



RULE-MAKING ORDER
(RCW 34.05.360)

Adm. Order 5008

CR-103 (10/1/89)

Agency: **Agriculture**

- Permanent Rule
 Emergency Rule

(1) Date of adoption: **9/8/93**

(2) Purpose: **To adopt most current edition of Pasteurized Milk Ordinance (PMO) including new requirements for drug testing under Appendix N.**

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

Repealed:
Amended: **WAC 16-101-700**
Suspended:

(4) Authority for adoption:

Statute: **RCW 15.36**
Other Authority:

(5.1) PERMANENT RULE ONLY

Pursuant to notice filed as WSR _____ on _____ (date).

Describe any changes other than editing from proposed to adopted version:

(5.2) EMERGENCY RULE ONLY

Pursuant to 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: **PMO requirements including Appendix N must be in place before October 1, 1993 as Federal Milk Rating Officers will begin checking states for enforcement of Appendix N (tanker drug testing) on that date. Failure to be in compliance may subject milk producers to penalties/sanctions under Interstate Milk Shippers Agreement requirements. We can not legally enforce and comply until adoption of the newest edition.**

(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

Emergency Rules

- 31 days after filing
 Other (specify) _____ *
- Immediately
 Later (specify) _____

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

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON

SEP 08 1993

TIME
DATE

*1:37
93.19.099*

NAME (TYPE OR PRINT)

John Daly

SIGNATURE

[Signature]

TITLE

Acting Deputy Director

DATE **9/8/93**

AMENDATORY SECTION (Amending Order 1706, filed 6/2/80)

WAC 16-101-700 (~~(Interpretation for the enforcement of chapter 15.36 RCW relating to pasteurized milk.)~~) Adoption of the pasteurized milk ordinance as the standard for production of milk and milk products. (1) The Grade "A" Pasteurized Milk Ordinance ((1978)) 1989 Recommendation of the United States Public Health Service/Food and Drug Administration is adopted ((as the interpretation for the enforcement of those provisions of chapter 15.36 RCW relating to pasteurized milk: Provided, That the following portions of Part 1 Grade A Pasteurized Milk Ordinance and Part II Administrative Procedures shall not apply as interpretations for enforcement of chapter 15.36 RCW)) by reference as additional Washington state standards for the production of milk and milk products under chapter 15.36 RCW with the exception of the following portions.

~~((1))~~ (a) Part 1. Grade A Pasteurized Milk Ordinance:
~~((a) Section 1. Paragraph A through paragraph L 2, pages 19-~~
20.

~~(b) Section 6. Paragraph 4, pages 24-25.~~

~~(c))~~ (i) Section 7. Table 1, ((line 4,)) line 1, Temperature. . . . Cooled to 7°C (45°F) or less within two hours after milking, provided that the blend temperature after the first and subsequent milkings does not exceed 10°C (50°F); line 2, Bacterial Limits. . . . Individual producer milk not to exceed 100,000 per ml prior to commingling with other producer milk, page ((26)) 13.

(ii) Item 19r Cooling, page 17.

~~((2))~~ (b) Part II. Administrative Procedures:
~~((a) Section 1. Paragraph A through paragraph L 2, pages 35-~~
36.

~~(b) Section 6. Paragraph 4, page 42.~~

~~(c) Section 7. Table 1, line 4, page 45.~~

~~(d) Item 6r Administrative Procedures #2, page 49.)~~

(i) Section 3, paragraphs 3 and 4, page 31.
(ii) Section 7. Table 1, line 1, Temperature. . . . Cooled to 7°C (45°F) or less within two hours after milking, provided that the blend temperature after the first and subsequent milkings does not exceed 10°C (50°F); line 2, Bacterial Limits. . . . Individual producer milk not to exceed 100,000 per ml prior to commingling with other producer milk; page 42.

(iii) Section 7, Item 19r Cooling, paragraph 1, page 58.

(iv) Section 7, Item 19r Cooling, Administrative Procedures (1), page 58.

~~((e))~~ (v) Sections 9, page 105, 15, 16, and 17, page ((86))
108.

~~((f))~~ (vi) Appendix E, pages ((131-132)) 171-172.

~~((g))~~ (vii) Appendix K, page ((183)) 241-242.

~~((h) Appendix L, page 185.)~~

(viii) Appendix N: Regulatory Agency Responsibilities, B. Enforcement: Penalties.

(2) In lieu of the penalties provided under Appendix N, the following penalties for the adulteration of milk found in tanker screening samples are adopted. These penalties shall not apply to samples taken under provisions of RCW 15.36.110.

Penalties. The regulatory agency shall immediately suspend the Grade A permit of the responsible producer for a minimum of two days or equivalent penalty as determined by the regulatory agency. On the second occurrence of violative drug residues in a twelve-month period, the producer's permit shall be suspended for a minimum of four days or equivalent penalty as determined by the regulatory agency. For a third occurrence of violative drug residues in a twelve-month period, the regulatory agency shall initiate administrative procedures pursuant to revocation of the producer's permit.

As the Grade "A" Pasteurized Milk Ordinance ((1978)) 1989 Recommendation of the United States Public Health Service/Food and Drug Administration will not be codified, it should be noted that it may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.