



# RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of adoption: October 6, 2000

(2) Purpose: Adopts the 1999 versions of the Pasteurized Milk Ordinance (PMO) and Procedures Governing the Cooperative State Public-Health/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments. It also adopts the 1999 revision of the Methods of Making Sanitation Rating of Milk Shippers. This will ensure that we have adopted the latest requirements for milk and milk products to ensure that products produced and processed in Washington can move freely in interstate commerce.

(3) Citation of existing rules affected by this order: WAC 16-101-700, 716, 721, and 990.

- Repealed: none
- Amended: WAC 16-101-700, 716, 721 and 990.
- Suspended: none

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

Other Authority:

### PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 00-15-001 on July 5, 2000 (date).

Describe any changes other than editing from proposed to adopted version: WAC 16-101-721, Adoption of Methods of Making Sanitation Ratings of Milk Supplies, has been revised to correct a typographical error denoting the year of the adopted revision from 1997 to 1999. No other changes were made.

### 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:

November 6, 2000

### Emergency Rules

Permanent Rules  
or Expedited Repeal

- 31 days after filing
- Other (specify) \_\_\_\_\_ \*

- Immediately
- 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 of Agriculture

Date  
October 6, 2000

### CODE REVISER USE ONLY

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

OCT 6 2000

TIME 9:07

WSR 00-21-012

(A) Pivi

**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:**

<b>Federal statute:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Federal rules or standards:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Recently enacted state statutes:</b>	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>
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**The number of sections adopted in the agency's own initiative:**

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

	New	<u>0</u>	Amended	<u>4</u>	Repealed	<u>0</u>
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Pilot rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Other alternative rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

AMENDATORY SECTION (Amending WSR 96-22-058, filed 11/4/96, effective 12/5/96)

**WAC 16-101-700 Adoption of the pasteurized milk ordinance as the standard for production of milk and milk products.** The Grade "A" Pasteurized Milk Ordinance (~~(1995)~~) 1999 Recommendations 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(~~(7)~~) 1999 Revision.

(i) Section 3, Permits, paragraphs 3 and 4, page (~~(8)~~) 5-6.

(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 (~~(14)~~) 19.

(~~(iii)~~) (b) Standards for Grade "A" Raw Milk for Pasteurization, Ultra-pasteurization or Aseptic Processing.

(i) Item (~~(19r)~~) 18r Raw Milk Cooling, page (~~(19)~~) 37.

(~~(b) Part II. Administrative Procedures:~~

~~(i) Section 3, Permits, paragraphs 3 and 4, page 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 51.~~

~~(iii) Section 7, Item 19r Cooling))~~ (ii) Item 18r Administrative Procedures, paragraph 1, page (~~(70)~~) 38.

(~~(iv) Section 7,~~) (iii) Item (~~(18r)~~) 17p Cooling of Milk, paragraph 1, page (~~(69A)~~) 81.

(~~(v) Section 7,~~) (iv) Item (~~(19r Cooling)~~) 17p, Administrative Procedures (1), page (~~(70)~~) 81.

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

~~(vii))~~ (c) Standards for Grade "A" Pasteurized, Ultra-pasteurized and Aseptically Processed Milk and Milk Products.

Sections (~~(9, page 121,)~~) 15, 16, and 17, page (~~(126)~~) 93.

(~~(viii))~~) (d) Appendix E, pages (~~(189-190)~~) 161-162.

(~~(ix) Appendix K, page 261-262.~~

~~(x))~~ (e) Appendix N: Regulatory Agency Responsibilities, B. Enforcement: First Paragraph Titled Reinstatement, page (~~(316)~~) 262.

AMENDATORY SECTION (Amending WSR 96-22-059, filed 11/4/96, effective 12/5/96)

**WAC 16-101-716 Adoption of the Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program for Certification of Interstate Milk Shippers.** The Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program for Certification of Interstate Milk Shippers ((1995)) 1999 Revision is adopted by reference as Washington state procedures covering certification of interstate milk shippers.

AMENDATORY SECTION (Amending WSR 96-22-059, filed 11/4/96, effective 12/5/96)

**WAC 16-101-721 Adoption of Methods of Making Sanitation Ratings of Milk Supplies.** The Methods of Making Sanitation Ratings of Milk Supplies ((1995)) 1999 Revision United States Health and Human Services Public Health Service/Food and Drug Administration is adopted by reference as Washington methods for ratings of interstate milk supplies.

AMENDATORY SECTION (Amending WSR 96-22-059, filed 11/4/96, effective 12/5/96)

**WAC 16-101-990 Where can publications adopted by WSDA under this chapter be obtained?** (1) The Grade "A" Pasteurized Milk Ordinance ((1995)) 1999 Recommendation of the United States Public Health Service/Food and Drug Administration can be purchased from the Superintendent of Documents, U.S. Printing Office, Washington D.C.

(2) The following publications can be obtained by writing the Center for Food Safety and Applied Nutrition, Director, Office of Constituent Operations, Industry Activities Staff, HFS-S65 200 "C" Street, SW, Washington D.C. 20204.

(a) The Grade "A" Condensed and Dry Milk Ordinance Grade "A" Condensed and Dry Milk Products and Condensed and Dry Whey-- Supplement I to the Grade "A" Pasteurized Milk Ordinance, 1995 Recommendations of the United States Department of Health and Human Services Public Health Service/Food and Drug Administration.

(b) The Standards for the Fabrication of Single-Service Containers and Closures for Milk and Milk Products 1995 Recommendations of the United States Department of Health and Human Services Public Health Service/Food and Drug Administration.

(c) The Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program for Certification of Interstate Milk Shippers (~~(1995)~~) 1999 Revision.

(d) The Methods of Making Sanitation Ratings of Milk Supplies (~~(1995)~~) 1997 Revision United States Department of Health and Human Services Public Health Services/Food and Drug Administration.

(e) The Evaluation of Milk Laboratories 1995 Revision United States Department of Health and Human Services Public Health Service/Food and Drug Administration.