

**Chapter 16-167 WAC
INTRASTATE COMMERCE IN FOODS**

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WAC

16-167-010	General.
16-167-020	Pesticide chemicals.
16-167-030	Food additives.
16-167-040	Color additives.
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16-167-900	Access to publications adopted under this chapter.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-167-060 Compliance policy guidelines. [Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020. WSR 98-09-048, § 16-167-060, filed 4/15/98, effective 5/16/98. Statutory Authority: 69.04.392, 69.04.394, 69.04.398 and 69.07.020. WSR 95-02-017 (Order 5065), § 16-167-060, filed 12/27/94, effective 1/27/95.] Repealed by WSR 16-22-061, filed 10/31/16, effective 12/1/16. Statutory Authority: RCW 69.04.740, 69.07.020, 69.10.055, 15.36.021, 69.22.020 and Chapter 34.05 RCW.

WAC 16-167-010 General. (1) Consistent with the concept of uniformity where possible with the federal regulations adopted under the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 301 et seq., this chapter adopts the version of the referenced federal rule current at the time this rule becomes effective.

(2) To promote continued uniformity with federal rules; amendments to the federal rules referenced in this chapter are hereby incorporated and enforceable under this chapter upon the effective date of the federal amendment provided:

(a) The director of the Washington state department of agriculture or his or her authorized representative (director) gives notice of the federal rule amendment at the time it is published as a final rule in the Federal Register;

(b) The notice is published, at a minimum, in the state register and on the agency's website; and

(c) The director has not otherwise determined that the amendment should not be adopted as provided in subsection (3) of this section.

(3) If the director determines that a proposed amendment to a federal rule referenced in this chapter should not be adopted, the director shall initiate rule making under chapter 34.05 RCW to amend this chapter to reflect the version of the federal rule, if any, effective under this chapter.

[Statutory Authority: RCW 15.30.120, 69.07.020, 69.10.055, and 16.49.025. WSR 20-17-020, § 16-167-010, filed 8/6/20, effective 9/6/20. Statutory Authority: RCW 69.04.740, 69.07.020, 69.10.055, 15.36.021, 69.22.020, and chapter 34.05 RCW. WSR 16-22-061, § 16-167-010, filed 10/31/16, effective 12/1/16. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398, 69.07.020 and 69.10.055. WSR 99-12-020, § 16-167-010, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020. WSR 98-09-048, § 16-167-010, filed 4/15/98, effective 5/16/98; WSR 97-02-036 (Order 6012), § 16-167-010, filed 12/26/96, effective 1/26/97. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.398 and 69.07.020. WSR 95-02-017 (Order 5065), § 16-167-010, filed 12/27/94, effective 1/27/95.]

WAC 16-167-020 Pesticide chemicals. The following federal regulations are adopted as Washington tolerances for pesticide chemicals:

40 C.F.R. Chapter I Part 180 - Tolerances and Exemptions for Pesticide Chemical Residues in Food.

- (1) Subpart A - Definitions and Interpretative Regulations.
- (2) Subpart C - Specific Tolerances.

[Statutory Authority: RCW 15.30.120, 69.07.020, 69.10.055, and 16.49.025. WSR 20-17-020, § 16-167-020, filed 8/6/20, effective 9/6/20. Statutory Authority: RCW 69.04.740, 69.07.020, 69.10.055, 15.36.021, 69.22.020, and chapter 34.05 RCW. WSR 16-22-061, § 16-167-020, filed 10/31/16, effective 12/1/16. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398, 69.07.020 and 69.10.055. WSR 99-12-020, § 16-167-020, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020. WSR 98-09-048, § 16-167-020, filed 4/15/98, effective 5/16/98; WSR 97-02-036 (Order 6012), § 16-167-020, filed 12/26/96, effective 1/26/97. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.398 and 69.07.020. WSR 95-02-017 (Order 5065), § 16-167-020, filed 12/27/94, effective 1/27/95.]

WAC 16-167-030 Food additives. The following federal regulations prescribing the conditions under which such food additives may safely be used are adopted as Washington food additive regulations. 21 C.F.R. Chapter I.

- (1) Part 170 - Food Additives.
- (2) Part 172 - Food Additives Permitted for Direct Addition to Food for Human Consumption.
- (3) Part 173 - Secondary Direct Food Additives Permitted in Food for Human Consumption.
- (4) Part 174 - Indirect Food Additives: General.
- (5) Part 175 - Indirect Food Additives: Adhesives and Components of Coatings.
- (6) Part 176 - Indirect Food Additives: Paper and Paperboard Components.
- (7) Part 177 - Indirect Food Additives: Polymers.
- (8) Part 178 - Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers.
- (9) Part 179 - Irradiation in the Production, Processing and Handling of Food.
- (10) Part 180 - Food Additives Permitted in Food or in Contact with Food on an Interim Basis Pending Additional Study.
- (11) Part 181 - Prior-Sanctioned Food Ingredients.
- (12) Part 182 - Substances Generally Recognized as Safe.
- (13) Part 184 - Direct Food Substances Affirmed as Generally Recognized as Safe.
- (14) Part 186 - Indirect Food Substances Affirmed as Generally Recognized as Safe.
- (15) Part 189 - Substances Prohibited From Use in Human Food.

[Statutory Authority: RCW 15.30.120, 69.07.020, 69.10.055, and 16.49.025. WSR 20-17-020, § 16-167-030, filed 8/6/20, effective 9/6/20. Statutory Authority: RCW 69.04.740, 69.07.020, 69.10.055, 15.36.021, 69.22.020, and chapter 34.05 RCW. WSR 16-22-061, § 16-167-030, filed 10/31/16, effective 12/1/16. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398, 69.07.020 and 69.10.055. WSR 99-12-020, § 16-167-030, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396,

69.04.398 and 69.07.020. WSR 98-09-048, § 16-167-030, filed 4/15/98, effective 5/16/98; WSR 97-02-036 (Order 6012), § 16-167-030, filed 12/26/96, effective 1/26/97. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.398 and 69.07.020. WSR 95-02-017 (Order 5065), § 16-167-030, filed 12/27/94, effective 1/27/95.]

WAC 16-167-040 Color additives. The following federal regulations prescribing the use or limited use of such color additives are adopted as Washington color additive regulations. 21 C.F.R. Chapter I.

- (1) Part 70 - Color Additives.
- (2) Part 73 - Listing of Color Additives Exempt From Certification.
- (3) Part 74 - Listing of Color Additives Subject to Certification.
- (4) Part 81 - General Specifications and General Restrictions for Provisional Color Additives for Use in Foods, Drugs and Cosmetics.
- (5) Part 82 - Listing of Certified Provisionally Listed Colors and Specifications.

[Statutory Authority: RCW 15.30.120, 69.07.020, 69.10.055, and 16.49.025. WSR 20-17-020, § 16-167-040, filed 8/6/20, effective 9/6/20. Statutory Authority: RCW 69.04.740, 69.07.020, 69.10.055, 15.36.021, 69.22.020, and chapter 34.05 RCW. WSR 16-22-061, § 16-167-040, filed 10/31/16, effective 12/1/16. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398, 69.07.020 and 69.10.055. WSR 99-12-020, § 16-167-040, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020. WSR 98-09-048, § 16-167-040, filed 4/15/98, effective 5/16/98; WSR 97-02-036 (Order 6012), § 16-167-040, filed 12/26/96, effective 1/26/97. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.398 and 69.07.020. WSR 95-02-017 (Order 5065), § 16-167-040, filed 12/27/94, effective 1/27/95.]

WAC 16-167-050 General requirements. The following provisions of 21 C.F.R. Chapter I are adopted as Washington requirements for regulating food in intrastate commerce.

- (1) The following parts in Subchapter A - General.
 - (a) Part 1 - General Enforcement Regulations.
 - (i) Subpart A General Provisions.
 - (ii) Subpart B General Labeling Requirements.
 - (iii) Subpart O Sanitary Transportation of Human and Animal Food.
 - (b) Part 2 - General Administrative Rulings and Decisions.
 - (i) Subpart A General Provisions.
 - (ii) Subpart B Human and Animal Foods.
 - (c) Part 7 - Enforcement Policy.
- (2) All parts of Subchapter B - Food for Human Consumption, except for Part 119.

[Statutory Authority: RCW 15.30.120, 69.07.020, 69.10.055, and 16.49.025. WSR 20-17-020, § 16-167-050, filed 8/6/20, effective 9/6/20. Statutory Authority: RCW 69.04.740, 69.07.020, 69.10.055, 15.36.021, 69.22.020, and chapter 34.05 RCW. WSR 16-22-061, § 16-167-050, filed 10/31/16, effective 12/1/16. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398, 69.07.020 and 69.10.055. WSR 99-12-020, § 16-167-050, filed 5/24/99, effective

6/24/99. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020. WSR 98-09-048, § 16-167-050, filed 4/15/98, effective 5/16/98; WSR 97-02-036 (Order 6012), § 16-167-050, filed 12/26/96, effective 1/26/97. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.398 and 69.07.020. WSR 95-02-017 (Order 5065), § 16-167-050, filed 12/27/94, effective 1/27/95.]

WAC 16-167-900 Access to publications adopted under this chapter. (1) Electronic access to Titles 21 and 40 C.F.R. is available at <https://www.gpo.gov/fdsys/search/home.action>. Print copies of the titles can be purchased from the U.S. Government Bookstore online at <https://bookstore.gpo.gov/catalog/laws-regulations/code-federal-regulations-cfrs-print> or, if you do not have electronic access, contact the U.S. Government Publishing Office, P.O. Box 979050, St. Louis, MO 63197-9000; phone 1-866-512-1800.

(2) Electronic access to the FDA's Manual of Compliance Policy Guides is available at <http://www.fda.gov/ICECI/ComplianceManuals/CompliancePolicyGuidanceManual/default.htm>. If you do not have electronic access, contact the Food and Drug Administration, 1093 New Hampshire Avenue, Silver Spring, MD 20993-0002; phone 1-888-463-6332.

[Statutory Authority: RCW 15.30.120, 69.07.020, 69.10.055, and 16.49.025. WSR 20-17-020, § 16-167-900, filed 8/6/20, effective 9/6/20. Statutory Authority: RCW 69.04.740, 69.07.020, 69.10.055, 15.36.021, 69.22.020, and chapter 34.05 RCW. WSR 16-22-061, § 16-167-900, filed 10/31/16, effective 12/1/16. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020. WSR 97-02-036 (Order 6012), § 16-167-900, filed 12/26/96, effective 1/26/97.]