



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: Adopt the following documents covering the federal/state cooperative agreement for interstate shipment of milk. 1. Dry Milk Ordinance (DMO). 2. Standards for the Fabrication of Single Service Containers and closures. 3. Procedures Governing the Cooperative State-Public Health Service/FDA program for certification of Interstate Milk Shippers. 4. Methods of Making Sanitation Ratings. 5. Evaluation of milk Laborator

(3) Citation of existing rules affected by this order: WAC 16-101-715,720,725,730,735 and 740.
 Repealed: WAC 16-101-715,720,725,730,735 and 740.
 Amended: 0
 Suspended: 0

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

PERMANENT RULE ONLY
 Adopted under notice filed as WSR 96-18-085 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
James M. Jesernig

Title **Date**
 Director 11/4/96

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
 STATE OF WASHINGTON
 FILED

NOV 14 1996

TIME 8:47
 PAGE 96-22-059

**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>6</u>	Amended	<u>0</u>	Repealed	<u>6</u>
Recently enacted state statutes:	New	<u>6</u>	Amended	<u>0</u>	Repealed	<u>6</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>6</u>	Amended	<u>0</u>	Repealed	<u>6</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

	New	<u>6</u>	Amended	<u>0</u>	Repealed	<u>6</u>
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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>

NEW SECTION

WAC 16-101-705 Adoption of the dry milk ordinance as the standard for production of condensed and dry milk products and condensed and dry whey. 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 is adopted by reference as additional Washington state standards for the production of condensed milk and dry milk products and condensed and dry whey products under chapter 15.36 RCW with the exception of the following portions.

(a) Part 1. Grade A Condensed and Dry Milk Ordinance:

(i) Section 3. Permits paragraphs 4, 5 and 6, page 7.

(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), page 13.

(b) Part 2. Administrative Procedures:

(i) Section 3. Permits paragraphs 4, 5 and 6, page 31.

(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 of the first and subsequent milkings does not exceed 10°C (50°F), page 42.

(iii) Section 7, Item 17P Cooling of Milk, Milk Products, Whey, Whey Products, Condensed Milk Products and Condensed Whey, paragraph 1, page 79.

(iv) Section 7, Item 17P Cooling . . . Administrative Procedures (1), page 79.

(v) Section 13 Penalties, page 88.

(vi) Appendix I, pages 183-184.

(vii) Appendix N, Regulatory Agency Responsibility, B. Enforcement: Reinstatement, page 210.

NEW SECTION

WAC 16-101-711 Adoption of the standards for the fabrication of single-service containers and closures for milk and milk products. 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 is adopted by reference as additional Washington state standards for the production of single-service containers and closures for milk and milk products.

NEW SECTION

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 Revision is adopted by reference as Washington state procedures covering certification of interstate milk shippers.

NEW SECTION

WAC 16-101-721 Adoption of Methods of Making Sanitation Ratings of Milk Supplies. The Methods of Making Sanitation Ratings of Milk Supplies 1995 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.

NEW SECTION

WAC 16-101-726 Adoption of Evaluation of Milk Laboratories. The Evaluation of Milk Laboratories 1995 Revision United States Health and Human Services Public Health Service/Food and Drug Administration is adopted by reference as the Washington state standard for accreditation of milk laboratories and Certified Industry Supervisors requesting certification and approval for uniform collection and testing required for compliance with the Grade "A" Pasteurized Milk Ordinance.

NEW SECTION

WAC 16-101-990 Where can publications adopted by WSDA under this chapter be obtained? (1) The Grade "A" Pasteurized Milk Ordinance 1995 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 Revision.

(d) The Methods of Making Sanitation Ratings of Milk Supplies 1995 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.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 16-101-715 Aseptically processed milk and milk products.
- WAC 16-101-720 Aseptic processing.
- WAC 16-101-725 Labeling.
- WAC 16-101-730 Aseptically processed milk--Suspension of Grade A permit.
- WAC 16-101-735 Processing.
- WAC 16-101-740 Sanitation requirements.