



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 19, 2025

TIME: 10:26 AM

WSR 26-01-159

Agency: Department of Health

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) February 1, 2026 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: Office of Environmental Health and Safety programs fees. The Department of Health (department) is adopting amendments to fees for the Office of Environmental Health and Safety programs to cover operating costs for WAC 246-282-990 for Commercial Shellfish. This adoption includes making editorial updates, creating new fees, removing obsolete fees, clarifying existing fees, and aligning with the Code Reviser's 2025 Bill Drafting Guide.

Under notice filed as WSR 25-22-068 on October 31, 2025, the department adopted amendments to fees for the following Office of Environmental Health and Safety programs:

- WAC 246-205-990 for Decontamination of Illegal Drug Manufacturing or Storage Sites
- WAC 246-260-9901 for Water Recreation Facilities
- WAC 246-262-990 for Recreational Water Contact Facilities
- WACs 246-272-2000 through 246-272-6000 for Onsite Sewage Systems
- WAC 246-272-3000 for Large Onsite Sewage Systems
- WAC 246-358-990 for Temporary Worker Housing
- WAC 246-360-990 and 246-360-020 for Transient Accommodations
- WAC 246-380-990 for Food Service

This filing concludes the rulemaking for rules proposed under WSR 25-19-023 on September 5, 2025.

Citation of rules affected by this order:

New:
 Repealed:
 Amended: WAC 246-282-990
 Suspended:

Statutory authority for adoption: RCW 43.70.250 and 69.30.050

Other authority: None

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 25-19-023 on September 5, 2025.
 Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:
 Address:
 Phone:
 Fax:

TTY:
Email:
Web site:
Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted on the agency's own initiative:

New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>

Date Adopted: December 19, 2025

Name: Kristin Peterson, JD for Dennis E. Worsham

Title: Chief of Policy for Secretary of Health

Signature:



AMENDATORY SECTION (Amending WSR 23-17-073, filed 8/14/23, effective 9/14/23)

WAC 246-282-990 Fees. (1) The department shall collect the following fees:

(a) Annual shellfish operation license ((fees are)):

<u>(Type of Operation</u>	<u>Annual Fee</u>
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))~~

<u>Operation</u>	<u>Acres</u>	<u>Harvest Sites</u>	<u>Fee effective until June 30, 2026</u>	<u>Fee effective starting July 1, 2026</u>
<u>Harvester</u>		<u>2 or less</u>	<u>\$876</u>	<u>\$1,489</u>
		<u>3 or more</u>	<u>\$916</u>	<u>\$1,569</u>
<u>Shellstock Shipper</u>	<u>0-49 Acres</u>	<u>2 or less</u>	<u>\$1,954</u>	<u>\$3,611</u>
	<u>0-49 Acres</u>	<u>3 or more</u>	<u>\$2,100</u>	<u>\$3,902</u>
	<u>50 or greater Acres</u>		<u>\$2,188</u>	<u>\$3,900</u>
	<u>Wholesale Only</u>	<u>Wholesale Only</u>	<u>\$1,955</u>	<u>\$3,613</u>
	<u>Wholesale Only DNR Tracts</u>	<u>Wholesale Only DNR Tracts</u>	<u>\$1,811</u>	<u>\$3,322</u>
<u>Shucker Packer</u>	<u>Plants < 2,000 sq. ft.</u>	<u>2 or less</u>	<u>\$4,398</u>	<u>\$8,252</u>
	<u>Plants < 2,000 sq. ft.</u>	<u>3 or more</u>	<u>\$4,816</u>	<u>\$9,090</u>
	<u>Plants 2,000-5,000 sq. ft.</u>	<u>2 or less</u>	<u>\$5,512</u>	<u>\$10,368</u>
	<u>Plants 2,000-5,000 sq. ft.</u>	<u>3 or more</u>	<u>\$5,405</u>	<u>\$10,154</u>
	<u>Plants > 5,000 sq. ft.</u>	<u>N/A</u>	<u>\$5,105</u>	<u>\$9,000</u>

(b) \$159 for each export certificate.

(c) 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

<u>Type of Operation</u>	<u>Number of Harvest Sites</u>	<u>Fee</u>
Harvester	<u>≤ 2</u>	<u>\$353</u>
Harvester	<u>3 or more</u>	<u>\$535</u>
Shellstock Shipper		<u>\$198</u>
Wholesale Company		

~~((Fee Category~~

Type of Operation	Number of Harvest Sites	Fee
Shellstock Shipper 0-49 acres	≤2	\$393
Shellstock Shipper 0-49 acres	3 or more	\$610
Shellstock Shipper 50 or greater acres	N/A	\$961
Shucker-Packer (plants < 2000 ft²)	≤2	\$752
Shucker-Packer (plants < 2000 ft²)	3 or more	\$1,076
Shucker-Packer (plants 2000-5000 ft²)	≤2	\$882
Shucker-Packer (plants 2000-5000 ft²)	3 or more	\$1,297
Shucker-Packer (plants > 5000 ft²)	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 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))~~

<u>Operation</u>	<u>Acres</u>	<u>Harvest Sites</u>	<u>Fee effective until June 30, 2026</u>	<u>Fee effective starting July 1, 2026</u>
<u>Harvester</u>		<u>2 or less</u>	<u>\$353</u>	<u>\$710</u>
		<u>3 or more</u>	<u>\$535</u>	<u>\$1,076</u>
<u>Shellstock Shipper</u>	<u>Wholesale</u>	<u>Wholesale</u>	<u>\$198</u>	<u>\$398</u>
	<u>0-49 Acres</u>	<u>2 or less</u>	<u>\$393</u>	<u>\$790</u>
	<u>0-49 Acres</u>	<u>3 or more</u>	<u>\$610</u>	<u>\$1,226</u>
	<u>50 or greater</u>	<u>N/A</u>	<u>\$961</u>	<u>\$1,933</u>
<u>Shucker Packer</u>	<u>Plants < 2,000 sq. ft.</u>	<u>2 or less</u>	<u>\$752</u>	<u>\$1,512</u>
	<u>Plants < 2,000 sq. ft.</u>	<u>3 or more</u>	<u>\$1,076</u>	<u>\$2,164</u>
	<u>Plants 2,000-5,000 sq. ft.</u>	<u>2 or less</u>	<u>\$882</u>	<u>\$1,773</u>
	<u>Plants 2,000-5,000 sq. ft.</u>	<u>3 or more</u>	<u>\$1,297</u>	<u>\$2,607</u>
	<u>Plants > 5,000 sq. ft.</u>	<u>N/A</u>	<u>\$2,412</u>	<u>\$4,848</u>

~~(d) Annual PSP testing ((fees)) for companies harvesting geoduck ((are as follows)) :~~

((Harvester	Cert #	Fee
Chuckanut Shellfish Inc.	WA-1350-HA	\$997
Department of Natural Resources	NA	\$13,354

(Harvester	Cert#	Fee
Jamestown S'Klallam Tribe	WA-0588-SS	\$4,584
Lower Elwha Klallam Tribe	WA-0587-HA	\$2,392
Lummi Indian Business Council	WA-0098-SS	\$399
Nisqually Indian Tribe	WA-1268-HA	\$199
Port Gamble S'Klallam Tribe	WA-0859-HA	\$3,388
Puyallup Tribe of Indians	WA-1137-HA	\$5,381
Rising Tide CE, LLC	WA-1951-HA	\$199
Suquamish Tribe	WA-0694-SS	\$7,175
Swinomish Indian Tribal Community	WA-1420-SS	\$997
Taylor Shellfish Company, Inc.	WA-0046-SP	\$9,168
The Tulalip Tribes	WA-0997-HA	\$9,766

~~(5))~~

<u>Fee effective until June 30, 2026</u>	<u>Fee effective starting July 1, 2026</u>
\$188 per test	\$297 per test

(e) \$64 for a virtual correction inspection.

(f) \$291 for an on-site follow up inspection.

(g) \$323 for a preoperation inspection for a new or expired license. This is a nonrefundable fee and is in addition to an annual license fee as outlined in subsection (1) (a) of this section.

(2) The number of harvest sites will be the total listed sites on the licensed company's harvest site certificate:

(a) At the time of first licensure;

(b) January 1st of each year for companies licensed as harvesters; or

(c) April 1st of each year for companies licensed as shellstock shippers and shucker packers.

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

~~((6))~~ (4) 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.