



RULE-MAKING ORDER

CR-103 (7/10/97)

(RCW 34.05.360)

Agency: Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of adoption: January 21, 1998

(2) Purpose: This amendment to current rule will clarify language, require Independent Sanitation Consultants to reapply every other year so that list remains current, clarify appeal procedures, clarify minimum reporting requirements and reporting by sanitation consultants.

(3) Citation of existing rules affected by this order: WAC 16-168-010 to WAC 16-168-100

Repealed: 0
 Amended: 10
 Suspended: 0

(4) Statutory authority for adoption: RCW 69.10.055

Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 97-24-073 on December 2, 1997 (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 or effectiveness of rule?:

- Yes No If Yes, explain:

(6) Effective date of rule:

- | | |
|--|--|
| Permanent Rules
or Expedited Repeal | Emergency Rules |
| <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)

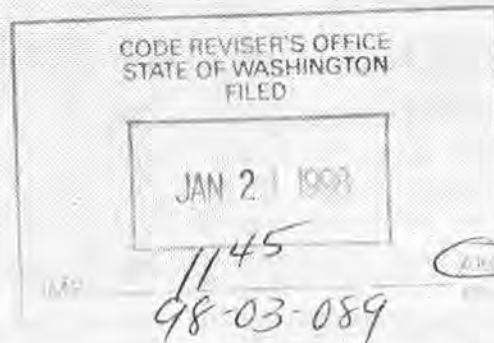
Name (Type or Print)
Jim Jesernig

Signature

Title
Director

Date
January 21, 1998

CODE REVISER USE ONLY



**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	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

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

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in the agency's own initiative:

	New	<u>1</u>	Amended	<u>10</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

	New	<u>1</u>	Amended	<u>10</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>1</u>	Amended	<u>10</u>	Repealed	<u>0</u>

AMENDATORY SECTION (Amending Order 5093, filed 4/10/96, effective 5/11/96)

WAC 16-168-010 Independent sanitation consultants--What is the purpose of ((this)) these rules? ((These rules set minimum qualifications for independent sanitation consultants for food storage warehouses.)) The purpose of WAC 16-168-010 through 16-168-090 is to establish minimum qualifications, application approval procedures, list maintenance and reporting requirements for independent sanitation consultants.

AMENDATORY SECTION (Amending Order 5093, filed 4/10/96, effective 5/11/96)

WAC 16-168-020 Independent sanitation consultants--Where does the department get authority to establish these rules? The department is given authority under RCW 69.10.055 for promulgating these rules.

AMENDATORY SECTION (Amending Order 5093, filed 4/10/96, effective 5/11/96)

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

~~(2) Chapter 69.04 RCW.~~) The definitions for terms used in this chapter may be found in chapters 69.04 and 69.10 RCW and WAC 16-167-050 (2) (k). For the purposes of this chapter, the term "we" means department as defined in chapter 69.10 RCW.

AMENDATORY SECTION (Amending Order 5093, filed 4/10/96, effective 5/11/96)

WAC 16-168-040 How is independent sanitation consultant ((for food storage warehouses)) defined in RCW 69.10.005(5)? The definition for independent sanitation consultants found in RCW 69.10.005(5) states: "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."

AMENDATORY SECTION (Amending Order 5093, filed 4/10/96, effective 5/11/96)

WAC 16-168-050 What are the minimum qualifications for an ((approved)) independent sanitation consultant ((for warehouses))? The minimum qualifications for an independent sanitation consultant are:

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.

AMENDATORY SECTION (Amending Order 5093, filed 4/10/96, effective 5/11/96)

WAC 16-168-060 How do I apply for approval as an independent sanitation consultant? The steps in applying for approval as an independent sanitation consultant are:

(1) Obtain an application from the department.

(2) Complete the application, listing your qualifications.

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

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

AMENDATORY SECTION (Amending Order 5093, filed 4/10/96, effective 5/11/96)

WAC 16-168-070 How will I know if my application for independent sanitation consultant 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.)~~ On approval of your application for independent sanitation consultant, we will send you an identification card and place your name on a list of approved independent sanitation consultants that is available on request from the department.

If we are not able to approve your application for independent sanitation consultant, we will notify you and tell you why within twenty-five working days after receiving the application.

NEW SECTION

WAC 16-168-075 How long will I stay on the list of independent sanitation consultants? Your name will stay on the list of approved independent sanitation consultants as long as you continue to indicate that you wish to remain on the list. The department will mail out information requests by April 1 of each even-numbered year to all approved independent sanitation consultants.

If you want to remain on the list, fill out the request with your current information, indicate that you want to remain on the list and return it to the department no later than May 1.

If you do not want to remain on the list, you can return the request indicating you no longer wish to be listed as an approved independent sanitation consultant by May 1. If you do not return the request your name will also be removed from the list.

It is the responsibility of the independent sanitation consultants to notify the department of address changes. If we are unable to locate you at the address or telephone number listed with us, we will remove your name from the list.

Your name will return to the list upon receipt of your request and new information.

AMENDATORY SECTION (Amending Order 5093, filed 4/10/96, effective 5/11/96)

WAC 16-168-080 What would cause the department to deny or withdraw approval of my application for approved independent

sanitation consultant? The department may withdraw or deny approval ~~((to))~~ of independent sanitation consultants or applicants under the following circumstances:

~~((1))~~ (1) For failing to meet the minimum qualifications in WAC 16-168-050.

~~((2))~~ (2) For knowingly making false or inaccurate statements regarding qualifications on an application.

~~((2))~~ (3) For failing to accurately report violative conditions present in food storage warehouse at the time of inspection.

~~((3))~~ (4) 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.

AMENDATORY SECTION (Amending Order 5093, filed 4/10/96, effective 5/11/96)

WAC 16-168-090 Do I have a right to appeal denial of my application or withdrawal of my approved status as an independent sanitation consultant? Yes, you have ~~((rights of appeal within twenty days of notice of such action under chapter 34.05 RCW, the Administrative Procedure Act))~~ a right to appeal denial of approval or withdrawal of approval as an independent sanitation consultant under provisions of chapter 34.05 RCW, the Administrative Procedure Act and chapter 16-08 WAC, the department's practice and procedure rules.

AMENDATORY SECTION (Amending Order 5093, filed 4/10/96, effective 5/11/96)

WAC 16-168-100 What are the reporting requirements for food storage warehouse inspections made by independent sanitation consultants ~~((for food storage warehouses))~~? ~~((Reporting must be adequate to reflect the level of compliance with the GMPs.))~~ You can meet reporting requirements for independent sanitation consultants by using a standard food storage warehouse inspection form provided by the department or by using your own form if it covers and indicates visual inspection of at least the following points:

STORAGE CONDITIONS

1. Are incoming lots examined visually for damage or contamination prior to placement in storage?
2. Are food products stored off the floor and away from walls?
3. Does firm maintain a morgue area for damaged and returned goods, sufficiently away from main storage area?
4. Are morgue items disposed of in a proper and timely manner to prevent a source of pest breeding and harborage?

5. Are fertilizers, toxic chemicals, and other potential adulterants adequately separated from human food storage areas?
6. Are rodenticides and insecticides properly used and stored?
7. Are refrigerated storage and frozen storage maintained at proper temperatures, 45 degrees or less?
8. Are cold storage units equipped with suitable thermometers?
9. Is storage area free of evidence of current insect, rodent, bird, etc., activity?

BUILDING AND GROUNDS

1. Are outside premises free from spillage, trash, etc., which may attract or harbor rodents or other pests?
2. Is adequate drainage provided to avoid contamination of facilities and products?
3. Is the building of suitable construction and generally in good physical repair?
4. Are floors, walls and ceilings constructed of easily cleanable materials and kept clean?
5. Are doors, windows and other openings protected to eliminate entry by insects, rodents and other pests? Are open windows screened and are loading doors kept closed when not in use?
6. Is interior lighting sufficient to allow adequate inspection and cleaning of premises?
7. Are food products and processing areas protected against contamination from breakage of light bulbs and other glass fixtures?
8. Does firm have a scheduled cleaning and pest control program, including at least weekly inspection by qualified employees?

SANITARY OPERATIONS

1. Is cleaning of facilities done in such a manner as to avoid contamination of food products?
2. Are detergents, sanitizers, hazardous materials and other supplies used in a safe and effective manner?
3. Are cleaning compounds and hazardous materials kept in original containers, stored separate from food products?
4. Is all refuse properly stored and protected where necessary from insects, rodents and other pests and disposed of in an adequate manner?

TOILETS, DRESSING ROOMS AND EMPLOYEES

1. Are toilets and dressing rooms in good repair, clean, properly ventilated and adequately separated from storage areas?
2. Are handwashing facilities clean and supplied with soap, hot water and sanitary towels?