



RULE-MAKING ORDER
(RCW 34.05.360)

#6006

CR-103 (4/25/96)

Agency: Department of Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Repeal

(1) Date of adoption: November 27, 1996

(2) Purpose: To establish criteria for penalties that are imposed on when a degrade action is taken by the department and to establish criteria when a dairy producer or processing plant license may be revoked.

(3) Citation of existing rules affected by this order: None

Repealed:

Amended:

Suspended:

(4) Statutory authority for adoption: RCW 15.36.021

Other Authority: N/A

PERMANENT RULE ONLY

Adopted under notice filed as WSR 96-18-037 and 96-23-013 on August 29, 1996 and November 12, 1996 (date). Describe any changes other than editing from proposed to adopted version:

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 or effectiveness of rule?:

- Yes
 - No
- If Yes, explain:

(6) Effective date of rule:

Emergency Rules

**Permanent Rules
or Expedited Repeal**

- 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)

Name (Type or Print)
James M. Jesernig

Signature
James M. Jesernig

Title
Director of Agriculture

Date
November 27, 1996

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON

11/27/1996

TIME: 1:46 pm
MSR: 96-24-058

**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:

Federal statute:	New	Amended	Repealed
Federal rules or standards:	New	Amended	Repealed
Recently enacted state statutes:	New <u>3</u>	Amended	Repealed

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

New	Amended	Repealed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

New <u>3</u>	Amended	Repealed
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	Amended	Repealed
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The number of sections adopted using:

Negotiated rule making:	New	Amended	Repealed
Pilot rule making:	New	Amended	Repealed
Other alternative rule making:	New <u>3</u>	Amended	Repealed

CHAPTER 16-101X - DEGRADES, LICENSE SUSPENSIONS AND REVOCATIONS FOR DAIRY PRODUCERS AND PROCESSORS

NEW SECTION

WAC 16-101X-010 UNDER WHAT CIRCUMSTANCES WILL THE DIRECTOR DEGRADE A DAIRY FARM OPERATION OR A MILK PROCESSING PLANT OPERATION?

(1) The director shall call for a degrade of a dairy farm operation of a producer or a Grade A milk processing plant operation for one or more repeat violations of Chapter 15.36 RCW, or rules adopted thereunder, which are noted on consecutive inspections as provided in RCW 15.36.111.

(2) For purposes of this chapter, "degrade" means the lowering in grade from grade A to grade C.

NEW SECTION

WAC 16-101X-020 HOW IS THE LENGTH OF A DEGRADE OF A PRODUCER OR A MILK PROCESSING PLANT DETERMINED?

The length of a degrade of a dairy farm operation or a grade A milk processing plant operation shall be based on the total number of debit points awarded to repeat violations as provided in WAC 16-101X-030 or until the director determines the violations that caused the degrade are corrected, whichever is longer. The schedule for determining a degrade period is as follows.

TOTAL DEBIT POINTS

DEGRADE PERIOD

1-10	2 Days
11-15	4 Days
16-20	6 Days
21-30	8 Days
31-40	10 Days
41-50	12 Days
51 or more	14 Days

NEW SECTION

WAC 16-101X-050 UNDER WHAT CIRCUMSTANCES MAY THE DIRECTOR INITIATE REVOCATION ACTION AGAINST THE GRADE A LICENSE OF A PRODUCER OR PROCESSOR?

The Director may initiate revocation proceedings against a dairy producer or milk processor whenever that producer or processor has had his or her milk processing plant operation or dairy farm operation degraded for repeated violations and/or had his or her grade A producer's license or milk processing plant license suspended and/or his or her milk degraded due to temperature violations, excessive coliform bacteria counts, total bacterial counts, or somatic cell counts, more than four times within a continuous three year period. A license may also be revoked as provided for in RCW 15.36.401 or RCW 15.36.411.