



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)

(Implements RCW 34.05.310)
Do NOT use for expedited rule making

Agency: State Board of Health

Subject of possible rule making: The State Board of Health(SBOH) adopted WAC 246-282-006, Vibrio parahaemolyticus Control Plan, as an emergency rule from June 2007 through September 2007 as an interim control measure to prevent illness during the summer months of 2007. The SBOH will consider permanent control measures that address the unique circumstances of Washington state through this rule making activity.

Statutes authorizing the agency to adopt rules on this subject: RCW 69.30.030

Reasons why rules on this subject may be needed and what they might accomplish: Vibrio parahaemolyticus (Vp) is a naturally-occurring bacteria found in shallow marine waters. Molluscan shellfish acquire Vp through filter feeding. Humans who consume raw or undercooked shellfish containing Vp can develop an intestinal disease called vibriosis. In 2006 there was an unprecedented number of vibriosis cases involving Washington shellfish. Changes to the existing Vp Control Plan were adopted as an emergency rule for the summer of 2007 to better protect shellfish consumers from Vp-related illnesses. Permanent control measures that address the unique circumstances of Washington state may be necessary to protect public health.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:
None

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) Collaborative rulemaking: SBOH and DOH staff will meet with shellfish industry members, representatives

from the Tribes, and the FDA to assess and recommend changes to the existing control plan derived from the NSSP Model Ordinance. DOH staff will also review data collected during the period of time the emergency rule was in effect (June through September 2007). This information will be used to assist in developing the permanent rule.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Contact:

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DATE

10/22/07

NAME (TYPE OR PRINT)

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Executive Director, State Board of Health

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