



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: March 18, 2020

TIME: 11:20 AM

WSR 20-07-122

Agency: Department of Health

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR 20-05-057

- Preproposal Statement of Inquiry was filed as WSR ; or
- Expedited Rule Making--Proposed notice was filed as WSR ; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).
- Proposal is exempt under RCW .

Title of rule and other identifying information: (describe subject) WAC 246-282-990(4) Sanitary control of shellfish fees, annual paralytic shellfish poisoning (PSP) testing fee redistribution

Hearing location(s):			
Date:	Time:	Location: (be specific)	Comment:
8/4/2020	1:00 P.M.	Department of Health Town Center 3, Room 224 243 Israel Rd SE Tumwater, WA 98501	

Date of intended adoption: 08/11/2020 (Note: This is NOT the effective date)

Submit written comments to:

Name: Peter Beaton
 Address: Washington State Department of Health
 Division of Environmental Health
 PO BOX 47820
 Olympia, WA 98504-7820
 Email: <https://fortress.wa.gov/doh/policyreview>
 Fax:
 Other:
 By (date) 08/04/2020

Assistance for persons with disabilities:

Contact Lisette Anson
 Phone: (360) 236-3301
 Fax:
 TTY: 711
 Email: lisette.anson@doh.wa.gov
 Other:
 By (date) 07/28/2020

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Department of Health is delaying this public hearing due to concerns with the Covid-19 outbreak.

Reasons supporting proposal:

Statutory authority for adoption: RCW 43.70.250, RCW 43.20B.020

Statute being implemented: RCW 43.70.250, RCW 43.20B.020

Is rule necessary because of a:

Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization) Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting:		
Implementation:		
Enforcement:		

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under RCW 34.05.328?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

No: Please explain:

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

RCW 34.05.310 (4)(b)
(Internal government operations)

RCW 34.05.310 (4)(e)
(Dictated by statute)

RCW 34.05.310 (4)(c)
(Incorporation by reference)

RCW 34.05.310 (4)(f)
(Set or adjust fees)

RCW 34.05.310 (4)(d)
(Correct or clarify language)

RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW .

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

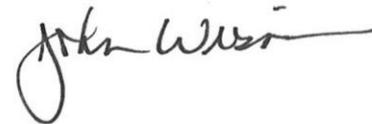
The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

Date: 03/18/2020

Signature:

Name: John Wiesman, DrPH, MPH



Title: Secretary of Health

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

Type of Operation	Annual Fee
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:

Fee Category		
Type of Operation	Number of Harvest Sites	Fee
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 ²)		
Shucker-Packer	3 or more	\$1,076
(plants < 2000 ft ²)		
Shucker-Packer	≤ 2	\$882
(plants 2000 - 5000 ft ²)		
Shucker-Packer	3 or more	\$1,297
(plants 2000 - 5000 ft ²)		
Shucker-Packer	N/A	\$2,412
(plants > 5000 ft ²)		

(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:

Harvester	Cert #	Fee
Department of Natural Resources	NA	\$((11,268)) <u>10,584</u>
Jamestown S'Klallam Tribe	WA-0588-SS	\$((1,662)) <u>2,964</u>
Lower Elwha Klallam Tribe	WA-0587-HA	\$((2,217)) <u>3,810</u>
Lummi Indian Business Council	WA-0098-SS	\$((185)) <u>635</u>
Port Gamble S'Klallam Tribe	WA-0859-HA	\$((3,140)) <u>2,540</u>
Puyallup Tribe of Indians	WA-1137-HA	\$((10,898)) <u>9,949</u>
<u>Skokomish Indian Tribe</u>	<u>WA-0577-HA</u>	<u>\$1,270</u>
Suquamish Tribe	WA-0694-SS	\$((20,318)) <u>13,971</u>
Swinomish Indian Tribal Community	WA-1420-SS	\$((1,108)) <u>423</u>
<u>Taylor Shellfish Company, Inc.</u>	<u>WA-0046-SP</u>	<u>\$7,409</u>
The Tulalip Tribes	WA-0997-HA	\$((3,510)) <u>4,445</u>
((Taylor Shellfish Company, Inc.	WA-0046-SP	\$3,694))

(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.