

Multiple Agency Fiscal Note Summary

Bill Number: 1010 2S HB	Title: Shellfish sanitary control
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Estimated Cash Receipts

Agency Name	2023-25			2025-27			2027-29		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Department of Health	0	0	427,000	0	0	674,000	0	0	854,000
Total \$	0	0	427,000	0	0	674,000	0	0	854,000

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Department of Health	4.6	993,000	993,000	1,372,000	3.1	0	0	749,000	2.8	0	0	668,000
Department of Fish and Wildlife	.3	165,000	165,000	165,000	.6	318,000	318,000	318,000	.6	318,000	318,000	318,000
Total \$	4.9	1,158,000	1,158,000	1,537,000	3.7	318,000	318,000	1,067,000	3.4	318,000	318,000	986,000

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Department of Health	.0	0	0	.0	0	0	.0	0	0
Department of Fish and Wildlife	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Estimated Capital Budget Breakout

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Prepared by: Breann Boggs, OFM	Phone: (360) 485-5716	Date Published: Final 2/14/2023
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Individual State Agency Fiscal Note

Bill Number: 1010 2S HB	Title: Shellfish sanitary control	Agency: 303-Department of Health
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

ACCOUNT	FY 2024	FY 2025	2023-25	2025-27	2027-29
General Fund-Private/Local 001-7		427,000	427,000	674,000	854,000
Total \$		427,000	427,000	674,000	854,000

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	6.0	3.2	4.6	3.1	2.8
Account					
General Fund-State 001-1	993,000	0	993,000	0	0
General Fund-Private/Local 001-7	0	379,000	379,000	749,000	668,000
Total \$	993,000	379,000	1,372,000	749,000	668,000

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 02/10/2023
Agency Preparation: Katie Osete	Phone: 3602363000	Date: 02/14/2023
Agency Approval: Kristin Bettridge	Phone: 3607911657	Date: 02/14/2023
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 02/14/2023

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

This fiscal note 2S HB 1010 is different from the last fiscal note SHB 1010 as a null and void clause has been added and will take effect if the bill is not funded by June 30, 2023. Also adds a third section describing why the bill is necessary. The fiscal impact to the Department of Health (DOH) has not changed.

Section 1: This bill gives DOH the responsibility to develop a new program to regulate commercial crab with respect to biotoxin contamination. By June 30, 2025, the State Board of Health (SBOH) shall develop rules regulating commercial crab harvesting, tracking, and recalls, though the authority for regulation would take effect immediately.

Section 2: This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions and takes effect immediately.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

Current law RCW 43.70.250 (License fees for professions, occupations, and businesses.) requires that the programs administered by DOH be fully self-supporting and that sufficient revenue be collected through fees to fund the cost of administering the program.

For the purposes of this fiscal note, a commercial crabber licensing fee may range between \$1,940 and \$2,040 annually. The Department of Fish and Wildlife (WDFW) provided data as a result, DOH estimates there will be 220 commercial harvesters to license annually. During the rulemaking process, a fee study is prepared and provided for stakeholder input. DOH will monitor the program fund balance and adjust fees to ensure revenues are sufficient to cover all program expenditures.

Revenue collection will begin July 1, 2024.

FY 2025 \$427,000

FY 2026 \$427,000

FY 2027 \$427,000

FY 2028 \$427,000

FY 2029 \$427,000

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

RULEMAKING

Rulemaking will begin July 1, 2023 and end June, 2024, the date the bill requires rulemaking to be completed by. This is a currently unregulated industry, which is not subject to the current commercial shellfish sanitation rules. This bill will require establishment of a new chapter of rules specifically focused on commercial crab fisheries. The new chapter of rules qualifies as “legislatively significant” under the Administrative Procedures Act, and will require a cost benefit analysis, as well as small business economic impact statement per the Regulatory Fairness Act. SBOH will work in close collaboration with DOH, local health jurisdictions, the crab industry, tribes, WDFW, Department of Agriculture, subject matter experts, and diverse communities impacted by the rules. In coordination with the SBOH, DOH assumes it will need to assist with rulemaking and stakeholder engagement.

0.3 FTE of a WMS2 for fiscal year (FY) 2024. As program supervisor this individual will be involved with rulemaking development, stakeholder meetings, interagency meetings, and Office of Attorney General (ATG) coordination. They will also provide programmatic expertise in relation to what is known about biotoxin in crab, safe levels of biotoxin, what is currently done with biotoxin, and how DOH has interacted with other agencies, tribes, and industry.

1.6 FTE Management Analyst 5 for FY 2024. SBOH and DOH in coordination will be responsible for managing the rule development process since DOH will be implementing the program under these rules. Staff will be responsible for drafting the rules, completing the statutorily mandated analyses, conducting cost surveys, and engaging with subject matter experts. Rulemaking will consist of six stakeholder meetings, as well as one formal rules hearing. SBOH anticipates a complex rulemaking process given the anticipated number of interested parties and the importance of the commercial crabbing industry to Washington State.

1.8 FTE Health Services Consultant 4 for FY 2024 for SBOH and DOH to conduct outreach coordination throughout the rulemaking process. Staff will plan and evaluate community engagement and outreach for rulemaking efforts; identify potential agencies, organizations, coalitions, groups, and community leaders who may have an interest in the rules; seek input and feedback from tribes, industry members, community organization members; provide consultation and technical assistance to SBOH staff on culturally relevant meeting locations and logistics to maximize community participation; and identify and address problems with language access and equity. They will also help assist in the implementation of the rule, reviewing communications and materials to assure they are culturally and linguistically appropriate for the intended audiences.

SBOH estimates \$10,000 for ATG support time for reviewing rules to assure they meet minimum public health and safety requirements, and federal shellfish protection requirements.

Travel: SBOH assumes two stakeholder meetings on the coast, and two meetings in the Puget Sound region.

- Meeting locations are intended to be free or low cost, must be American Disabilities Act (ADA) compliant and will be based on the outreach coordinator recommendations. These meetings may be held in the evenings to allow greater community engagement.
- In-person meetings will be held in locations near current crab fishery areas such as Port Angeles, Westport/Ocean Shores, Hood Canal, and Puget Sound.
- Staff will carpool using state vehicles and personal vehicles.

Costs included in Travel (total travel \$3,238 for fiscal note):

- Per diem lunch \$20, or \$65 for meals all day.
- Per diem meals and lodging average of \$185 per day.
- POV \$0.58 per mile.

In addition, SBOH assumes it will utilize two virtual listen and learn meetings for the purposes of updating communities on the draft rules and obtaining feedback. Virtual listen and learn sessions will include caption and translation services \$800/per session.

Rulemaking costs will be:

FY 2024: 3.7 FTE and \$590,000 (GFS)

PROGRAM ADMINISTRATION

By July 2025 rules will have been developed and program will begin implementation. Implementation work will include all

biotoxin monitoring, ongoing crab stakeholder engagement and interagency meetings, managing complaints. Additionally, staff will collect crab samples, coordinate samples with WDFW, tribes, and Public Health Laboratories (PHL). Staff will also process results, post results, data analysis, issue advisories and closures, and oversee crab licenses.

Program administration costs will be:

FY 2025: 2.1 FTE and \$240,000 (Private/Local)

FY 2026 and ongoing: 2.1 FTE and \$238,000 (Private/Local)

TESTING

The Public Health Lab (PHL) will provide the testing needed to assess levels of biotoxin contamination in crabs for monitoring activities as well as to prepare so that in the event that elevated biotoxin levels are found; additional testing can be supported.

To establish additional monitoring activities and to prepare for seasons with elevated biotoxin levels needed, PHL will need

- A one-time purchase for one High/Ultra High-Performance Liquid Chromatograph with a diode-array detector (DAD) \$120,000 ahead of the first testing season. This item is necessary to test for domoic acid which causes Amnesic Shellfish Poisoning (ASP). Testing is required and the method is prescribed by the Food and Drug Administration (FDA) and the Interstate Shellfish Sanitation Conference (ISSC).
- Instrument service contract costs (approximately \$10,000 per year) and supplies will also be needed in order to sustain testing for crab monitoring and increase biotoxin levels response. Seasons with increased biotoxin levels have shown that the lab must prepare for the potential need to test at least 500 additional crabs per year. Additionally, costs for testing controls are incurred in the testing of each batch.
- Additional FTEs will be needed to prepare, analyze, and review the extra samples. This will allow the lab to respond to events where increased testing is needed once elevated domoic acid levels are determined in crab.

Testing costs are:

FY 2024: 0.2 FTE and \$141,000 (GFS)

FY 2025: 0.4 FTE and \$51,000 (Private/Local)

FY 2026 and ongoing: 0.4 FTE and \$79,000 (Private/Local)

DATABASE

In order to implement the regulations that DOH sets forward, staff must develop a new external application for Crab License and Compliance/Enforcement to keep track of commercial crabbing companies (owner, location of harvest, contact information, etc.). This database will store and receive data that will be used by internal staff and external customers. New requirements must also be integrated into DOH's existing Sample Shellfish Web Application and Database. Work will include elicitation and documentation, development of accepted requirements, testing of those requirements, draft user guides of the application(s), and user acceptance testing, as well as ongoing system maintenance.

Database costs are:

FY 2024: 2.2 FTE and \$262,000 (GFS)

FY 2025: 0.7 FTE and \$89,000 (Private/Local)

FY 2026: 0.6 FTE and \$77,000 (Private/Local)

FY 2027: 0.3 FTE and \$38,000 (Private/Local)

FY 2028 and ongoing: 0.1 FTE and \$17,000 (Private/Local)

DISCIPLINE

Based on experience in other shellfish programs, DOH assumes disciplinary actions will be coordinated with WDFW. Rulemaking will include enforcement standards and a matrix for assessing penalties. DOH assumes that coupling the memorandum of understanding with WDFW and updating rulemaking language to eliminate individual evisceration orders, costs for disciplinary actions can be managed with in the resources identified in program management. DOH will monitor the cost of disciplinary actions and adjust fees to ensure revenues are sufficient to cover disciplinary costs.

The total costs of this fiscal note are:
 FY 2024: 6.0 FTE and \$993,000 (GFS)
 FY 2025: 3.2 FTE and \$379,000 (Private/Local)
 FY 2026: 3.3 FTE and \$394,000 (Private/Local)
 FY 2027: 2.9 FTE and \$355,000 (Private/Local)
 FY 2028 and ongoing: 2.8 FTE and \$334,000 (Private/Local)

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	993,000	0	993,000	0	0
001-7	General Fund	Private/Local	0	379,000	379,000	749,000	668,000
Total \$			993,000	379,000	1,372,000	749,000	668,000

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	6.0	3.2	4.6	3.1	2.8
A-Salaries and Wages	505,000	239,000	744,000	461,000	406,000
B-Employee Benefits	185,000	92,000	277,000	177,000	156,000
E-Goods and Other Services	139,000	30,000	169,000	76,000	74,000
G-Travel	4,000		4,000		
J-Capital Outlays	120,000		120,000		
T-Intra-Agency Reimbursements	40,000	18,000	58,000	35,000	32,000
Total \$	993,000	379,000	1,372,000	749,000	668,000

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
CHEMIST 2	71,520	0.1	0.2	0.2	0.2	0.2
ENVIRONMENTAL PLANNER 5	91,524		0.5	0.3	0.5	0.5
Fiscal Analyst 2	53,000	0.4	0.5	0.5	0.5	0.5
HEALTH SERVICES CONSULTANT 4	77,028	1.8		0.9		
Health Svcs Conslt 1	53,000	0.3	0.3	0.3	0.4	0.3
IT APPLICATION DEVELOPMENT JOURNEY	92,892	0.5	0.1	0.3	0.1	
IT BUSINESS ANALYST - JOURNEY	92,892	0.2	0.1	0.2	0.1	
IT QUALITY ASSURANCE - JOURNEY	92,892	0.3	0.1	0.2	0.1	
LABORATORY TECHNICIAN 1	53,100		0.1	0.1	0.2	0.2
MANAGEMENT ANALYST 5	85,020	2.1	0.3	1.2	0.2	0.1
PUBLIC HEALTH ADVISOR 3	69,756		1.0	0.5	1.0	1.0
WMS02	106,152	0.3		0.2		
Total FTEs		6.0	3.2	4.6	3.1	2.8

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

None

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Section 1: Rules will need to be adopted in 69.30 RCW to implement this bill.

Individual State Agency Fiscal Note

Bill Number: 1010 2S HB	Title: Shellfish sanitary control	Agency: 477-Department of Fish and Wildlife
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	0.6	0.3	0.6	0.6
Account					
General Fund-State 001-1	0	165,000	165,000	318,000	318,000
Total \$	0	165,000	165,000	318,000	318,000

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 02/10/2023
Agency Preparation: David Hoeveler	Phone: 3609701638	Date: 02/13/2023
Agency Approval: David Hoeveler	Phone: 3609701638	Date: 02/13/2023
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 02/13/2023

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

NO CHANGE FROM PREVIOUS FISCAL NOTE: Differences in this bill version do not change the fiscal impact for WDFW.

Section 1 authorizes the Department of Health to regulate crab with respect to health and safety in relation to biotoxin contamination.

The second substitute bill adds a new section (Section 2) which states that if specific funding for this act, referenced by bill or chapter number is not provided by June 30, 2023, in the omnibus appropriations act, the act is null and void.

WDFW contracts with commercial vessels to collect Dungeness crab samples to measure biotoxin contamination. In the event of a contamination, crab samples will be required by DOH. WDFW is the agency regulating the time, place, and manner that the Dungeness crab fishery operates. To respond to a biotoxin event, and make changes to an existing fishery, rulemaking by WDFW will be necessary for harvest reporting, tracking, and recalls.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Assumptions:

- Per discussions with DOH (lead agency), 0.6 FTE law enforcement support for biotoxin monitoring is required annually.
- WDFW law enforcement workload derived from similar services National Sanitary Shellfish Program standards (NSSP) agreement with DOH, and WDFW law enforcement enforces DOH rules as they pertain to fish and wildlife.
- Similar to the sanitary shellfish patrol requirements, WDFW enforcement is assuming new mandated patrols will result from the new DOH rules that are established. This would mean that, starting in FY25, in the event of an emergency closure or a biotoxin contamination event, WDFW would be mandated to: land and dock patrols to ensure evisceration of crab; processing facility inspections; marketplace inspections to ensure contaminated crab are not sold; and airport cargo inspections to ensure contaminated crab are not being shipped overseas.
- Biotoxins are naturally occurring in the marine environment and their presence is difficult to predict. WDFW previously stated (SHB 1508, 2022 Legislative Session) costs were indeterminate. However, the Department is now taking a more proactive approach. Due to the impacts of climate change, both DOH and WDFW assume that these biotoxin events will occur more frequently.

Section 1 directs the State Board of Health to develop rules regulating crab harvesting, tracking, and recalls. Since WDFW is the agency regulating the time, place, and manner that the Dungeness crab fishery operates, rulemaking by WDFW will be necessary. This will require \$2,500 for a public hearing and \$1,500 for rule adoption FY 2025.

Section 1 authorizes DOH to regulate biotoxin contamination in crab. WDFW uses contracted vessels to collect Dungeness crab samples to measure biotoxin contamination. Biotoxins are naturally occurring in the marine environment and their

presence is difficult to predict. To monitor rates of biotoxins contamination WDFW will secure professional Service Contracts, object C, total \$28,000 in FY25 and ongoing for contracts with commercial Dungeness crab vessels to allow WDFW staff to collect Dungeness crab for biotoxin monitoring.

In response to a biotoxin event, WDFW requires 0.6 FTE Fish & Wildlife Enforcement Officer beginning in FY25 and ongoing for land and dockside patrols, processing facility, marketplace, and aircraft cargo inspections to ensure contaminated crab is not being distributed or sold. Salaries and benefits total \$82,000. Goods and services, Object E, includes \$17,000 per FTE, per year, for WDFW standard costs, which cover an average employee's supplies, communications, training, and subscription costs per year. An infrastructure and program support rate of 33.50 percent is included in Object T and is calculated based on WDFW's federally approved indirect rate.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	0	165,000	165,000	318,000	318,000
Total \$			0	165,000	165,000	318,000	318,000

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		0.6	0.3	0.6	0.6
A-Salaries and Wages		65,000	65,000	130,000	130,000
B-Employee Benefits		17,000	17,000	34,000	34,000
C-Professional Service Contracts		28,000	28,000	56,000	56,000
E-Goods and Other Services		14,000	14,000	20,000	20,000
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements		41,000	41,000	78,000	78,000
9-					
Total \$	0	165,000	165,000	318,000	318,000

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
FISH & WILDLIFE ENFORCEMENT OFFICER			0.6	0.3	0.6	0.6
Total FTEs			0.6	0.3	0.6	0.6

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Section 1 requires additional rules or modifications to existing rules in sections under Chapter 220-340 WAC and potentially others to add clarity and enforceability to general fishery regulations including landing and reporting requirements and traceability of crab if evisceration or other processing measures are required by DOH.