



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Health

- 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).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

Title of rule and other identifying information: (Describe Subject)

WAC 246-282-990(5), Sanitary control of shellfish -- Fees, Commercial geoduck paralytic shellfish poisoning testing.

Hearing location(s): Department of Health
Town Center 3, Room 229
243 Israel Rd. SE
Tumwater, WA 98511

Date: 3/8/16

Time: 10:30 a.m.

Submit written comments to:

Name: Laura Johnson
Address: Department of Health
PO Box 7824
Olympia, WA 98504-7824
e-mail: <http://www3.doh.wa.gov/policyreview/>
fax 360-236-2257 by (date) 03/08/2016

Assistance for persons with disabilities: Contact

Theresa McGuire by 03/04/2016

TTY (800) 833-6388 or () 711

Date of intended adoption: 03/09/2016

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The purpose of the proposal is to equitably assess the costs of commercial geoduck Paralytic Shellfish Poison (PSP) testing. The cost assessment will follow the annual redistribution formula which is based on the number of tests done in the previous year. The testing is essential to public health as it is the only way to determine if dangerous levels of PSP exist in commercial geoduck and ensure toxic shellfish do not reach consumers.

Reasons supporting proposal:

The proposed geoduck PSP fee redistribution is based on the 2015 total cost of service for the entities that submitted geoduck tests and the number of tests done for each entity.

Statutory authority for adoption:

RCW 43.70.250

Statute being implemented:

RCW 43.70.250 and RCW 60.30.005

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

DATE 01/27/2016

NAME (type or print)
Maryanne Guichard

SIGNATURE *Maryanne Guichard*

TITLE
Assistant Secretary

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: **January 27, 2016**

TIME: **9:41 AM**

WSR 16-04-041

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

None

Name of proponent: (person or organization) Department of Health

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Laura Johnson	243 Israel Rd SE, Tumwater, WA 98501	360-236-3302
Implementation.... Laura Johnson	243 Israel Rd. SE, Tumwater, WA 98501	360-236-3302
Enforcement..... Laura Johnson	243 Israel Rd. SE, Tumwater, WA 98501	360-236-3302

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No. Explain why no statement was prepared.

A small business economic impact statement (SBEIS) was not prepared. Under RCW 19.85.025 and 34.05.310(4)(f), a SBEIS is not required for proposed rules that set or adjust fees or rates pursuant to legislative standards.

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

e-mail

No: Please explain: The agency did not complete a cost benefit analysis under RCW 34.05.328. RCW 34.05.328(5)(b)(vi) exempts rules that set or adjust fees or rates pursuant to legislative standards.

AMENDATORY SECTION (Amending WSR 16-01-041, filed 12/9/15, effective 1/9/16)

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:

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

(3) The fee for each export certificate is \$55.00.

(4) 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)		

Fee Category

Type of Operation	Number of Harvest Sites	Fee
Shucker-Packer (plants > 5000 ft ²)	N/A	\$2,412

(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:

Harvester	Fee
Department of natural resources (quota tracts harvested by DNR contract holders)	\$((10,670)) <u>11,305</u>
Discovery Bay Shellfish	\$((1,135)) <u>492</u>
Jamestown S'Klallam Tribe	\$((1,589)) <u>1,802</u>
Lower Elwha Klallam Tribe	\$((2,384)) <u>3,932</u>
Lummi Nation	\$((227)) <u>492</u>
Nisqually Tribe	\$((5,902)) <u>328</u>
Port Gamble S'Klallam Tribe	\$((1,362)) <u>1,802</u>
Puyallup Tribe of Indians	\$((8,286)) <u>7,537</u>
Skokomish Indian Tribe	\$((114)) <u>2,294</u>
Squaxin Island Tribe	\$((3,292)) <u>328</u>
Suquamish Tribe	\$((15,093)) <u>20,644</u>
Swinomish Tribe	\$((1,022)) <u>819</u>
<u>Thorndyke Bay</u>	<u>\$655</u>
Tulalip Tribe	\$((6,924)) <u>5,571</u>

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

(7) 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.