

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Agriculture
(agency name)

Administrative Order No. 1877

(1) I, C. Alan Pettibone, director of the Washington State Department of Agriculture do promulgate and adopt at Olympia, Washington (place) the annexed rules relating to:

WAC 16-654, Frozen Dessert Container Sizes

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

This action is taken pursuant to Notice No. 86-01-0795 filed with the code reviser on 12/18/85. These rules shall take effect: [X] thirty days after they are filed with the code reviser 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 this 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 the emergency is:

These 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 19.94.420 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(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 January 28, 1986

By Deputy Director Title

STATE OF WASHINGTON FILED

JAN 29 1986

CODE REVISER'S OFFICE

WSR 86-04-026



STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE

300 General Administration Bldg. - 1111 • Olympia, Washington 98501

DATE: January 27, 1986

TO: James Wommack, Asst. Director
Supervisor, Dairy & Food Division

FROM: Stuart DeLaney *SD*

RE: Public Hearing on Size of
Frozen Dessert Containers

This hearing was held at 9:30 a.m., January 23, 1986 in the General Administration Building in Olympia. Three persons from the Department of Agriculture attended, as well as five interested persons representing the dairy industry or manufacturers of packaging.

Each interested person supported adoption of the rule in their testimony.

Written testimony from Flett Dairy and Ropak-Capilano (a manufacturer), and personal statements to the Hearing Officer the day before the hearing by Weights and Measures officials of Seattle and Everett, supported the rule.

My recommendation is to adopt the rule as currently set forth

SD:po



STATE OF WASHINGTON

DEPARTMENT OF AGRICULTURE

406 General Administration Bldg. AX-41 • Olympia, Washington 98501-5064

Date: January 28, 1986

To: C. Alan Pettibone, Director

From: *JW* James Wommack, Asst. Director, Dairy and Food Div

RE: Public Hearing on Frozen Dessert Containers

As supported by Stuart DeLaney, Hearing Officer I recommend that the attached rule be adopted.

JEW/jc

attachments

PROPOSED CHANGES IN FROZEN DESSERT CONTAINER SIZES

NEW SECTION:

WAC 16-654-050 FROZEN DESSERTS: All frozen desserts as defined in WAC 16-144-010 shall be packaged for retail sale only in units of:

(1) Inch-Pound Volumes - one liquid pint, one liquid quart, one half gallon or one gallon. Packages larger than one gallon shall be sold in increments of one quart.

(2) Metric Volumes - 473 milliliters, 946 milliliters, 1.89 liters or 3.78 liters. Packages larger than 3.78 liters shall be sold in increments of 946 milliliters.

(3) Metric Volumes - 500 milliliters, 1 liter, 2 liters or 4 liters. Packages larger than 4 liters shall be sold in increments of one liter.

(4) Inch-Pound Weights - 4.5 pounds per gallon of ice cream, French custards and ice milk, and 6 pounds per gallon for sherbet and water ices.

(5) Metric Weight - 2.16 kilograms per 4 liters for ice cream, French custards and ice milk, 2.88 kilograms per 4 liters of sherbet and water ices.

NEW SECTION:

WAC 16-654-060 NOVELTY ITEMS: Frozen Desserts packaged for retail sales in less than one pint or 473 milliliter containers shall be considered "novelty items" and may be sold in any size package that is labeled in conformance with WAC 16-666.

Corrected Copy