

DATE: January 27, 2023

TIME: 3:33 PM

WSR 23-04-061



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017) (Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

Agency: Department of Health

Subject of possible rule making:

WAC 246-282-990 Fees, Sanitary control of shellfish. The Department of Health (department) is considering amending the fees to cover the operational costs of the shellfish program.

Statutes authorizing the agency to adopt rules on this subject:

RCW 43.70.110 and 43.70.250

Reasons why rules on this subject may be needed and what they might accomplish:

Per RCW 43.70.250, the Secretary of Health (secretary) shall from time to time establish the amount of all application fees, license fees, registration fees, examination fees, permit fees, renewal fees, and any other fee associated with licensing or regulation of professions, occupations, or businesses (licensees) administered by the department. Any and all fees or assessments, or both, levied on the state to cover the costs of the operations and activities shall be borne by the persons who hold licenses. In fixing said fees, the secretary shall set the fees for each program at a sufficient level to defray the costs of administering that program.

The department has completed an initial assessment of the commercial shellfish program fiscal resources and determined the program is not generating sufficient revenue to cover the cost of the program. Rulemaking is needed to create or update fees for operator licenses, export certificates, and paralytic shellfish poisoning testing. The department is also considering changing the existing biotoxin fee into an environmental sampling fee that will also cover the cost of Vibrio testing. The department may also consider implementing cost recovery mechanisms consistently across operator license categories for harvesters, shippers and shucker-packers such as adding a late license renewal fee, reinspection fee, or a non-compliance driven inspection fee.

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)

The department will use a collaborative rulemaking approach by keeping interested parties informed of the rule development through email and posting information on the department's rulemaking websites. Stakeholders and interested parties will have the opportunity to provide comments throughout the rulemaking process, during the formal comment period, and at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

(If necessary)

Name: Dani Toepelt

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Other:

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Web site:

Other:

Additional comments: Please contact Dani Toepelt or Peter Beaton to be added to the interested parties list to receive rulemaking notices.

Date: January 27, 2023

Name: Kristin Peterson, JD for Umair A. Shah, MD, MPH

Title: Chief of Policy for Secretary of Health

Signature:

