

Draft Language as of 9/17/14

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 months of May 1 through September 30 (control months). The requirements of this section are ~~in addition to an extension of~~ the NSSP Model Ordinance.
- (2) All harvesters and dealers harvesting or delivering oysters to a certified shucker packer for shucking or post-harvest processing (PHP) during the control months must ~~label the oysters have with~~ a harvest tag ~~labeling the oysters with stating~~ “shucking only by a certified dealer” or “PHP only by a certified dealer”. Oysters harvested under this subsection are exempt from subsections (3) to (18) of this section.
- (3) The following definitions apply throughout this subsection:
 - (a) “Harvest temperature” means the water temperature ~~or internal tissue temperature~~ at the time of harvest. ~~If a~~The harvester or dealer ~~must state whether they shall use water temperature or internal tissue temperature for harvest temperature in their harvest plan. has a plan approved under subsection (8)(c) of this section then they shall use internal tissue temperature for harvest temperature.~~
 - (b) “Cool” means to adequately ice or place in a controlled environment with a 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.
 - (c) “Case” means a laboratory-confirmed *Vibrio parahaemolyticus*-associated illness or illnesses with a common exposure that are reported to the department.
- (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) 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. The harvest plan must be submitted by March 1 each year unless ~~no changes have been made to~~ the ~~previously submitted existing~~ harvest plan ~~is still current~~. Harvesters and dealers shall sign and date their harvest plan each year.

- (a) The harvest plan must describe the harvest method, temperature collection methods, cooling method, and conveyance method.
 - (b) The harvest plan must include an example of the harvest temperature record designed to meet the requirements in subsection (14) of this section.
 - (c) The harvest plan must identify if water temperature or internal tissue temperature is being used to meet the requirements in subsection (14) of this section and specifically how this measurement will be taken.
 - (d) The department shall review and either approve or deny the plan within 30 days.
 - (e) Harvesters and dealers may not harvest oysters during the control months unless the department has approved the plan.
- (9) *Vibrio parahaemolyticus* training requirements are as follows:
- (a) 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.
 - (b) 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.
 - (c) Those responsible for the on-site management of harvest activities shall be trained by either:
 - (i) Harvesters and dealers at their operation who completed the department-approved training, or
 - (ii) The department.
 - (d) Harvesters and dealers shall document those trained in their operational records.
- (10) All harvesters and dealers harvesting oysters during the control months shall report monthly landings data for all oysters less than four inches in length by oyster species, ~~size class,~~ and growing area for all control months. The landings data must be reported by December 31 each year. Harvesters and Dealers that do not submit landings data to the department may not harvest oysters during the control months.
- (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 cases attributed to that growing area. The department will attribute cases to a growing area when they:
- (a) Are associated with commercially harvested shellstock;
 - (b) Did not involve documented post-harvest abuse;
 - (c) Are traced back to a single growing area; and
 - (d) Occurred during the previous consecutive five-year period within the control months.
- (12) The department shall categorize coastal growing areas in Willapa Bay and Grays Harbor as Category 1 for the first ~~five years~~ of implementation attributing no illnesses to these areas for the years 2010 to 2014 due to the greater stringency in Category 1 controls compared to the control plan requirements of the 2009 control plan. ~~Following the~~For subsequent years, five-year period, the department shall categorize coastal growing areas based on the criteria in subsection (11).

(13) The department shall complete risk categorization and publish a list of all growing areas by risk category no later than February 1 annually. The department shall use a five-year average-trend 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: Five or more *Vibrio parahaemolyticus*-associated cases attributed to the growing area over a five-year period.

(14) Time of harvest to cooling requirements and harvest controls are as follows:

(a) Category 1:

Requirements:	Time to Cooling
Time of harvest to cooling requirements from June 1 through September 30 are:	9 hours
When ambient air temperature at harvest is greater than 90°F the time of harvest to cooling is:	7 hours
When harvest temperature is between 68°F and 70°F from July 1 through August 31 the time of harvest to cooling is:	5 hours
Harvest Control: From July 1 through August 31 harvest is not allowed for 24 hours when harvest temperature is above 70°F.	

(b) Category 2:

Requirements:	Time to Cooling
Time of harvest to cooling requirements from June 1 through September 30 are:	7 hours
When ambient air temperature at harvest is greater than 90 8 5°F the time of harvest to cooling is:	5 hours
When harvest temperature is between 66°F and 68°F from July 1 through August 31 the time of harvest to cooling is:	3 hours
Harvest Control: From July 1 through August 31 harvest is not allowed for 24 hours when harvest temperature is above 68°F.	

(c) Category 3:

Requirements:	Time to Cooling
Time of harvest to cooling requirements from June 1 through September 30 are:	5 hours
When ambient air temperature at harvest is greater than 8 9 90°F the time of harvest to cooling is:	3 hours
When harvest temperature is between 64°F and 66°F from July 1 through August 31 the time of harvest to cooling is:	1 hours
Harvest Control: From July 1 through August 31 harvest is not allowed for 24 hours when harvest temperature is above 66°F.	

(d) Time of harvest begins after the first oysters to be harvested are exposed to the air.

(e) When a harvester or dealer places oysters in a container or conveyance but does not remove them from the tide flat as part of their harvest and the harvest exceeds the time to

- cooling requirements in subsection (14) ~~than~~ the oysters in the container or conveyance must be covered by the tide for a minimum of four hours before harvest can be completed.
- (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) Harvesters and dealers shall take the following measurements at the times specified below and record this information in a harvest temperature record for each harvest site for all harvests occurring within the control months. Harvesters and dealers shall record the following measurements and the date and time they are taken in the record, maintain the record for three years, and make available to the department upon request:
- (a) Harvest temperature at ~~depth of the oysters,~~ time, and location at harvest; and
 - (b) Air temperature at time and location of harvest.
 - (c) Harvesters and dealers shall take these measurements with a thermometer that is calibrated weekly or with a method approved in the harvest plan. Calibration must be documented and maintained with operational records.
- (17) If the required time of harvest to cooling requirements are not met after removal from the tide flat, 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) Place oysters 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 or PHP and attach a harvest tag meeting requirements in subsection (2).
- (18) If ownership of oysters is transferred prior to those oysters being cooled in accordance with the time of harvest to cooling requirements, the harvester shall include in the harvest record the:
- (a) Temperatures recorded under subsection (~~1716~~),
 - (b) Date, time, and person or entity to whom the oysters were transferred, and
 - ~~(c)~~ ~~Harvest method, and~~
 - ~~(d)~~(c) Growing area risk category for the harvested product.
 - ~~(e)~~(d) The receiving dealer shall meet the time of harvest to cooling requirements for the original harvest time.