
HOUSE BILL 2132

State of Washington

54th Legislature

1996 Regular Session

By Representatives Chandler, Chappell, Grant, Mastin, Regala and Johnson; by request of Department of Agriculture

Read first time 01/08/96. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to the department of agriculture grants of rule-
2 making authority; and amending RCW 15.36.021, 15.58.040, and 16.70.040.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 15.36.021 and 1994 c 143 s 103 are each amended to
5 read as follows:

6 The director of agriculture (~~may~~) is authorized to:

7 (1) Adopt rules necessary to carry out the purposes of chapters
8 15.36 and 15.38 RCW, which includes rules governing the farm storage
9 tank and bulk milk tanker requirements, however the rules may not
10 restrict the display or promotion of products covered under this
11 section.

12 (2) By rule, establish, amend, or both, definitions and standards
13 for milk and milk products. Such definitions and standards established
14 by the director shall conform, insofar as practicable, with the
15 definitions and standards for milk and milk products adopted by the
16 federal food and drug administration. The director of agriculture, by
17 rule, may likewise establish, amend, or both, definitions and standards
18 for products whether fluid, powdered or frozen, compounded or
19 manufactured to resemble or in semblance or imitation of genuine dairy

1 products as defined under the provisions of this chapter. Such
2 products made to resemble or in semblance or imitation of genuine dairy
3 products shall conform with all the provisions of chapter 15.38 RCW and
4 be made wholly of nondairy products.

5 All such products compounded or manufactured to resemble or in
6 semblance or imitation of a genuine dairy product shall set forth on
7 the container or labels the specific generic name of each ingredient
8 used.

9 In the event any product compounded or manufactured to resemble or
10 in semblance or imitation of a genuine dairy product contains vegetable
11 fat or oil, the generic name of such fat or oil shall be set forth on
12 the label. If a blend or variety of oils is used, the ingredient
13 statement shall contain the term "vegetable oil" in the appropriate
14 place in the ingredient statement, with the qualifying phrase following
15 the ingredient statement, such as "vegetable oils are soybean,
16 cottonseed and coconut oils" or "vegetable oil, may be cottonseed,
17 coconut or soybean oil."

18 The labels or containers of such products compounded or
19 manufactured to resemble or in semblance or imitation of genuine dairy
20 products shall not use dairy terms or words or designs commonly
21 associated with dairying or genuine dairy products, except as to the
22 extent that such words or terms are necessary to meet legal
23 requirements for labeling. The term "nondairy" may be used as an
24 informative statement.

25 (3) By rule adopt the PMO, DMO, and supplemental documents by
26 reference to establish requirements for grade A pasteurized and grade
27 A raw milk.

28 (4) Adopt rules establishing standards for grade A pasteurized and
29 grade A raw milk that are more stringent than the PMO based upon
30 current industry or public health information for the enforcement of
31 this chapter whenever he or she determines that any such rules are
32 necessary to carry out the purposes of this section and RCW 15.36.481.
33 The adoption of rules under this chapter, or the holding of a hearing
34 in regard to a license issued or that may be issued under this chapter
35 are subject to the applicable provisions of chapter 34.05 RCW, the
36 administrative procedure act.

37 (5) By rule, certify an officially designated laboratory to analyze
38 milk for standard of quality, adulteration, contamination, and
39 unwholesomeness.

1 **Sec. 2.** RCW 15.58.040 and 1991 c 264 s 2 are each amended to read
2 as follows:

3 (1) The director shall administer and enforce the provisions of
4 this chapter and rules adopted under this chapter. All the authority
5 and requirements provided for in chapter 34.05 RCW (Administrative
6 Procedure Act) and chapter 42.30 RCW shall apply to this chapter in the
7 adoption of rules including those requiring due notice and a hearing
8 for the adoption of permanent rules.

9 (2) The director is authorized to adopt appropriate rules for
10 carrying out the purpose and provisions of this chapter, including but
11 not limited to rules providing for:

12 (a) Declaring as a pest any form of plant or animal life or virus
13 which is injurious to plants, people, animals (domestic or otherwise),
14 land, articles, or substances;

15 (b) Determining that certain pesticides are highly toxic to people.
16 For the purpose of this chapter, highly toxic pesticide means any
17 pesticide that conforms to the criteria in 40 C.F.R. Sec. 162.10 for
18 toxicity category I due to oral inhalation or dermal toxicity. The
19 director shall publish a list of all pesticides, determined to be
20 highly toxic, by their common or generic name and their trade or brand
21 name if practical. Such list shall be kept current and shall, upon
22 request, be made available to any interested party;

23 (c) Determining standards for denaturing pesticides by color,
24 taste, odor, or form;

25 (d) The collection and examination of samples of pesticides or
26 devices;

27 (e) The safe handling, transportation, storage, display,
28 distribution, and disposal of pesticides and their containers;

29 (f) Restricting or prohibiting the use of certain types of
30 containers or packages for specific pesticides. These restrictions may
31 apply to type of construction, strength, and/or size to alleviate
32 danger of spillage, breakage, misuse, or any other hazard to the
33 public. The director shall be guided by federal regulations concerning
34 pesticide containers;

35 (g) Procedures in making of pesticide recommendations;

36 (h) Adopting a list of restricted use pesticides for the state or
37 for designated areas within the state if the director determines that
38 such pesticides may require rules restricting or prohibiting their
39 distribution or use. The director may include in the rule the time and

1 conditions of distribution or use of such restricted use pesticides and
2 may, if it is found necessary to carry out the purpose and provisions
3 of this chapter, require that any or all restricted use pesticides
4 shall be purchased, possessed, or used only under permit of the
5 director and under the director's direct supervision in certain areas
6 and/or under certain conditions or in certain quantities or
7 concentrations. The director may require all persons issued such
8 permits to maintain records as to the use of all the restricted use
9 pesticides;

10 (i) Label requirements of all pesticides required to be registered
11 under provisions of this chapter;

12 (j) Regulating the labeling of devices; ~~((and))~~

13 (k) The establishment of criteria governing the conduct of a
14 structural pest control inspection; and

15 (l) Declaring crops, when grown to produce seed specifically for
16 crop reproduction purposes, to be nonfood and/or nonfeed sites of
17 pesticide application. The director may include in the rule any
18 restrictions or conditions regarding: (i) The application of
19 pesticides to the designated crops; and (ii) the disposition of any
20 portion of the treated crop.

21 (3) For the purpose of uniformity and to avoid confusion
22 endangering the public health and welfare the director may adopt rules
23 in conformity with the primary pesticide standards, particularly as to
24 labeling, established by the United States environmental protection
25 agency or any other federal agency.

26 **Sec. 3.** RCW 16.70.040 and 1971 c 72 s 4 are each amended to read
27 as follows:

28 (1) The secretary, with the advice and concurrence of the director
29 of the department of agriculture, shall be authorized to develop rules
30 ~~((and regulations))~~ for proposed adoption by the board relating to the
31 importation, movement, sale, transfer, or possession of pet animals as
32 defined ~~((herein))~~ in RCW 16.70.020 which are reasonably necessary for
33 the protection and welfare of the people of this state.

34 (2) The director of the department of agriculture shall also be
35 authorized to adopt rules to allow administration of permits for those

1 pet animals under subsection (1) of this section by the state
2 veterinarian.

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