

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

DEPARTMENT OF AGRICULTURE

(agency name)

Administrative Order No. 1311

(1) I, M. Keith Ellis, director of Department of Agriculture

do promulgate and adopt at Olympia, Washington (place) the annexed rules relating to:

Establishing tolerances for the chemical ethylene dibromide.

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

This action is taken pursuant to Notice No. filed with the code reviser on. These rules shall take effect: [ ] 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, M. Keith Ellis, 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: In order to protect the health and welfare of the citizens of the State of Washington from food products potentially contaminated with the ethylene dibromide (EDB) residues, this order is necessary for the department to take action to remove foods from the marketplace that could contain EDB in excess of tolerances recommended by the Environmental Protection Agency.

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 17.21 and 69.04 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.

STATE OF WASHINGTON

APPROVED AND ADOPTED February 7 19 84

By M. Keith Ellis

Director of Agriculture

Title

FEB 7 1984

CODE REVISER'S OFFICE

84-05-009

NEW SECTION

WAC 16-228-340 ESTABLISHING TOLERANCES FOR THE CHEMICAL ETHYLENE DIBROMIDE (EDB). (1) As recommended by the Environmental Protection Agency the following tolerances have been established for the chemical ethylene dibromide and shall not exceed these levels in the state of Washington:

- (a) Unprocessed grain and grain-related products for human consumption - not to exceed nine hundred parts per billion;
- (b) Products requiring cooking, i.e., cereals, flour, cake mixes, etc. - not to exceed one hundred fifty parts per billion;
- (c) Ready to eat products, i.e., snack food, bread, etc. - not to exceed thirty parts per billion.