

DATE: December 30, 2025

TO: Kathleen Buchli, Code Reviser

FROM: Tami Thompson, Regulatory Affairs
Manager



SUBJECT: Rescind Policy Statement | Exemption to Closure Related to *Vibrio parahaemolyticus* Illness Filed as WSR 11-17-102

This memo serves as notice that the Department of Health (department) is rescinding a policy statement titled “Exemption to Closure Related to *Vibrio parahaemolyticus* Illness” filed on August 22, 2011, and published as WSR 11-17-102.

This policy statement clarified requirements for a licensed shellfish dealer or harvester requesting an exemption to a shellfish growing area closure related to *Vibrio parahaemolyticus* illnesses. The department is rescinding this policy because it is outdated and does not reflect our current business practices.

Individuals requiring additional information on this should contact Todd Phillips, Director of the Office of Environmental Health and Safety, at todd.phillips@doh.wa.gov.

Thank you for your attention to this matter.

cc: Todd Phillips, Director, Office of Environmental Health and Safety



OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
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DATE: January 27, 2026
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WSR 26-04-048



STATE OF WASHINGTON

DEPARTMENT OF HEALTH

OFFICE OF SHELLFISH & WATER PROTECTION

PO Box 47824 • Olympia, Washington 98504-7824
(360) 236-3330 • TDD Relay Service: 1-800-833-6388

August 18, 2011

TO: Code Revisers Office

FROM: Jerrod Davis, Director
Office of Shellfish and Water Protection

SUBJECT: Department of Health Policy Statement

Title of Policy
Statement: Exemption to Closure Related to *Vibrio parahaemolyticus* Illness

Issuing Entity: Washington State Department of Health
Division of Environmental Health
Office of Shellfish and Water Protection

Description: This policy statement provides clarification to WAC 246-282-006(9)(a) regarding requirements for a licensed shellfish dealer or harvester requesting an exemption to a shellfish growing area closure related to *Vibrio parahaemolyticus* illnesses. Licensed dealers or harvesters must also submit with their request appropriate scientific studies demonstrating that the proposed control measures will reduce the risk of *Vp* illness so that it is no longer reasonably likely to occur.

Office Contact: Rick Porso
Department of Health
Office of Shellfish and Water Protection
Post Office Box 47820
Olympia, WA 98504-7820
(360) 236-3302
rick.porso@doh.wa.gov

Effective Date: July 1, 2011

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

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TIME: 3:27 PM

WSR 11-17-102

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Department of Health
Office of Shellfish and Water Protection

Policy Statement

Title:	Exemption to Closure Related to <i>Vibrio parahaemolyticus</i> Illness		
References:	WAC 246-282-005, Minimum performance standards WAC 246-282-006, Washington state <i>Vibrio parahaemolyticus</i> control plan		
Contact:	Rick Porso, Shellfish Section Manager		
Phone:	(360) 236-3302	E-mail:	Rick.Porso@doh.wa.gov
Effective Date:	July 1, 2011		
Approved:	Jerrod Davis, Office Director		

Beginning July 1, 2011, a licensed dealer or harvester requesting an exemption to a shellfish growing area closure related to *Vibrio parahaemolyticus* illnesses under WAC 246-282-006 shall submit appropriate scientific studies demonstrating that the proposed control measures will reduce the risk of *Vp* illness so that it is no longer reasonably likely to occur in addition to the information required in WAC 246-282-006(9)(a).

The department may approve an exemption request only after the FDA has concurred with the exemption request.

Applicability to Specified Circumstances

WAC 246-282-005(2) states "If a requirement of the NSSP Guide for the Control of Molluscan Shellfish or a provision of 21 CFR, Part 123, is inconsistent with a provision otherwise established under this chapter or other state law or rule, then the more stringent provision, as determined by the department, will apply." Based on the results of the June 7, 2011 U.S. Food and Drug Administration (FDA) Program Element Evaluation Report, the department has determined that the National Shellfish Sanitation Program Model Ordinance (NSSP) Guide for the Control of Molluscan Shellfish (NSSP guide) are more stringent than certain provisions of WAC 246-282-006.

WAC 246-282-006(9) allows the department to grant an exemption from closure of a shellfish growing area related to *Vibrio parahaemolyticus* (*Vp*) illnesses. Licensed harvesters or dealers of oysters intended for raw consumption who wish to request an exemption must meet the criteria identified in WAC 246-282-006(9)(a). However, the department has determined that the exemption criteria are less stringent than the exemption criteria in the 2009 NSSP Guide. Chapter II@.05.B(4)(vi) of the NSSP guide requires licensees to provide "other control measures that, based on appropriate scientific studies, are designed to ensure that the risk of *Vp* illness is no longer reasonably likely to occur, as approved by the Authority."

Therefore, beginning July 1, 2011, in addition to the information required in WAC 246-282-006(9)(a), the Department of Health, Office of Shellfish and Water Protection will require a licensed dealer or harvester requesting an exemption to a shellfish growing area closure related to *Vibrio parahaemolyticus* illnesses under WAC 246-282-006 to also submit appropriate scientific studies demonstrating that the proposed control measures will reduce the risk of *Vp* illness so that it is no longer reasonably likely to occur.

The department may approve an exemption request only after the FDA has concurred with the exemption request.

For persons with disabilities, this policy is available on request in other formats by calling 1-800-525-0127 (TTY 1-800-833-6388).