

Case # 5093



# RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/23/95)

Agency: WASHINGTON STATE DEPARTMENT OF AGRICULTURE

- Permanent Rule
- Emergency Rule
- Expedited Repeal

(1) Date of adoption: 10 APRIL 1996

(2) Purpose:  
To set minimum qualifications for independent Sanitation Consultants for food storage warehouses.

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Repealed:  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

(4) Statutory authority for adoption: RCW 69.10.055  
Other authority:

### PERMANENT RULE ONLY

Adopted under notice filed as WSR 96-05-027 on 13 FEBRUARY 1996 (date).  
Describe any changes other than editing from proposed to adopted version:

NONE

### 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:

### EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR \_\_\_\_\_ on \_\_\_\_\_ (date).

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

- Yes
  - No
- If Yes, explain:

(6) Effective date of rule:

- |  |  |
|--|--|
| <b>Permanent Rules</b>                                   | <b>Emergency Rules</b>                         |
| <input checked="" type="checkbox"/> 31 days after filing | <input type="checkbox"/> Immediately           |
| <input type="checkbox"/> Other (specify) _____ *         | <input type="checkbox"/> 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) James M. Jesernig

SIGNATURE *James M. Jesernig*

TITLE Director DATE 4/10/96

### CODE REVISER USE ONLY

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

APR 10 1996

TIME: 2:55  
WSR: 96-09-037 AM



Chapter 16-168 WAC

APPROVED INDEPENDENT SANITATION CONSULTANTS FOR FOOD STORAGE  
WAREHOUSES

NEW SECTION

WAC 16-168-010 What is the purpose of this rule? These rules set minimum qualifications for independent sanitation consultants for food storage warehouses.

NEW SECTION

WAC 16-168-020 Where does the department get authority to establish these rules? Under RCW 69.10.055.

NEW SECTION

WAC 16-168-030 Where can I find the definitions for terms used in this rule? (1) Chapter 69.10 RCW.  
(2) Chapter 69.04 RCW.

NEW SECTION

WAC 16-168-040 How is independent sanitation consultant for food storage warehouses defined in RCW 69.10.005(5)? "Independent sanitation consultant" means an individual, partnership, cooperative, or corporation that by reason of education, certification, and experience has satisfactorily demonstrated expertise in food and dairy sanitation and is approved by the director to advise on such areas including, but not limited to: Principles of cleaning and sanitizing food processing plants and equipment; rodent, insect, bird, and other pest control; principals [principles] of hazard analysis critical control point; basic food product labeling; principles of proper food storage and protection; proper personnel work practices and attire; sanitary design,

construction, and installation of food plant facilities, equipment, and utensils; and other pertinent food safety issues."

#### NEW SECTION

**WAC 16-168-050 What are the minimum qualifications for an approved independent sanitation consultant for warehouses? Education and experience:**

(1) A bachelor's degree in biology, chemistry, microbiology, food science, dairy science or a related natural science plus three years experience inspecting food storage warehouses or similar operations for compliance with the Current Good Manufacturing Regulations, 21 CFR part 110 (GMPs); or

(2) Three years of college completed with study in the above subjects plus five years experience inspecting food storage warehouses or similar operations for compliance with the GMPs; or

(3) Two years of college completed with study in the above subjects plus seven years experience inspecting food storage warehouses or similar operations for compliance with the GMPs; or

(4) Eight years experience inspecting food storage warehouses or similar operations for compliance with the GMPs plus verifiable training in pest control, cleaning practices, food storage warehouse inspection or application of the GMPs.

#### NEW SECTION

**WAC 16-168-060 How do I apply for approval?** (1) Obtain an application from the department.

(2) Complete the application, listing your qualifications.

(3) Each applicant must sign the application and have their signature notarized.

(4) Return the application to the address listed on the application.

#### NEW SECTION

**WAC 16-168-070 How will I know if my application was approved? If you are successful, you will receive a card identifying you as an approved independent sanitation consultant for food storage warehouses. Your name will also appear on a list of approved independent sanitation consultants for food storage warehouses available on request from the department.**

The department will notify applicants who don't meet minimum qualifications or who submit incomplete applications within twenty-one working days in writing.

NEW SECTION

**WAC 16-168-080** What would cause the department to deny or withdraw approval of my application? The department may withdraw or deny approval to independent sanitation consultants or applicants under the following circumstances:

(1) For knowingly making false or inaccurate statements regarding qualifications on an application.

(2) For failing to accurately report violative conditions present in food storage warehouse at the time of inspection.

(3) For knowingly making or acquiescing in false or inaccurate statements on inspection reports as to the date of the inspection, findings, corrective actions taken, or any other statement material to the compliance status of a warehouse.

NEW SECTION

**WAC 16-168-090** Do I have a right to appeal denial of my application or withdrawal of my approved status? Yes, you have rights of appeal within twenty days of notice of such action under chapter 34.05 RCW, the Administrative Procedure Act.

NEW SECTION

**WAC 16-168-100** What are the reporting requirements for inspections by independent sanitation consultants for food storage warehouses? Reporting must be adequate to reflect the level of compliance with the GMPs.