



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (4/25/96)

Agency: Department of Agriculture

- Permanent Rule
 Emergency Rule
 Expedited Repeal

(1) Date of adoption: November 4, 1996

(2) Purpose: To adopt the 1995 version of the Pasteurized Milk Ordinance (PMO) to update requirements and standards for the production and processing of milk as directed by RCW 15.36.021(3).

(3) Citation of existing rules affected by this order: WAC 16-101-700

Repealed: 0
 Amended: 1
 Suspended: 0

(4) Statutory authority for adoption: RCW 15.36.021(3).

Other Authority:

PERMANENT RULE ONLY

Adopted under notice filed as WSR 96-18-084 on 9/3/96 (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:

Permanent Rules **Emergency Rules**
or Expedited Repeal

- 31 days after filing Immediately
 Other (specify) _____ * 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

11/4/96

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
 STATE OF WASHINGTON
 FILED

NOV 14 1996

TIME 8:43
 WSR 96-22-058

**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	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>1</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	Repealed	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	Repealed	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>
-----	----------	---------	----------	----------	----------

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

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
-----	----------	---------	----------	----------	----------

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>
-----	----------	---------	----------	----------	----------

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>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

AMENDATORY SECTION (Amending Order 5021, filed 11/30/93, effective 12/31/93)

WAC 16-101-700 Adoption of the pasteurized milk ordinance as the standard for production of milk and milk products. (~~((+1))~~) The Grade "A" Pasteurized Milk Ordinance (~~((1989))~~) 1995 Recommendation of the United States Public Health Service/Food and Drug Administration is adopted by reference as additional Washington state standards for the production of milk and milk products under chapter 15.36 RCW with the exception of the following portions.

(a) Part 1. Grade A Pasteurized Milk Ordinance:

(i) Section 3, Permits, paragraphs 3 and 4, page 8.

(ii) Section 7. Table 1, line 1, Temperature. . . . Cooled to 7°C (45°F) or less within two hours after milking, provided that the blend temperature after the first and subsequent milkings does not exceed 10°C (50°F); line 2, Bacterial Limits. . . . Individual producer milk not to exceed 100,000 per ml prior to commingling with other producer milk, page (~~((13))~~) 14.

(~~((+ii))~~) (iii) Item 19r Cooling, page (~~((17))~~) 19.

(b) Part II. Administrative Procedures:

(i) Section 3, Permits, paragraphs 3 and 4, page (~~((31))~~) 38.

(ii) Section 7. Table 1, line 1, Temperature. . . . Cooled to 7°C (45°F) or less within two hours after milking, provided that the blend temperature after the first and subsequent milkings does not exceed 10°C (50°F); line 2, Bacterial Limits. . . . Individual producer milk not to exceed 100,000 per ml prior to commingling with other producer milk; page (~~((42))~~) 51.

(iii) Section 7, Item 19r Cooling, paragraph 1, page (~~((58))~~) 70.

(iv) Section 7, Item 18r Cooling, paragraph 1, page 69A.

(v) Section 7, Item 19r Cooling, Administrative Procedures (1), page (~~((58))~~) 70.

(~~((+v))~~) (vi) Section 7, Item 18r Cooling, Administrative Procedures (1), page 70A.

(vii) Sections 9, page (~~((105))~~) 121, 15, 16, and 17, page (~~((108))~~) 126.

(~~((+vi))~~) (viii) Appendix E, pages (~~((171-172))~~) 189-190.

(~~((+vii))~~) (ix) Appendix K, page (~~((241-242))~~) 261-262.

(~~((+viii))~~) (x) Appendix N: (~~((1/1/92 addition))~~) Regulatory Agency Responsibilities, B. Enforcement: (~~((Penalties-~~

~~((2) In lieu of the penalties provided under Appendix N, the following penalties for the adulteration of milk found in tanker screening samples are adopted. These penalties shall not apply to samples taken under provisions of RCW 15.36.110.~~

~~Penalties. The regulatory agency shall immediately suspend the Grade A permit of the responsible producer for a minimum of two days or equivalent penalty as determined by the regulatory agency. On the second occurrence of violative drug residues in a twelve-month period, the producer's permit shall be suspended for a minimum of four days or equivalent penalty as determined by the regulatory agency. For a third occurrence of violative drug residues in a twelve month period, the regulatory agency shall~~

~~initiate administrative procedures pursuant to revocation of the producer's permit.~~

~~As the Grade "A" Pasteurized Milk Ordinance 1989 Recommendation of the United States Public Health Service/Food and Drug Administration will not be codified, it should be noted that it may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402))~~
Reinstatement, page 316.