

**WAC 246-282-005 Minimum performance standards.** (1) Any person engaged in a shellfish operation or possessing a commercial quantity of shellfish or any quantity of shellfish for sale for human consumption must comply with and is subject to:

(a) The requirements of the U.S. Food and Drug Administration National Shellfish Sanitation Program (NSSP), Guide for the Control of Molluscan Shellfish (2019) (copies available through the U.S. Food and Drug Administration, Shellfish Sanitation Branch, and the Washington state department of health, office of shellfish and water protection);

(b) The provisions of 21 Code of Federal Regulations (C.F.R.), Part 123 - Fish and Fishery Products, adopted December 18, 1995, by the United States Food and Drug Administration, regarding Hazard Analysis Critical Control Point (HACCP) plans (copies available through the U.S. Food and Drug Administration, Office of Seafood, and the Washington state department of health, office of food safety and shellfish programs); and

(c) All other provisions of this chapter.

(2) If a requirement of the NSSP Model Ordinance or a provision of 21 C.F.R., 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.

[Statutory Authority: RCW 96.30.030 [69.30.030]. WSR 21-14-019, § 246-282-005, filed 6/28/21, effective 7/29/21; WSR 19-14-094, § 246-282-005, filed 7/1/19, effective 8/1/19; WSR 17-12-047, § 246-282-005, filed 6/1/17, effective 7/2/17. Statutory Authority: RCW 60.30.030 [69.30.030]. WSR 15-04-049, § 246-282-005, filed 1/29/15, effective 1/29/15. Statutory Authority: RCW 60.30.030 [69.30.030]. WSR 14-09-003, § 246-282-005, filed 4/3/14, effective 5/4/14; WSR 14-01-002, § 246-282-005, filed 12/4/13, effective 1/4/14; WSR 11-17-104, § 246-282-005, filed 8/22/11, effective 9/22/11; WSR 09-08-116, § 246-282-005, filed 3/31/09, effective 5/1/09; WSR 07-20-014, § 246-282-005, filed 9/20/07, effective 10/21/07; WSR 06-01-055, § 246-282-005, filed 12/16/05, effective 1/16/06. Statutory Authority: RCW 69.30.030 and 43.20.030. WSR 01-04-054, § 246-282-005, filed 2/5/01, effective 3/8/01. Statutory Authority: RCW 69.30.030. WSR 98-18-066, § 246-282-005, filed 8/31/98, effective 10/1/98; WSR 98-03-096, § 246-282-005, filed 1/21/98, effective 2/21/98; WSR 96-18-096, § 246-282-005, filed 9/4/96, effective 10/5/96; WSR 94-23-026, § 246-282-005, filed 11/8/94, effective 12/9/94.]