

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1766

(1) I, Michael Schwisow Deputy, director of Agriculture

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to: Interpretation for enforcement of Chapter 15.36 relating to processing, packaging and sale of aseptically packaged milk, adding new sections to WAC 16-101.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. WSR 82-12-042 filed with the code reviser on 5/28/82. Such rules shall take effect:

- [x] pursuant to RCW 34.04.040(2).
[] at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

- [x] (a) This rule is promulgated pursuant to RCW 15.36 and is intended to administratively implement that statute.
[] (b) This rule is promulgated pursuant to RCW which directs that the

(agency) has authority to implement the provisions of

(name of act or RCW citation)

- [] (c) This rule is promulgated under the general rule-making authority of the

(agency) as authorized in RCW

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this agency is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED June 25 19 82 FILED

JUN 28 1982

By [Signature] Deputy Director Title

CODE REVISER'S OFFICE WSR 82-14-014

NEW SECTION

WAC 16-101-715 ASEPTICALLY PROCESSED MILK AND MILK PRODUCTS. Section 1, Paragraph N, Part 1, Grade "A" Pasteurized Milk Ordinance, Page 20, 2nd Paragraph, Item N, shall be changed to read:

This definition is not intended to include (~~such products as sterilized milk and~~) milk products (~~hermetically sealed in a container and so processed either before or after sealing as to prevent microbial spoilage~~) such as evaporated milk, evaporated skim milk, condensed milk (sweetened or unsweetened), dietary products (except as defined herein), infant formula, ((butter)) ^{1) vwe} ice cream and other frozen desserts, dry milk products (except as defined herein), canned eggnog in a rigid metal container, butter or cheese except when they are combined with other substances to produce any pasteurized or aseptically processed milk or milk products defined herein.

Aseptically Processed Milk and Milk Products are products hermetically sealed in a container and so thermally processed in conformance with 21 CFR 113 and 108 (adopted in 1975) and the provision of this ordinance so as to render the product free from microorganisms capable of reproducing in the product under normal nonrefrigeration conditions of storage and distribution. This product shall be free of viable microorganisms (including spores) of public health significance.

NEW SECTION

WAC 16-101-720 ASEPTIC PROCESSING. Paragraph S2, Page 21 shall read:

Aseptic Processing - the term aseptic processing when used to describe a milk product means that the product has been subjected to sufficient heat processing, and packaged in a hermetically sealed container, to conform to the applicable requirements of 21 CFR 113 and the provisions of Section 7, Item 16 p of this ordinance and maintain commercial sterility of the product under normal nonrefrigerated conditions. ^{vwe}

NEW SECTION

WAC 16-101-725 LABELING. Section 4, Labeling, Part 1, Grade A Pasteurized Milk Ordinance, Page 23, shall be changed to read:

5. The words "keep refrigerated after opening" in the case of aseptically processed milk and milk products.

6. In the case of aseptically processed and packaged milk and milk products, words that are acceptable to F.D.A.

7. The word "ultrapasteurized" if the milk or milk product has been ultrapasteurized.

NEW SECTION

WAC 16-101-730 ASEPTICALLY PROCESSED MILK—SUSPENSION OF GRADE A PERMIT. A new paragraph is added to Section 6, Page 25, Part 1, Grade "A" Pasteurized Milk Ordinance to read: ^{vwe}

Whenever a container or containers of aseptically processed milk or milk products is found to be unsterile due to underprocessing, the regulatory agency shall consider this to be

an imminent hazard to public health and shall suspend the permit of the milk plant for sale of aseptically processed milk and milk products. No aseptically processed milk or milk product shall be sold until it can be shown that the processes, equipment and procedures used are suitable for consistent production of a sterile product. All products from the lot that are found to contain one or more unsterile units shall be recalled and disposed of as directed by the regulatory agency.

NEW SECTION

WAC 16-101-735 PROCESSING. Section 7, Paragraphs one and two, Page 25, Part 1, Grade "A" Pasteurized Milk Ordinance are changed to read:

All Grade "A" raw milk for pasteurization, ultrapasteurization or aseptic processing and all Grade "A" pasteurized, ultrapasteurized or aseptically processed milk and milk products shall be produced, processed and pasteurized, ultrapasteurized or aseptically processed to conform with the following chemical, bacteriological and temperature standards and the sanitation requirements of this section.

No process or manipulation other than pasteurization, ultrapasteurization or aseptic processing, processing methods integral therewith, and appropriate refrigeration shall be applied to milk and milk products for the purpose of removing or deactivating microorganisms.

To Section 7, Table 1, add lines 10, 11 and 12, Page 26.

Grade A Aseptically Processed Milk Products

<u>temperature</u>	<u>none</u>
<u>bacterial limit</u>	<u>no growth by test specified in Section 6</u>

Antibiotics - No zone equal to or greater than sixteen mm with Bacillus Stearothermophilus disc assay method.

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NEW SECTION

WAC 16-101-740 SANITATION REQUIREMENTS. Sanitation requirements for Grade "A" pasteurized, ultrapasteurized and aseptically processed milk and milk products.

Item 16 p, Pasteurization shall be changed to read:

Pasteurization shall be performed as defined in Section 1, Definition S of this ordinance. Aseptic processing shall be performed in accordance with 21 CFR 113 and 108 (adopted in 1975).

Item 17 p, Cooling of Milk

PROVIDED, That aseptically processed milk and milk products to be packaged in hermetically sealed containers shall be exempt from the cooling requirements of this item.