



# RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: Department of Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Rule Making

(1) Date of adoption: April 5, 2004

(2) Purpose: With this rule-making order, the department is adopting chapter 16-170 WAC (Special Temporary Permits for Slaughtering Pastured Chickens) to implement chapter 397, Laws of 2003 (ESHB 1754). ESHB 1754 directed the department to adopt, by rule, requirements for a special, temporary permit regulating the slaughter, preparation and sale of pastured chickens by agricultural producers directly to their ultimate consumers at the producer's farm. Chapter 397, Laws of 2003 (ESHB 1754) limited the slaughter, preparation and sale by the producer to one thousand or fewer birds in a calendar year and set the special temporary permit fee at seventy-five dollars.

(3) Citation of existing rules affected by this order:

Repealed: None  
 Amended: None  
 Suspended: None

(4) Statutory authority for adoption: Chapter 397, Laws of 2003 and Chapter 69.07 RCW, Washington Food Processing Act

Other Authority: Chapter 34.05 RCW, Administrative Procedure Act

### PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 04-05-119 on February 18, 2004.

Describe any changes other than editing from proposed to adopted version: Based upon comments received at the public hearings, the department made minor revisions to the proposed language in WAC 16-170-125(3) and WAC 16-170-150(4). See the department's attachment for details.

### EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

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

Yes  No If Yes, explain:

(6) Effective date of rule:

#### Permanent Rules

- 31 days after filing
- Other (specify) \_\_\_\_\_\*

#### Emergency Rules

- Immediately
- Later (specify) \_\_\_\_\_

\*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print)  
Valoria H. Loveland

Signature  
*Valoria H. Loveland*

Title: Director Date: April 5, 2004

### CODE REVISER USE ONLY

CODE REVISER USE ONLY  
 STATE OF WASHINGTON  
 APR 5 2004  
 TIME 1:15  
 WSR 04-08-062

(COMPLETE REVERSE SIDE)

**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:**

<b>Federal statute:</b>	New	0	Amended	0	Repealed	0
<b>Federal rules or standards:</b>	New	0	Amended	0	Repealed	0
<b>Recently enacted state statutes:</b>	New	26	Amended	0	Repealed	0

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

	New	0	Amended	0	Repealed	0
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**The number of sections adopted in the agency's own initiative:**

	New	0	Amended	0	Repealed	0
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

	New	0	Amended	0	Repealed	0
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	0	Amended	0	Repealed	0
<b>Pilot rule making:</b>	New	0	Amended	0	Repealed	0
<b>Other alternative rule making:</b>	New	26	Amended	0	Repealed	0

**Washington State Department of Agriculture  
CR-103 Form-Attachment  
Changes from the Proposed to Adopted Version of Chapter 16-170 WAC**

**Revision to Proposed Language in WAC 16-170-125(3):**

A public hearing comment alerted the department to the fact that had used the word "thermoses", which is a brand name, in WAC 16-170-125(3) and suggested that the department might want to use another term. The department agreed and has changed the word "thermoses" to "containers". WAC 16-170-125(3) is revised as follows:

(3) If hand washing stations are not conveniently located in your slaughter site and near your toilet facilities, five-gallon insulated ~~((thermoses))~~ containers with continuous flow spigots filled with warm water between one hundred and one hundred and twenty degrees Fahrenheit with pump type liquid soap, paper towels and five-gallon buckets to catch rinse water are required on-site and near your toilet facilities.

**Revision to Proposed Language in WAC 16-170-150(4):**

The department received another public hearing comment suggesting that we change the word "bleach" in WAC 16-170-150(4) to a more specific term. The proposed rule uses "bleach" as a generic term but the type of bleach required by the rule is one that must be registered with the EPA and not all bleaches must be registered. The comment also noted that there are gradations of strength in bleaches and suggested that we should identify a required acceptable strength in the rule. The department agreed and has revised the proposed language in WAC 16-170-150(4) as follows:

(4) You must keep a separate bucket of sanitizer in your slaughter site for rinsing/storing the wipe down cloths used to sanitize all slaughter equipment and slaughter/preparation contact surfaces. The sanitizing solution in the bucket ~~((, which at a minimum should be one teaspoon of liquid bleach for each gallon of cool water, should be changed every one to two hours while you are slaughtering chickens))~~ should be at a minimum 100 ppm (mg/L) for chlorine solution or 50 ppm (mg/L) for iodine solution.

## Chapter 16-170 WAC

### SPECIAL TEMPORARY PERMITS FOR SLAUGHTERING PASTURED CHICKENS

#### NEW SECTION

**WAC 16-170-010** What is the purpose of this chapter? The purpose of this chapter is to implement chapter 397, Laws of 2003 by establishing rules regulating the:

(1) Issuance of special temporary permits regulating the slaughter, preparation and sale of one thousand or fewer whole raw pastured chickens in a calendar year by the agricultural producer of those chickens when the chickens are sold directly to the ultimate consumer at the producer's farm.

(2) Conditions under which the pastured chickens identified in this section are slaughtered, prepared and sold.

#### NEW SECTION

**WAC 16-170-020** What definitions are important to this chapter? (1) In addition to the definitions contained in this section, definitions found in chapters 69.04 and 69.07 RCW and Title 21 CFR may apply.

(2) For the purposes of this chapter, the following definitions apply:

**"Adequate"** means that which is needed to accomplish the intended purpose in keeping with good public health practices.

**"Agricultural producer"** means a person or persons who raise pastured chickens and who slaughter and sell one thousand or fewer of the chickens from their farm directly to the ultimate consumer.

**"Authorized person"** means a person or persons who work with the agricultural producer in the preparation and slaughter of pastured chickens under this chapter.

**"Chicken"** means the species *Gallus domesticus*.

**"Department"** means the Washington state department of agriculture (WSDA).

**"Director"** means the director of the WSDA.

**"Pastured chicken"** means a chicken that has lived on pasture, range, or ground covered with vegetation that is suitable for

grazing, during at least half the life span of the animal.

**"Potable water"** means water that is:

- (a) Safe and sanitary;
- (b) Free from coliform; and
- (c) From an approved and monitored source.

**"Sanitize"** means to adequately treat chicken slaughtering, preparation and sale surfaces by a process that is effective in destroying vegetative cells of microorganisms of public health significance, and in substantially reducing numbers of other undesirable microorganisms, but without adversely affecting the whole raw chicken or its safety for the consumer.

**"Temporary permit"** means a permit to slaughter chickens covered by this chapter, which is valid for the calendar year for which it is issued.

#### NEW SECTION

**WAC 16-170-030 Who is required to obtain a temporary special permit to slaughter, prepare and sell pastured chickens?** If you are an agricultural producer of pastured chickens who slaughters and prepares one thousand or fewer pastured chickens in a calendar year and sells those chickens as whole raw chickens from your farm to the ultimate consumer, you must obtain a temporary special permit before you slaughter.

#### NEW SECTION

**WAC 16-170-035 How can I obtain a temporary special permit?**

(1) You can request an application for a temporary special permit by:

Writing to:

Washington State Department of Agriculture  
Food Safety Program

P.O. Box 42560

Olympia, WA 98504-2560; or

Calling 360-902-1876; or

Faxing to 360-902-2087; or

Accessing website <http://agr.wa.gov>.

(2) The department must receive your completed application packet along with check or money order for seventy-five dollars at least six weeks before you plan to slaughter chickens.

Your application packet must include:

- (a) A completed application form;
- (b) A diagram of your slaughter/preparation site;

(c) A description of your processing steps or a process flow diagram;

(d) The proposed days or dates of slaughter;

(e) A description of your rinse water and offal disposal procedures; and

(f) Documentation verifying that the water you use at your slaughter/preparation site complies with the requirements in WAC 16-170-155.

(3) Once WSDA receives your application, you will be contacted for an on-site inspection before your special temporary permit can be further processed or issued.

(4) Once received, your permit must be prominently and conspicuously posted at your slaughter facility so your customers can see it.

(5) You are prohibited from slaughtering, preparing and selling chickens regulated by this chapter until you receive your special temporary permit.

NEW SECTION

**WAC 16-170-037 What type of slaughter/preparation site diagram is required?** (1) Your site diagram must clearly show the location of all slaughter and preparation equipment, contact work surfaces, chilling equipment, equipment washing and sanitizing sinks or tubs, hand washing areas, rinse water and offal collection areas and chicken rearing areas.

(2) Everything illustrated on your site diagram must be clearly labeled.

NEW SECTION

**WAC 16-170-040 How long is my temporary special permit valid?** Subject to the one thousand chicken limit described in chapter 397, Laws of 2003, your temporary special permit is valid for the calendar year in which it is issued.

NEW SECTION

**WAC 16-170-050** Must I notify the department before I change the dates I plan to slaughter my chickens? If you wish to slaughter pastured chickens on dates other than those requested in your application, you must notify the department by mail, e-mail, fax or by telephone with a written confirmation at least one week before you slaughter any chickens regulated by this chapter.

NEW SECTION

**WAC 16-170-060** What happens when I reach the one thousand chicken limit in the statute? When you have slaughtered and sold one thousand whole raw pastured chickens to ultimate consumers from your farm in a calendar year, you no longer qualify for a temporary special permit for the remainder of the calendar year. Agricultural producers who slaughter more than one thousand chickens must comply with the requirements of chapter 69.07 RCW.

NEW SECTION

**WAC 16-170-070** What are the site requirements for slaughtering, preparing and selling chickens covered by this chapter? At a minimum, your slaughter/preparation site must:

- (1) Be constructed or assembled to minimize insects, pests, birds, dust, mud and overhead contamination;
- (2) Include adequate lighting to illuminate the areas where chickens are slaughtered, prepared and sold;
- (3) Have an adequate hand washing station;
- (4) Be readily accessible to a toilet facility;
- (5) Include potable running water;
- (6) Include a means of safely disposing of rinse water and offal; and
- (7) Means of properly cooling slaughtered chickens unless the customer takes possession within four hours.

NEW SECTION

WAC 16-170-075 What requirements apply to the equipment used to slaughter, prepare and sell chickens covered by this chapter? All equipment must be readily cleanable and in good repair.

NEW SECTION

WAC 16-170-080 Can a mobile processing unit be used to slaughter, prepare and sell pastured chickens covered by this chapter? If the mobile processing unit (MPU) is a self-contained processing unit that meets all of the conditions designed for the sanitary processing of chickens under this chapter, a MPU may be used.

NEW SECTION

WAC 16-170-090 Who can be in my slaughter site while the slaughter-preparation process is taking place? (1) Only authorized persons can be in your slaughter site while the slaughter-preparation process is taking place. Unauthorized persons must be kept out of the site.

(2) Any authorized person infected with a communicable disease, has open sores or infected cuts on hands, is vomiting or has diarrhea is prohibited from working in your slaughter site.

(3) Authorized persons are prohibited from smoking, eating or drinking while in your slaughter site.

NEW SECTION

WAC 16-170-100 Must I wear protective clothing while slaughtering, processing and selling pastured chickens covered by this chapter? (1) Anyone slaughtering, preparing and selling pastured chickens covered by this chapter must:

(a) Wear clean and adequate clothing.

"Clean and adequate" means that the clothing must be:

(i) Clean at the start of the slaughter-preparation-sale process; and

(ii) Changed when the clothing becomes soiled when contamination of the raw whole chicken, any process work surface,



the equipment used to chill slaughtered chickens or the bags used to transport chickens that are sold becomes imminent; and

(iii) Suitable to the specific part of the process (slaughter, preparation or sale) in which you are engaged.

(b) Remove hand jewelry that cannot be adequately sanitized during periods when carcasses are handled by hand. If such hand jewelry cannot be removed, impermeable or disposable gloves must be worn.

(c) Maintain gloves, if they are used in processing, in an intact, clean, and sanitary condition. The gloves should be of an impermeable material.

(2) Clean and effective hair restraints, such as hairnets or beard nets are not required, but hats, caps, scarves or other head covers are recommended to prevent contamination of the whole raw chickens being slaughtered, prepared and sold.

#### NEW SECTION

**WAC 16-170-110 Can I store personal garments and belongings in my slaughter site?** All personal garments and belongings must be stored separately and apart from your slaughter site to ensure that they do not become a source of contamination to the raw whole chickens, slaughter and preparation work surfaces and equipment, and the bags used to transport chickens that are sold.

#### NEW SECTION

**WAC 16-170-115 Can I store detergents, sanitizers and other materials in my slaughter site?** (1) You can store commercially purchased detergents, sanitizers and other materials related to the process in your slaughter site if they are properly labeled with:

(a) Product name;

(b) Chemical description;

(c) Directions for use;

(d) Any required precautionary and warning statements;

(e) First-aid instructions;

(f) Name and address of the manufacturer or distributor; and

(g) Any other information required by the U.S. Environmental Protection Agency or other laws or rules.

(2) You can store small "transport" or "use" containers containing detergents, sanitizers or other materials in your slaughter site but only under the following conditions:

(a) The contents must be properly identified on the container. Labeling the container with the common name is acceptable if the

original commercially purchased storage container is on hand and properly identified.

(b) Food containers must not be used as containers for detergents, sanitizers or toxic materials.

(c) Containers used for detergents, sanitizers or other materials must not be used as food containers.

#### NEW SECTION

**WAC 16-170-120 Must I wash my hands before slaughtering chickens?** (1) You must adequately wash your hands:

- (a) Before you begin the slaughtering process;
- (b) Between the slaughtering and preparation steps in the process;
- (c) Between the preparation and sale steps in the process;
- (d) After each absence from the slaughter facility; and
- (e) Any time your hands become contaminated.

(2) "Adequately washing your hands" means thoroughly washing your hands to prevent contaminating your slaughtered chickens. Adequate hand washing methods consist of:

- (a) Applying soap to your hands;
- (b) Using warm water;
- (c) Scrubbing your hands thoroughly; and
- (d) Using methods to rinse and dry your hands that prevent contamination.

#### NEW SECTION

**WAC 16-170-125 Are hand washing stations required at my chicken slaughter site?** (1) Anyone involved in your chicken slaughter process must have access to at least one hand washing station equipped with warm running water, hand soap, and paper towels.

(2) Hand washing stations must be conveniently located in your slaughter site and near your toilet facilities.

(3) If hand washing stations are not conveniently located in your slaughter site and near your toilet facilities, five-gallon insulated containers with continuous flow spigots filled with warm water between one hundred and one hundred and twenty degrees Fahrenheit with pump type liquid soap, paper towels and five-gallon buckets to catch rinse water are required on-site and near your toilet facilities.

NEW SECTION

**WAC 16-170-130 Can I use hand dips at my chicken slaughter site?** (1) "Hand dips" or "hand sanitizing stations" are recommended but not required in your chicken slaughter site. Sanitizing your hands using hand dips or hand sanitizing stations is not a substitute for adequate hand washing methods.

(2) However, if you use hand dips, they must be properly positioned and maintained.

(3) "Properly maintained" means sanitizing solutions are:

(a) Checked and recharged to a strength equal to 100 PPM chlorine or 25 PPM iodine; and

(b) Changed every four hours while in use.

NEW SECTION

**WAC 16-170-135 Do I need a toilet near my chicken slaughter site?** (1) At least one toilet must be available and conveniently located at your chicken slaughter site.

(2) A domestic toilet is sufficient if your slaughter operation is a family operation where only family members are employed. However, if you have employees, you must provide toilet facilities at your slaughtering site or allow your employees to use your domestic toilet.

(3) Portable chemical toilets may be used if they are conveniently located with a self-closing door, screened to exclude insects, and properly maintained.

(4) All nondomestic toilet areas must be kept clean, free of trash and litter, and in good repair. All doors used to enter the nondomestic toilet area must be self-closing and must not open directly into your slaughter site.

NEW SECTION

**WAC 16-170-140 What offal and rinse water disposal requirements apply to my chicken slaughter site?** Your chicken slaughter site must be designed and maintained to ensure that the:

(1) Offal and rinse water the site generates are readily and safely removed; and

(2) Offal and rinse water do not create an unsanitary condition or contaminate:

(a) The raw whole chickens that you slaughter;

(b) Any potable water stored and used at your slaughter site;

(c) Any product contact surfaces at your slaughter site; or

(d) Any bags used to package raw whole chickens sold to your ultimate consumers.

(3) Your rinse water disposal system must not allow any backflow from or cross connection between the piping that discharges rinse water and the piping that carries potable water to the chicken slaughter area.

#### NEW SECTION

**WAC 16-170-145 How do I store my chicken slaughter equipment and utensils to prevent contamination?** (1) All of your chicken slaughter equipment and utensils must be stored so they will not become contaminated between uses.

(2) All utensils used to slaughter and prepare chickens, such as knives, scrapers, scoops, shovels, cutters, and other hand tools and equipment, must be placed or stored to prevent contact surfaces from being contaminated.

(3) Contaminated equipment and utensils must be cleaned and sanitized before they are used again.

#### NEW SECTION

**WAC 16-170-150 How do I ensure that my chicken slaughter contact surfaces are clean and maintained in a sanitary condition?**

(1) All contact surfaces of equipment, utensils, containers and other articles used in the slaughter and preparation of chickens, must be kept free of any residue or contaminant that could contaminate or adulterate (as defined in RCW 69.04.210), the raw whole chicken carcass.

(2) Residues and contaminants must frequently be removed from all slaughter and preparation contact surfaces to prevent the residues from becoming:

- (a) Unwholesome or unfit for the raw whole chicken carcass;
- (b) Decomposed, filthy, or putrid; or
- (c) Injurious to public health.

(3) All slaughter and preparation contact surfaces must be sanitized:

- (a) Before they are used; and
- (b) After they are cleaned.

(4) You must keep a separate bucket of sanitizer in your slaughter site for rinsing/storing the wipe down cloths used to sanitize all slaughter equipment and slaughter/preparation contact surfaces. The sanitizing solution in the bucket should be at a minimum 100 ppm (mg/L) for chlorine solution or 50 ppm (mg/L) for

iodine solution.

(5) Any noncarcass contact surfaces of equipment used in the slaughter of chickens must be kept reasonably free of dirt, old slaughter/preparation residues, foreign material, dust, mold, mildew, slime and other accumulations that occur as a result of the slaughter/preparation operation.

#### NEW SECTION

**WAC 16-170-155 What requirements apply to the water used in my slaughter site?** (1) Any water you use in the slaughter, preparation or sale of your chickens must be of a safe and sanitary quality, which means the water supply is potable from an approved source and is monitored according to applicable laws and rules.

(2) Processors that operate from single-family residences on private water supplies need only meet bacteriological testing requirements. Optionally, potable water may be hauled onto the site for use by the processor as long as the transport vehicle and water are of safe and sanitary quality.

(3) Copies of your water test reports must be on file at your farm and available for review by WSDA during routine slaughter site inspections.

(4) Any ice you manufacture on your farm for use in your slaughter process must be manufactured from potable water.

(5) All ice that you do not manufacture must be from an approved source.

(6) All ice that you use at your chicken slaughter site must be properly handled and stored to protect against contamination.

#### NEW SECTION

**WAC 16-170-170 What requirements apply to the storing and handling of the bags I give my customers to transport the chickens they purchase from me?** (1) All bags that you use to package the slaughtered whole chickens that you sell to your customers must be new, of food grade quality and properly handled and stored, which means they must be protected from potential sources of contamination when they are handled and stored.

(2) Methods of properly handling and storing your bags at your slaughter site include, but are not limited to:

(a) All bags must be stored off of the floor or any other unsanitary surfaces.

(b) All bags must be stored in closed boxes or cartons before they are used.

(c) Bags must be removed from the closed box or carton in a way that prevents contamination.

(d) When a slaughtered whole chicken is inserted into a bag, the bag must be handled so it and the chicken are not exposed to contamination by dust, foreign material or other contaminants.

(e) Any bag dropped on the floor or some other unsanitary surface must not be used.

#### NEW SECTION

**WAC 16-170-175 What requirements apply to the chilling and storing of slaughtered chickens?** (1) All slaughtered chickens must be chilled to a temperature at or below forty-five degrees Fahrenheit within four hours of slaughter unless the customer takes possession of the slaughtered chickens during this time.

(2) Chilling may be accomplished through the use of mechanical refrigeration, an ice chest using ice from an approved source (see WAC 16-170-155), or by being immersed in cold running water.

(3) A temperature control (TC) must be used to monitor slaughter cool down temperature by inserting a calibrated thermometer into the thickest portion of the first slaughtered carcass and monitoring the temperature to ensure proper chilling at or below forty-five degrees Fahrenheit within four hours of slaughter.

(4)(a) Slaughtered chickens can be stored for up to forty-eight hours before they are sold.

(b) During their storage period, chicken carcass temperatures must be kept at or less than forty-five degrees Fahrenheit by mechanical refrigeration equipped with a thermometer or by maintaining the carcasses in a properly designed storage container with the use of a temperature control (TC) as outlined in subsection (3) of this section.

(5) All chilled and/or stored chicken carcasses must be protected from physical, chemical, microbial contamination and deterioration.

#### NEW SECTION

**WAC 16-170-180 What recordkeeping requirements apply to my temporary special permit chicken slaughter operation?** (1) At a minimum, you must keep the following records at your farm:

(a) Your chicken slaughter dates;

(b) The number of chickens slaughtered on each slaughter date and the cumulative total of chickens slaughtered;

(c) The temperature control log monitoring proper chicken slaughter cool down and storage; and

(d) The water testing records if required by WAC 16-170-155.

(2) All records must be maintained so that the information they intend to convey is clear and understandable.

(3) All records must be available at your farm and available to department inspectors upon request.

(4) All records must be retained at the farm for six months after the expiration of the permit.