



DECEMBER 2022 RULEMAKING MEETING

Office of Environmental Health & Safety

Discussion Topics

- Introductions
- Ground Rules/Rulemaking Overview
- 10-minute discussion from last meeting
- Vibrio Control Plan Sections 1-12
- Questions/Suggestions

Ground Rules

Be Respectful.

Be punctual and prepared.

Everyone participates



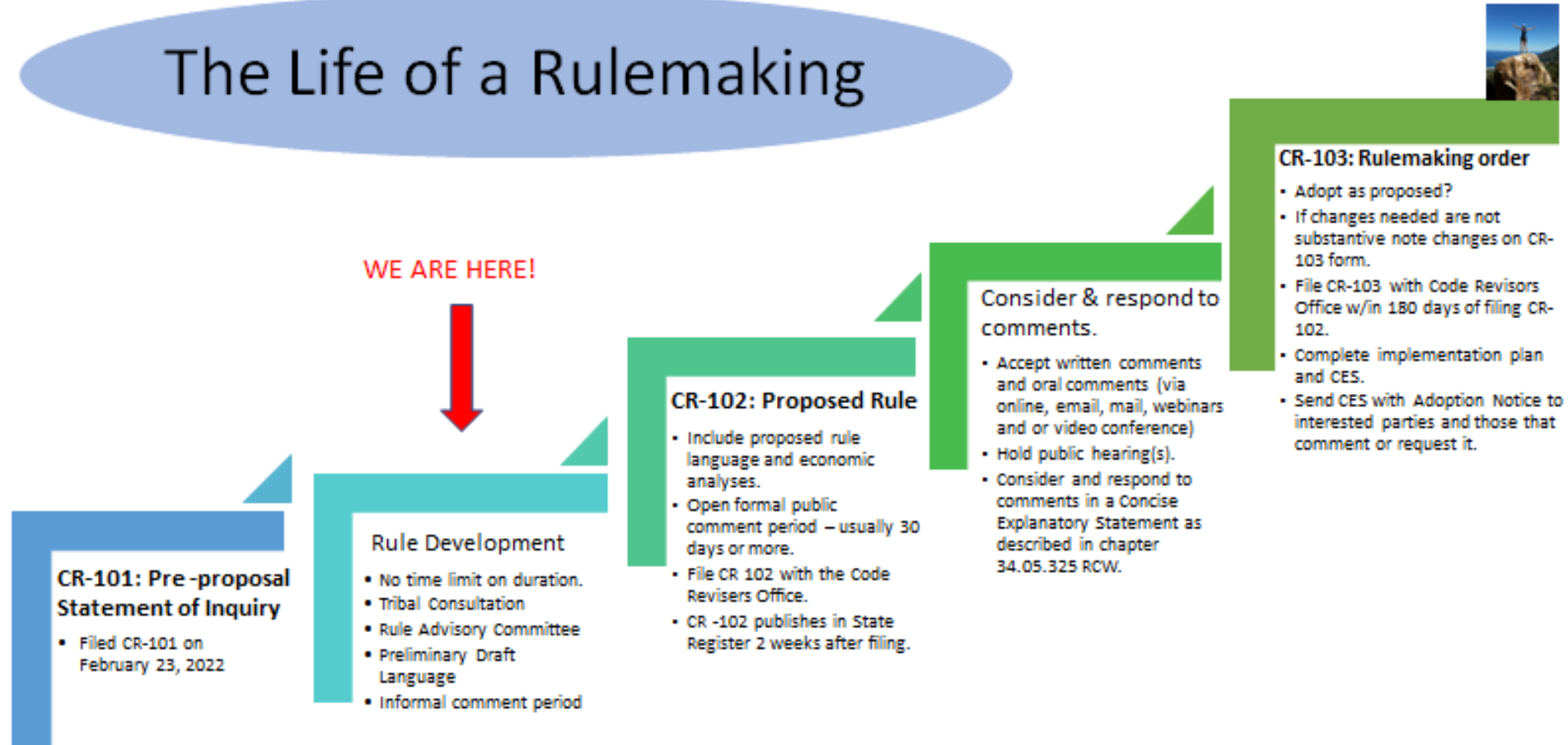
One person speaks at a time.

Disagree? Propose a solution.

Keep discussion relevant.

Rulemaking Process

The Life of a Rulemaking



October Meeting Discussion

We will allocate 10 minutes for questions or discussion of any items that were covered in the previous Rule making meeting.

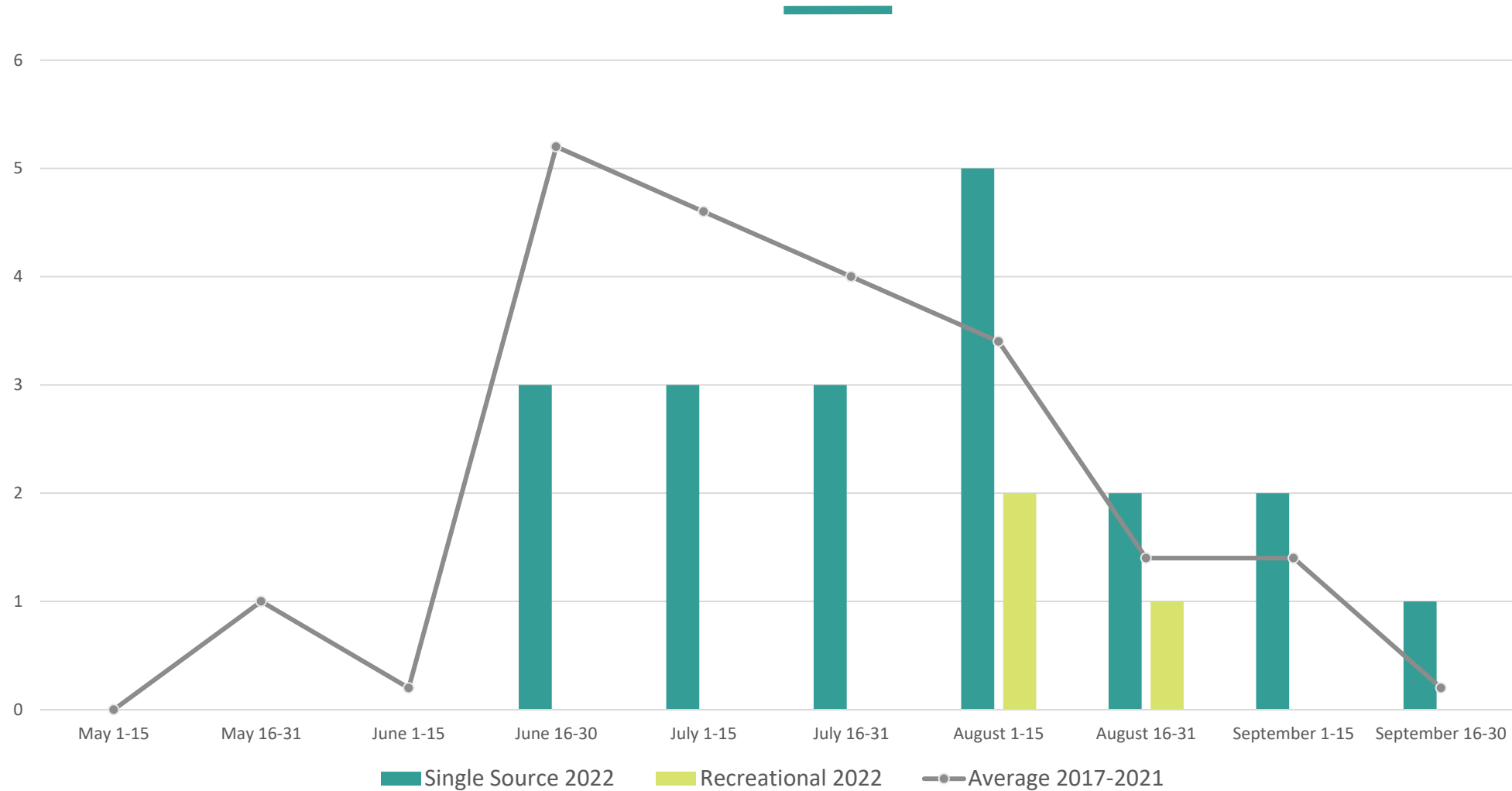
For example:

- Harvest/Preharvest; Looking for better solutions to prevent harvesters from bagging during midday warm temperatures.
- How might different harvest practices affect Vibrio levels within shellstock?
- What kinds of additional information would we like to gather, temperature monitoring, tidal elevation requirements, etc.?

WAC 246-282-006 Section 1

- (1) This section establishes the Washington state *Vibrio parahaemolyticus* control plan for the months of May 1st through September 30th (control months). The requirements of this section are an extension of the NSSP Model Ordinance.

Timeline of 2022 Vp Illnesses



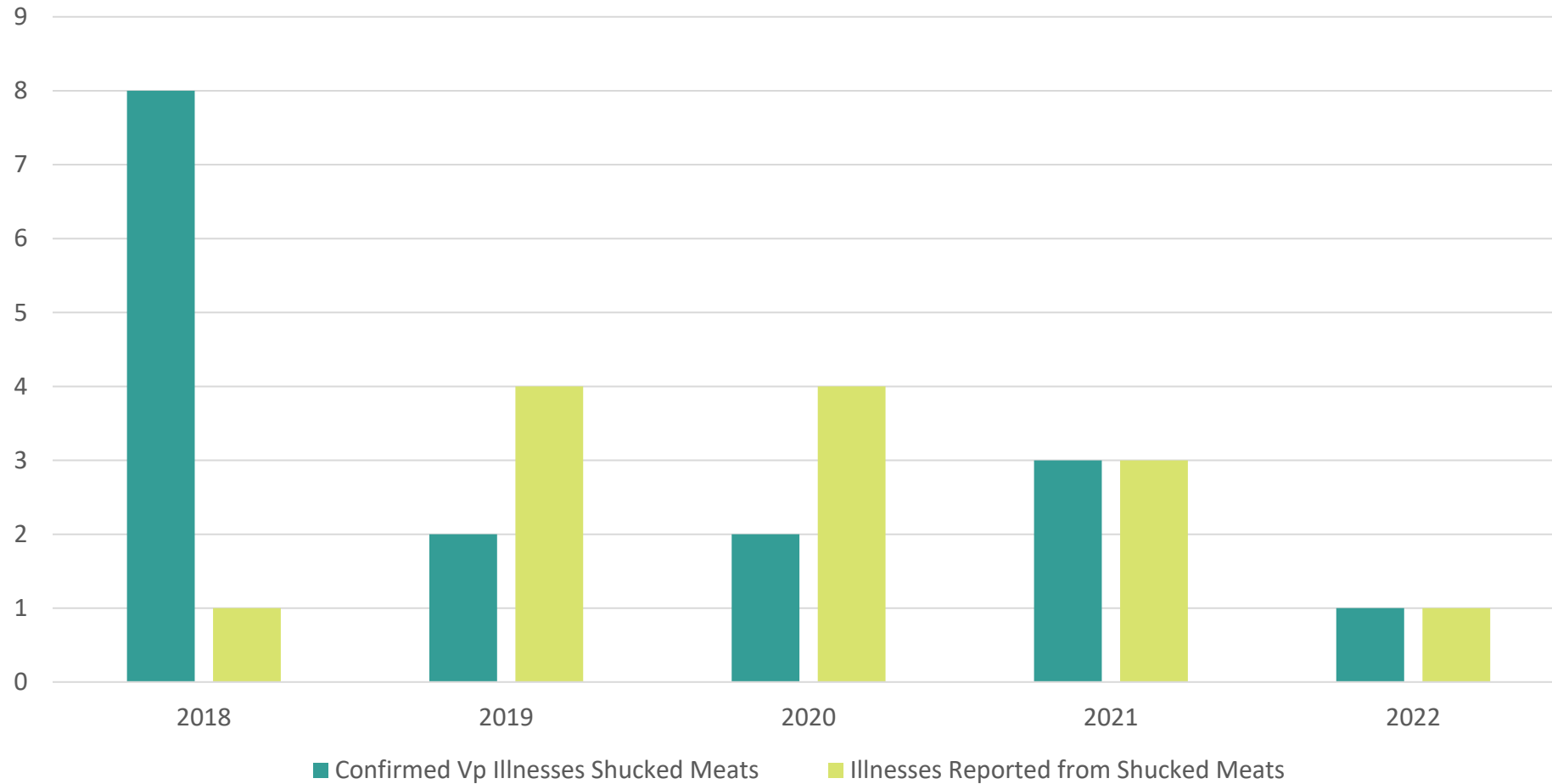
Poll

Should we keep the current control months, expand to cover April/October, or not define control months and keep it temperature based?

WAC 246-282-006 Section 2

(2) All harvesters and shellfish dealers harvesting or delivering oysters to a certified shucker packer for shucking or postharvest processing (PHP) during the control months must label the oysters with a harvest tag stating "For shucking by a certified dealer" or "For PHP by a certified dealer." Oysters harvested and tagged in compliance with this subsection are exempt from subsections (3) through (20) of this section.

Illnesses from Shucked Meats



Poll

Should shucked meats be covered under Vp Control measures, yes, or no?

Vote

Should we add language that states “Not intended to be consumed raw?”

WAC 246-282-006 Section 3

(3) The following definitions apply throughout this section:

(a) "**Single-source *Vibrio parahaemolyticus* case**" or "case" means a laboratory-confirmed *Vibrio parahaemolyticus*-associated illness or illnesses with a common exposure that are reported to the department. The case must:

- (i) Be associated with commercially harvested shellstock;
- (ii) Not involve documented postharvest abuse; and
- (iii) Be traced back to a single growing area.

(b) "**Control months**" means May 1st through September 30th.

(c) "**Cool**" or "**cooling**" means to:

- (i) Adequately ice or place in a controlled environment with a temperature of 45°F (7.2°C) or less; and
- (ii) Reach and maintain an internal oyster tissue temperature of 50°F (10°C) or less.

(d) "**Harvest temperature**" means the water temperature or internal oyster tissue temperature at the time of harvest. The harvester or shellfish dealer shall state whether they use water temperature or internal oyster tissue temperature for harvest temperature in their harvest plan.

Question

Does anyone have any definitions they would like to change/add?

WAC 246-282-006 Section 4

(4) All harvesters and shellfish dealers harvesting oysters during the control months shall report the volume of oysters harvested.

This information must be reported by month, oyster species, size class, and growing area for all control months.

This information must be reported by **December 31st** each year.

Harvesters and shellfish dealers that do not submit this information to the department may not harvest oysters during the control months during the next calendar year.

Poll

Keep reporting annual or change to quarterly to match WDFW?

WAC 246-282-006 Sections 5, 6, & 7

(5) Harvesters and shellfish dealers harvesting oysters during the control months shall complete, submit to the department, and keep on file a current *Vibrio parahaemolyticus* harvest plan. In order for the department to review the harvest plan prior to May 1st, the harvest plan must be submitted by March 1st each year unless no changes have been made to the existing harvest plan. Harvesters and shellfish dealers shall sign and date their harvest plan each year and make it available to the department upon request.

(6) The harvest plan must:

(a) Describe the harvest, temperature collection, cooling, and conveyance methods.

(b) Include an example of the harvest temperature record designed to meet the requirements in subsection (11) of this section.

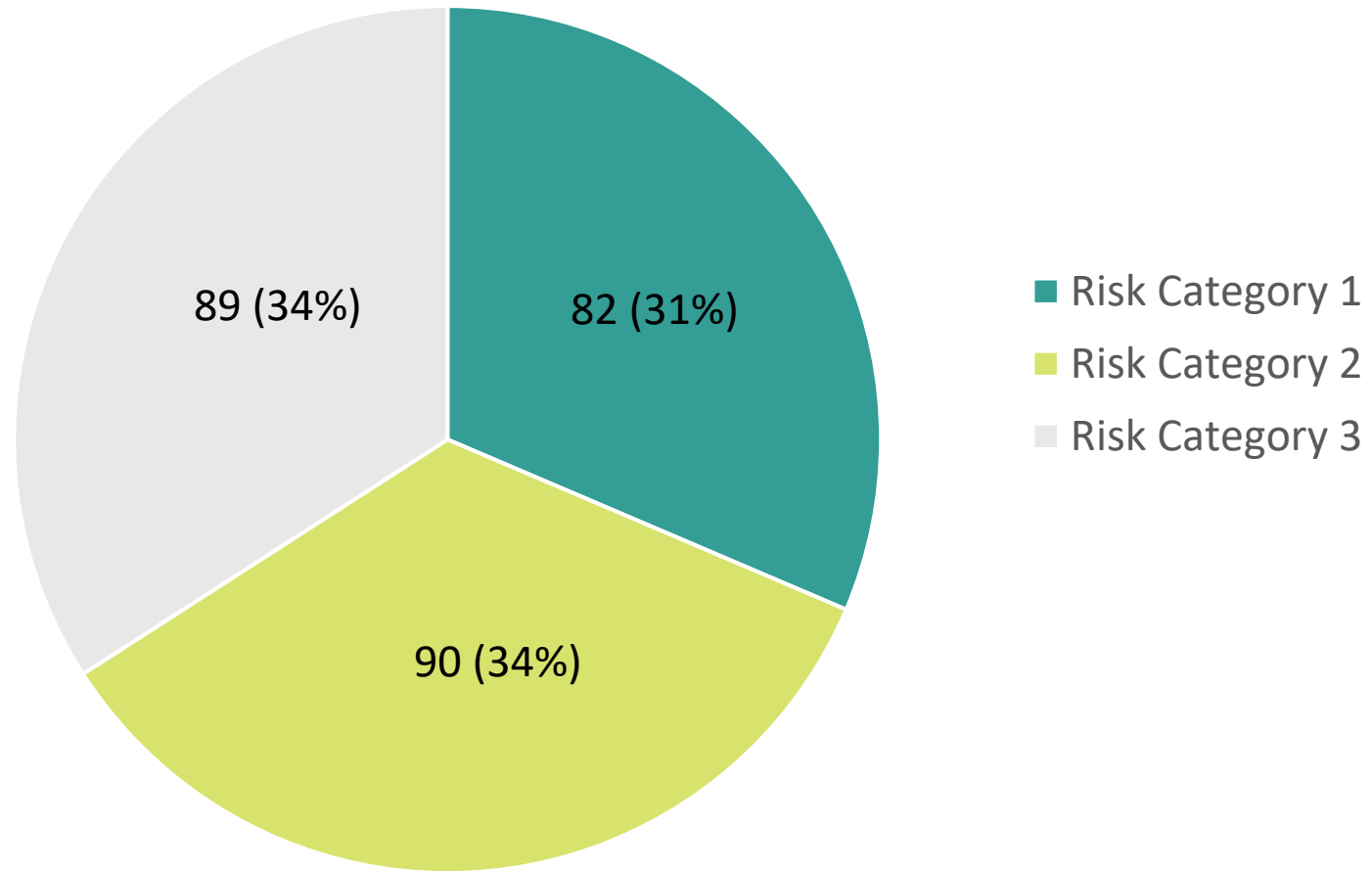
(c) Identify if water temperature or internal oyster tissue temperature is used to meet the requirements in subsection (11) of this section and specifically how this measurement will be taken.

(7) The department shall review and either approve or deny the harvest plan within thirty days of receipt. If the department denies approval of the harvest plan, the department shall notify the applicant of the decision in writing stating the reasons for the denial and providing the opportunity to correct the deficiencies. Harvesters and shellfish dealers may not harvest oysters during the control months unless the department has approved the plan.

WAC 246-282-006 Section 8

(8) Time of harvest to cooling requirements and harvest controls are based on a 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 number of cases that occurred during the previous consecutive five-year period within the control months and were attributed to that growing area.

Risk Categories from Illnesses 2012-2022



WAC 246-282-006 Section 9

(9) The department shall categorize coastal growing areas in Willapa Bay and Grays Harbor as Category 1 for the first year of implementation attributing no illnesses to these areas for the years 2010 to 2014. For subsequent years, the department shall categorize coastal growing areas based on the criteria in subsection (8) of this section.

WAC 246-282-006 Section 10

(10) The department shall complete risk categorization and publish a list of all growing areas by risk category no later than February 1st annually. The department shall use a rolling five-year average number of cases to calculate risk categories as follows:

(a) Category 1: An average of 0.2 or fewer cases attributed to the growing area over a five-year period.

(b) Category 2: An average of more than 0.2, but less than 1.0 cases attributed to the growing area over a five-year period.

(c) Category 3: An average of 1.0 or more cases attributed to the growing area over a five-year period.

Poll

Do we want to eliminate risk categories?

WAC 246-282-006 Section 11

(11) Time of harvest begins after the first oysters to be harvested are exposed to the air. Time of harvest to cooling requirements and harvest controls are as follows:

(a) Category 1:

Requirements:	Time to Cooling:
Except as noted below, the time of harvest to cooling requirement from June 1st through September 30th is:	9 hours
When ambient air temperature at harvest is greater than 90°F, the time of harvest to cooling requirement is:	7 hours
When harvest temperature is between 68°F and 70°F from July 1st through August 31st, the time of harvest to cooling requirement is:	5 hours
Harvest Control: From July 1st through August 31st, harvest is not allowed for twenty-four hours when harvest temperature is above 70°F.	

(b) Category 2:

Requirements:	Time to Cooling:
Except as noted below, the time of harvest to cooling requirement from May 1st through September 30th is:	7 hours
When ambient air temperature at harvest is greater than 85°F, the time of harvest to cooling requirement is:	5 hours
When harvest temperature is between 66°F and 68°F from July 1st through August 31st, the time of harvest to cooling requirement is:	3 hours
Harvest Control: From July 1st through August 31st, harvest is not allowed for twenty-four hours when harvest temperature is above 68°F.	

(c) Category 3:

Requirements:	Time to Cooling:
Except as noted below, time of harvest to cooling requirement from May 1st through September 30th is:	5 hours
When ambient air temperature at harvest is greater than 80°F, the time of harvest to cooling requirement is:	3 hours
When harvest temperature is between 64°F and 66°F from July 1st through August 31st, the time of harvest to cooling requirement is:	1 hour
Harvest Control: From July 1st through August 31st, harvest is not allowed for twenty-four hours when harvest temperature is above 66°F.	

WAC 246-282-006 Section 11 (cont.)

(d) When a harvester or shellfish 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 (11) of this section, then the oysters in the container or conveyance must be covered by the tide for a minimum of four hours before harvest can be completed.

Question

Is 4 hours enough for oysters to be submerged?

WAC 246-282-006 Section 12

(12) Harvesters and shellfish 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 shellfish dealers shall take these measurements with a thermometer that is verified weekly using manufacturer specifications or with a method approved in a harvest plan. Thermometer verification must be documented and maintained with operational records. Harvesters and shellfish dealers shall record the following measurements and the date and time they were taken in the record, maintain the record for three years, and make the record available to the department upon request:

(a) Air temperature at time and location of harvest; and

(b) Harvest temperature at time and location of harvest. Harvesters and shellfish dealers using water temperature for harvest temperature shall take water temperature at depth of oysters unless another method is documented in their harvest plan.

Question

Is there any additional information that you think we should be recording during harvest activities in order to help prevent illnesses?

Questions?

All meeting agendas, presentations, and information can be found here:

<https://doh.wa.gov/community-and-environment/shellfish/rules/wac-246-282-sanitary-control-shellfish-rule-revision>

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Upcoming Rulemaking Meetings

Next Tribal Rulemaking meeting will be held:
January 17th from 9:30am to 11:30am

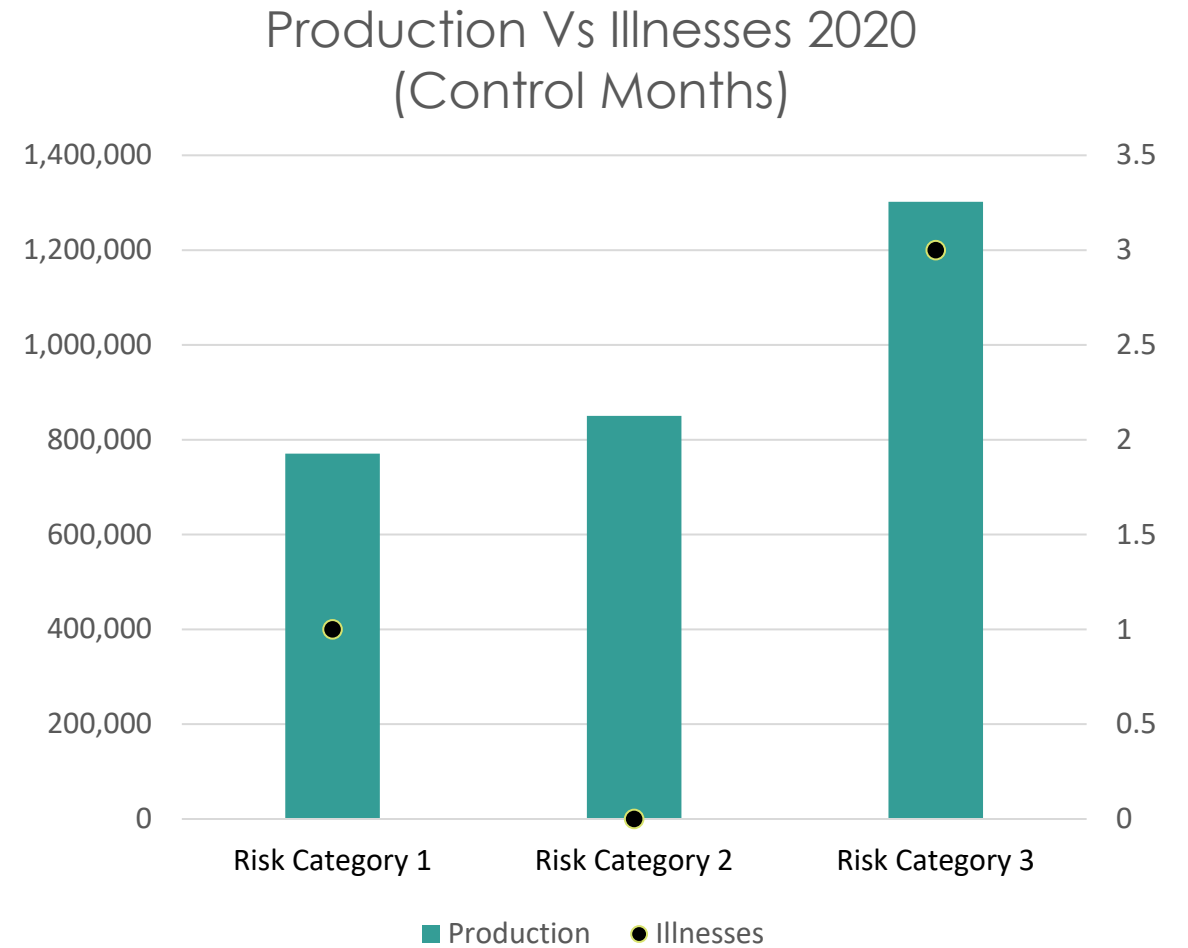
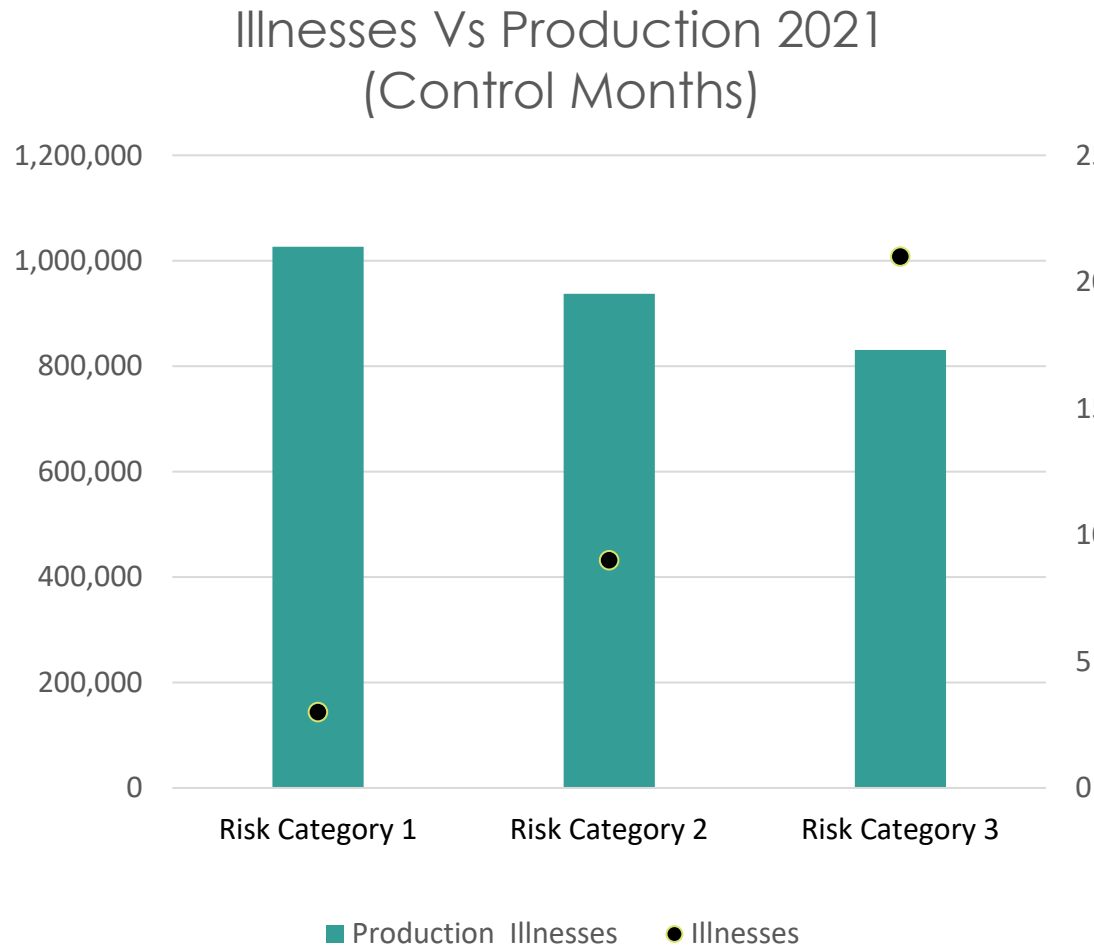
Next Non-Tribal Rulemaking meeting will be held:
January 19th from 9:30am to 11:30am



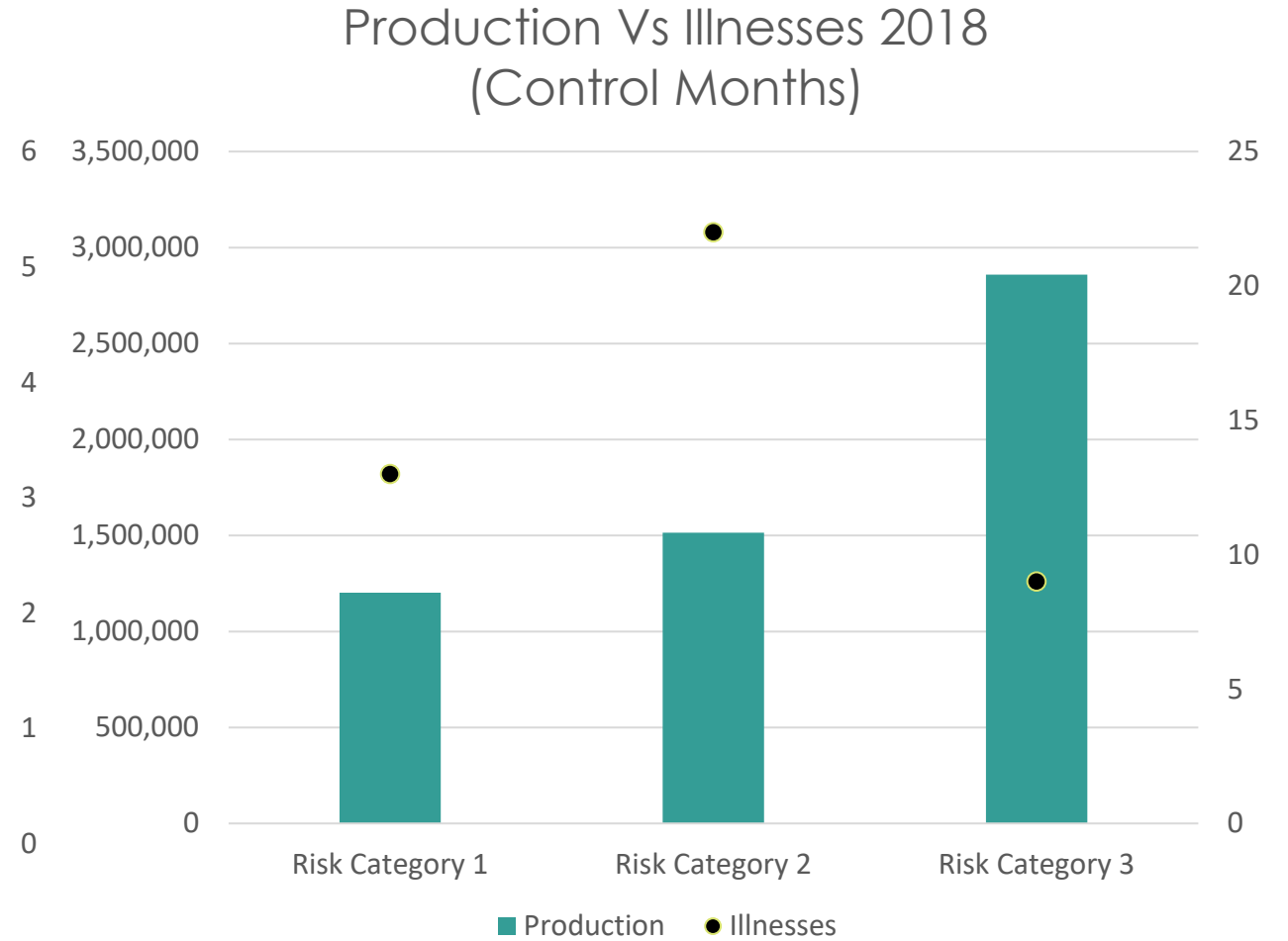
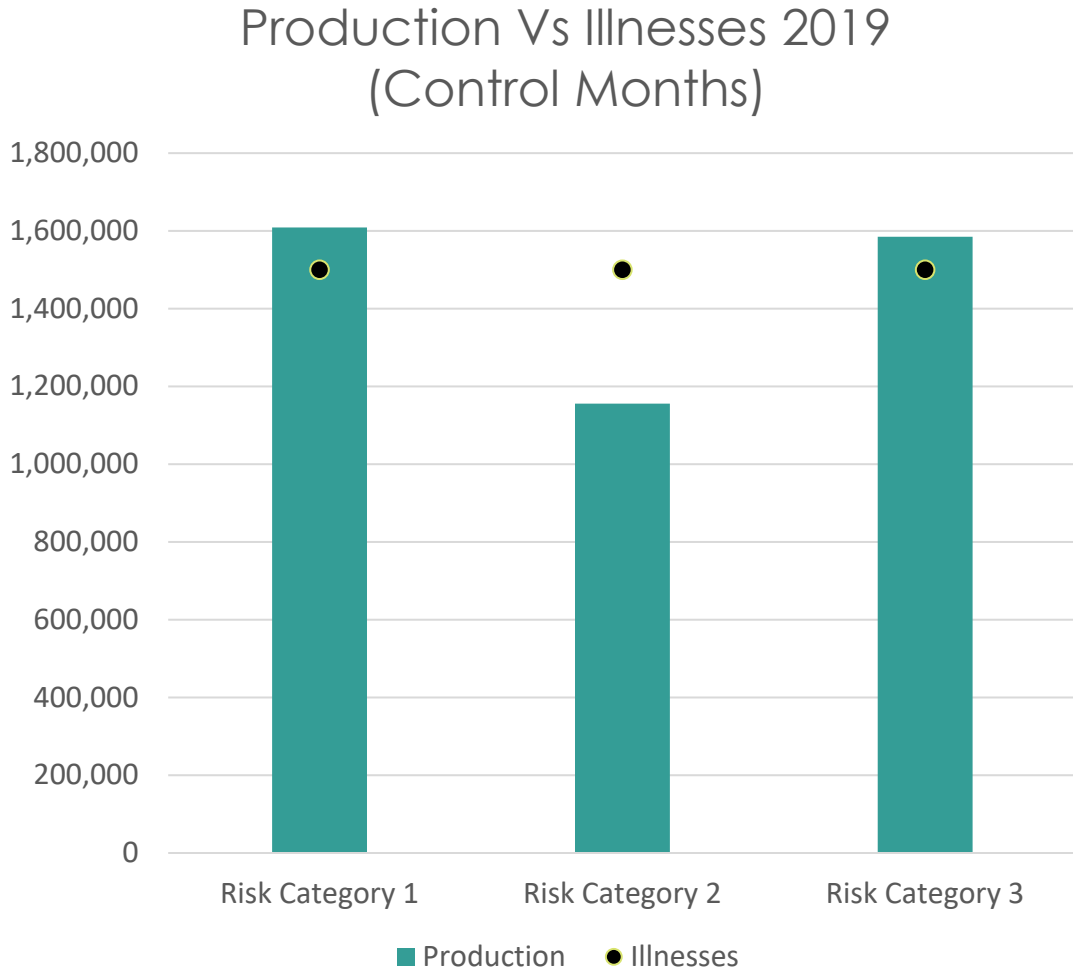
Washington State Department of

Health

Illness and Production By Risk Category



Illness and Production By Risk Category



Illness and Production By Risk Category

