

WASHINGTON STATE BOARD OF HEALTH

Date: March 10, 2021

To: Washington State Board of Health Members

From: Keith Grellner, Board Chair

Subject: Department of Health Request for Rulemaking Delegation, Reference to the National Shellfish Program (NSSP) Model Ordinance in chapter 246-282 WAC, Sanitary Control of Shellfish

Background and Summary:

Powers and duties of the State Board of Health (Board) include authority in RCW 43.20.050(4) to delegate rulemaking to the Department of Health (Department). In keeping with the law and Board policy number 2000-001, the Department is requesting delegation of rulemaking authority to amend chapter 246-282 WAC, Sanitary Control of Shellfish. The necessary rule change is a recurring technical revision to update the reference to the most current version (2019) of the National Shellfish Sanitation Program (NSSP) Model Ordinance in WAC 246-282-005.

The authorizing statute for this rule, chapter 69.30 RCW, Sanitary Control of Shellfish, requires the Board to consider the most recent version of the NSSP Model Ordinance when adopting shellfish sanitation rules. All commercial shellfish-producing states are required to follow the NSSP standards in order to place molluscan shellfish into interstate commerce. As outlined in the attachment to the Department's memo requesting the rulemaking delegation, Department staff analyzed other changes to the 2019 NSSP Model Ordinance and identified no other issues requiring revision in this rulemaking.

Recommended Board Actions:

The Board may wish to consider, amend if necessary, and adopt the following motion:

The Board delegates to the Washington Department of Health rulemaking authority to update and revise WAC 246-282-005 to reference the 2019 National Shellfish Sanitation Program (NSSP) Model Ordinance.

Staff

Stuart Glasoe

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