

- (1) This section establishes the Washington state *Vibrio parahaemolyticus* control plan (control plan) for the control months of May 1 through September 30. The requirements of this section are in addition to the NSSP Model Ordinance.
- (2) All harvesters and dealers harvesting or delivering oysters to a certified shucker packer for shucking during the control months must have a harvest tag labeling the oysters with “shucking only by a certified dealer” or for post-harvest processing (PHP). Oysters harvested under this subsection are exempt from subsections (3) to (19) of this section.
- (3) The following definitions apply throughout this subsection:
  - (a) “Exposed intertidal harvest” means a process of collecting oysters and removing them from the tideflat while they are uncovered by the receding tide.
  - (b) “Submerged intertidal harvest” means a two-part process of placing oysters into a container while they are uncovered by the receding tide and leaving the oyster-filled containers on the tideflat to be covered by the incoming tide for a minimum of four hours before removing the oysters from the water.
  - (c) “Subtidal harvest” means a process of removing oysters directly from the water while the oysters are covered by the tide.
  - (d) “Cool” means to ice or place in a controlled environment with an ambient temperature of 45°F (7.2°C) or less to reach and maintain an internal oyster tissue temperature of 50°F (10°C) or less.
- (4) A harvester or dealer may request a waiver from specific requirements of this subsection. The request must:
  - (a) Be in writing;
  - (b) Identify the requirement requested to be waived;
  - (c) State the reason for the waiver; and
  - (d) Provide supporting information.
- (5) The department may grant a waiver request if it:
  - (a) Is consistent with the applicable standards and the intent of this subsection; and
  - (b) Provides a comparable level of public health protection to the requirement being waived.
- (6) If the department approves a waiver request, the department shall notify the requestor of the decision in writing.
- (7) If the department denies a waiver request, the department shall notify the requestor of the decision in writing stating the reasons for the denial.
- (8) By March 1 each year, harvesters and dealers harvesting oysters during the control months not exempt under subsection 2 of this section shall complete, submit to the department, and keep on file a current *Vibrio parahaemolyticus* harvest plan.

- (a) The harvest plan must describe the harvest method, temperature collection methods, method used to cool oysters, conveyance method, and include an example of the harvest temperature log designed to meet the requirements in subsection (13) of this section.
  - (b) Harvesters and dealers shall submit the harvest plan to the department and may not harvest oysters during the control months unless the department has approved the plan.
  - (c) The department will review and either approve or deny the plan within 30 days.
- (9) Harvesters and dealers shall complete an initial department-approved training specific to the requirements of this subsection prior to harvesting or shipping oysters during the control months. Harvesters and dealers shall complete department-approved refresher training within one year following any revision of this section considered significant under RCW 34.05.328 or at least every five years. Harvesters and dealers who complete the training shall provide or require those responsible for the on-site management of harvest activities for their operation to complete the training and document the training for employees who receive the training in their operational records.
- (10) All harvesters and dealers harvesting oysters during the control months shall report the following monthly landings data... text TBD.
- (11) Time of harvest to cooling requirements and harvest controls are based on the risk categorization of each growing area. The department shall assign each growing area a category of 1, 2, or 3 (where 1 corresponds to the least stringent and 3 the most stringent controls) based on the reported confirmed *Vibrio parahaemolyticus*-associated cases implicating commercially-harvested oysters from the growing area. The department will attribute lab-confirmed *Vibrio parahaemolyticus*-associated cases to a growing area when the case is:
- (a) Associated with commercially harvested shellstock;
  - (b) Not involving documented post-harvest abuse;
  - (c) Traced back to a single growing area; and
  - (d) Occurred during the previous consecutive five-year period within the control months.
- (12) The department will complete risk categorization and publish a list of all growing areas by risk category no later than February 1 annually. The department will use a five-year average to calculate risk categories as follows:
- (a) Category 1: One or fewer *Vibrio parahaemolyticus*-associated cases attributed to the growing area over a five-year period.
  - (b) Category 2: More than one but fewer than five *Vibrio parahaemolyticus*-associated cases attributed to the growing area over a five-year period.
  - (c) Category 3: More than five *Vibrio parahaemolyticus*-associated cases attributed to the growing area over a five-year period.
- (13) Time of harvest to cooling requirements and harvest controls are as follows:

**Category 1:**

<b>Harvest Method</b>	<b>Time of harvest to cooling requirements from June 1 through September 30 are:</b>	<b>Time of harvest to cooling is reduced by two hours when:</b>	<b>Harvest control: harvest is not allowed for 24 hours when:</b>
<b>Exposed Intertidal</b>	8 hours	Ambient air temperature at harvest is greater than 90°F	Tissue temperature at harvest is greater than 67°F
<b>Submerged Intertidal</b>	10 hours	Ambient air temperature at containerization was greater than 90°F	Water temperature at harvest is greater than 67°F
<b>Subtidal</b>	10 hours	Ambient air temperature at harvest is greater than 90°F	Water temperature at harvest is greater than 67°F

**Category 2:**

<b>Harvest Method</b>	<b>Time of harvest to cooling requirements from May 1 through September 30 are:</b>	<b>Time of harvest to cooling is reduced by two hours when:</b>	<b>Harvest control: harvest is not allowed for 24 hours when:</b>
<b>Exposed Intertidal</b>	6 hours	Ambient air temperature at harvest is greater than 85°F	Tissue temperature at harvest is greater than 65°F
<b>Submerged Intertidal</b>	8 hours	Ambient air temperature at containerization was greater than 85°F	Water temperature at harvest is greater than 65°F
<b>Subtidal</b>	8 hours	Ambient air temperature at harvest is greater than 85°F	Water temperature at harvest is greater than 65°F

**Category 3:**

<b>Harvest Method</b>	<b>Time of harvest to cooling requirements from May 1 through September 30 are:</b>	<b>Time of harvest to cooling is reduced by two hours when:</b>	<b>Harvest control: harvest is not allowed for 24 hours when:</b>
<b>Exposed Intertidal</b>	4 hours	Ambient air temperature at harvest is greater than 80°F	Tissue temperature at harvest is greater than 63°F
<b>Submerged Intertidal</b>	6 hours	Ambient air temperature at containerization was greater than 80°F	Water temperature at harvest is greater than 63°F
<b>Subtidal</b>	6 hours	Ambient air temperature at harvest is greater than 80°F	Water temperature at harvest is greater than 63°F

- (14) Time of harvest begins as follows:
- (a) Exposed intertidal time of harvest begins after the first oysters to be harvested are exposed to the air by the receding tide.
  - (b) Submerged intertidal and subtidal time of harvest begins after the first oysters harvested are exposed to the air.

(15) Harvesters and dealers shall initiate cooling as soon as practical from the time of harvest and within the time of harvest to cooling requirements for the growing area where the oysters were harvested to ensure that the maximum number of hours is not exceeded.

(16) Dealers shall include in the HACCP records a Critical Limit indicating the internal oyster temperature of 50°F (10°C) is reached within the time of harvest to cooling requirements.

(17) Harvesters shall take the following measurements at the times specified below and record this information in a harvest temperature log for each harvest site for all harvests occurring within the control months. The harvester shall record the following measurements and the date and time they are taken in the log and maintain the log for three years and make available to the department upon request:

Harvest Method:	Measurements:
Exposed Intertidal	Air temperature at time and location of harvest Oyster tissue temperature at time and location of harvest
Submerged Intertidal	Air temperature at time and location the first oyster is placed in a container Water temperature at depth of the oysters, time, and location at harvest
Subtidal	Air temperature at time and location of harvest Water temperature at depth of the oysters, time, and location at harvest

(18) If the required time of harvest to cooling requirements are not met, the harvester or dealer shall dispose of the oysters using one of the methods below and record the disposition on the harvest record:

- (a) Destroy the oysters;
- (b) Remove all oysters from containers, disperse them within the original growing area or another approved growing area, and allow a minimum of fourteen days before reharvesting; or
- (c) Deliver the oysters to a certified shucker packer for shucking and attach a harvest tag with "shucking only by a certified dealer" or for PHP.

(19) If ownership of oysters is transferred prior to the time that cooling requirements must be met, the harvester or dealer shall include in the harvest record the temperatures recorded under subsection (17), date, time, person or entity to whom the oysters were transferred, harvest method, and the growing area risk category for the harvested product.