



RULE-MAKING ORDER

(RCW 34.05.360)

#6007

CR-103 (4/25/96)

Agency: Department of Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Repeal

(1) Date of adoption: November 27, 1996

(2) Purpose: To establish criteria for penalties that are imposed on when a degrade action is taken by the department and to establish criteria when a dairy producer or processing plant license may be revoked.

(3) Citation of existing rules affected by this order: None

Repealed:
Amended:
Suspended:

(4) Statutory authority for adoption: RCW 15.36.021

Other Authority: N/A

PERMANENT RULE ONLY

Adopted under notice filed as WSR 98-18-037 and 96-21-138 on August 29, 1996 and October 23, 1996 (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
or Expedited Repeal

Emergency Rules

- 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)
James M. Jesernig

Signature
James M. Jesernig

Title: Director of Agriculture
Date: November 27, 1996

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
BUREAU

11/27/1996

TIME: 1:47 PM
WSR: 96-24-059

**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Federal statute:	New	Amended	Repealed
Federal rules or standards:	New	Amended	Repealed
Recently enacted state statutes:	New <u>2</u>	Amended	Repealed

The number of sections adopted at the request of nongovernmental entity:

New	Amended	Repealed
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The number of sections adopted in the agency's own initiative:

New <u>2</u>	Amended	Repealed
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	Amended	Repealed
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The number of sections adopted using:

Negotiated rule making:	New	Amended	Repealed
Pilot rule making:	New	Amended	Repealed
Other alternative rule making:	New <u>2</u>	Amended	Repealed

NEW SECTION

WAC 16-101X-030 HOW IS THE DEBIT POINT VALUE OF EACH VIOLATION DETERMINED?

(1) The debit point for each violation, as shown in the table below, is the same as the debit points awarded to dairy farms or milk processing plants during state surveys and federal check ratings as determined in the 1995 "Methods of Making Sanitation Ratings of Milk Supplies" published by the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration.

(2) A copy of the 1995 "Methods of Making Sanitation Ratings of Milk Supplies" may be obtained by request from the Washington State Department of Agriculture Food Safety Program, P.O. Box 42560, Olympia, Washington 98504-2560 (360-902-1875).

(3) DAIRY FARM SANITATION VIOLATION DEBIT POINT VALUES

ITEM NO	DESCRIPTION	DEBIT POINT VALUE
ABNORMAL MILK		
1a	Cows secreting abnormal milk milked last or in SEPARATE equipment	5
1b	Abnormal milk properly handled and disposed of	5
1c	Proper care of abnormal milk handling equipment	5
MILKING PARLOR		
2a	Floors, gutters and feed troughs of concrete or of equally impervious materials; in good repair	1
2b	Walls and ceilings smooth, painted or finished adequately; in good repair; ceiling dust tight	1
2c	Separate stalls or pens for horses, calves and bulls	1
2d	Adequate natural and/or artificial light; well distributed	1
2e	Properly ventilated;	1
3a	Clean and free of litter	3
3b	No swine or fowl	3
4a	Cowyard graded to drain; no pooled water or wastes	3
4b	Cowyard clean; cattle housing areas and manure packs properly maintained	3
4c	No swine	3
4d	Manure stored inaccessible to cows	3
MILKHOUSE		
Floors		
5a	Smooth; concrete or other impervious material; in good repair	1
5b	Graded to drain	1
5c	Drains trapped, if connected to sanitary system	1
Walls and Ceilings		
5a	Approved material and finish	1
5b	Good repair (windows, doors and hoseport included)	1
Lighting and Ventilation		
5a	Adequate natural and/or artificial light; properly distributed	2
5b	Adequate ventilation	2
5c	Doors and windows closed during dusty weather	2
5d	Vents and lighting fixtures properly installed	2
Miscellaneous Requirements		
5a	Used for milkhouse operations only; sufficient size	2
5b	No direct opening into living quarters or barn; except as permitted by	2

	Ordinance	
5c	Liquid wastes properly disposed of	2
5d	Proper hoseport where required	2
5e	Acceptable surface under hoseport	2
5f	Suitable shelter for transport truck as required by this Ordinance	2
	Cleaning Facilities	
5a	Two-compartment wash and rinse vat of adequate size	2
5b	Suitable water heating facilities	2
5c	Water under pressure piped to milkhouse	2
	Cleanliness	
6a	Floors, walls, windows, tables and similar non-product surfaces clean	4
6b	No trash, unnecessary articles, animals or fowl	4
	Toilet	
7a	Provided; conveniently located	4
7b	Constructed and operated according to Ordinance	4
7c	No evidence of human wastes about premises	4
7d	Toilet room in compliance with Ordinance	4
	Water Supply	
8a	Constructed and operated according to Ordinance	2 or 5
8b	Complies with bacteriological standards	5
8c	No connection between safe and unsafe supplies; no improper submerged inlets	5
	UTENSILS AND EQUIPMENT	
9a	Smooth, impervious, nonabsorbent, safe materials; easily cleanable;	4
9b	In good repair; accessible for inspection;	4
9c	Approved single service articles; not re-used	4
9d	Of proper design	4
9e	Approved CIP milk pipeline system	4
10a	Utensils and equipment clean	5
11a	All multi-use containers and equipment subjected to approved sanitization process	5
12a	All multi-use containers and equipment properly stored	2
12b	Stored to assure complete drainage where applicable	2
12c	Single-service articles properly stored	2
	MILKING	
13a	Milking done in barn, stable or parlor	5
13b	Brushing completed before milking begun	5
13c	Flanks, bellies, udders, and tails of cows clean at time of milking; clipped when required	5
13d	Teats treated with sanitizing solution and dried just prior to milking	5
13e	No wet hand milking	5
	TRANSFER AND PROTECTION OF MILK	
	Protection from Contamination	
14a	No overcrowding	3
14b	Product and CIP circuits separated	3
14c	Improperly handled milk discarded	3
14d	Immediate removal of milk	3
14e	Milk and equipment properly protected	3
14f	Sanitized milk surfaces not exposed to contamination	3
14g	Air under pressure of proper quality	3

Drug and Chemical Control		
15a	Cleaners and sanitizers properly identified	2
15b	Drug administration equipment properly handled and stored	2
15c	Drugs properly labeled (name and address) and stored	2
15d	Drugs properly labeled (directions for use, cautionary statements, active ingredients)	7
15e	Drugs properly used and stored to preclude contamination of milk	7
PERSONNEL		
Hand-Washing Facilities		
16a	Proper hand-washing facilities convenient to milking operations	2
16b	Wash and rinse vats not used as hand-washing facilities	2
Personnel Cleanliness		
17a	Hands washed clean and dried before milking, or performing milkhouse functions; rewashed when contaminated	1
17b	Clean outer garments worn	1
COOLING		
18a	Milk cooled to 45 F or less within 2 hours after milking	5
18b	Recirculated cooling water from safe source and properly protected; complies with bacteriological standards	5
18c	Temperature recorder with 7 day chart	5*
INSECTS AND RODENTS		
19a	Fly breeding minimized by approved manure disposal methods	3
19b	Manure packs properly maintained	3
19c	All milkhouse openings effectively screened or otherwise protected; doors tight and self-closing; screen doors open outward	2
19d	Milkhouse free of insects and rodents	2
19e	Approved pesticides; used properly	2
19f	Equipment and utensils not exposed to pesticide contamination	2
19g	Surrounding neat and clean; free of harborage and breeding areas	2
19h	Feed storage not attraction for birds, rodents or insects	2

* This is a requirement of WAC 16-125 rated in accordance with cooling criteria in similar sections of the 1995 "Methods of Making Sanitation Ratings of Milk Supplies" for dairy plants.

(4) MILK PROCESSING PLANT SANITATION VIOLATION DEBIT POINT VALUES

ITEM NO	DESCRIPTION	DEBIT POINT VALUE
1 FLOORS		
1a	Smooth; impervious; no pools; good repair; trapped drains	1
2 WALLS AND CEILINGS		
2a	Smooth; washable; light -colored; good repair	1
3 DOORS AND WINDOWS		
3a	All outer openings effectively protected against entry of flies and rodents	2
3b	Outer doors self-closing; screen doors open outward	2
4 LIGHTING AND VENTILATION		
4a	Adequate in all rooms	1
4b	Well ventilated to preclude odors and condensation; filtered air with pressured systems	1
5 SEPARATE ROOMS		
5a	Separate rooms as required; adequate size	3

5b	No direct opening to barn or living quarters	3
5c	Storage tanks properly vented	3
6	TOILET FACILITIES	
6a	Complies with local ordinances	3
6b	No direct opening to processing rooms; self-closing doors	3
6c	Clean; well-lighted and ventilated; proper facilities	3
6d	Sewage and other liquid wastes disposed of in a sanitary manner	3
7	WATER SUPPLY	
7a	Constructed and operated in accordance with Ordinance	4
7b	No direct or indirect connection between safe and unsafe water	4
7c	Condensing water and vacuum water in compliance with Ordinance requirements	4
7d	Complies with bacteriological standards	4
8	HAND-WASHING FACILITIES	
8a	Located and equipped as required; clean and in good repair; improper facilities not used	2
9	MILK PLANT CLEANLINESS	
9a	Neat; clean; no evidence of insects or rodents; trash properly handled	3
9b	No unnecessary equipment	3
10	SANITARY PIPING	
10a	Smooth; impervious; corrosion-resistant; non-toxic; easily cleanable materials; good repair; accessible for inspection	3
10b	Clean-in-place lines meet Ordinance specifications	3
10c	Pasteurized products conducted in sanitary piping, except as permitted by Ordinance	3
11	CONSTRUCTION AND REPAIR OF CONTAINERS AND EQUIPMENT	
11a	Smooth; impervious; corrosion-resistant; non-toxic; easily cleanable materials; good repair; accessible for inspection	3
11b	Self-draining; strainers of approved design	3
11c	Approved single-service articles; not re-used	3
12	CLEANING AND SANITIZING OF CONTAINERS/EQUIPMENT	
12a	Containers, utensils and equipment effectively cleaned	5
12b	Mechanical cleaning requirements of Ordinance in compliance; records complete	5
12c	Approved sanitization process applied prior to the use of product-contact surfaces	5
12d	Required efficiency tests in compliance	5
12e	Multiple use plastic containers in compliance	5
12f	Aseptic system sterilized	5
13	STORAGE OF CLEANED CONTAINERS AND EQUIPMENT	
13a	Stored to assure drainage and protected from contamination	3
14	STORAGE OF SINGLE SERVICE ARTICLES	
14a	Received, stored and handled in a sanitary manner; paperboard containers not re-used except as permitted by the Ordinance	2
15A	PROTECTION FROM CONTAMINATION	
15a	Operations conducted and located so as to preclude contamination of milk, milk products, ingredients, containers, equipment and utensils	3
15b	Air and steam used to process products in compliance with Ordinance	3
15c	Approved pesticides, safely used	3
15B	CROSS CONNECTIONS	

15a	No direct connections between pasteurized and raw milk or milk products.	5
15b	Overflow, spilled and leaked products or ingredients discarded	5
15c	No direct connections between milk or milk products and cleaning and/or sanitizing solutions	5
16A	PASTEURIZATION-BATCH	
(1)	INDICATING AND RECORDING THERMOMETERS	
16a	Comply with Ordinance specifications	4
(2)	TIME AND TEMPERATURE CONTROLS	
16a	Adequate agitation throughout holding; agitator sufficiently submerged	15
16b	Each pasteurizer equipped with indicating and recording thermometer; bulb submerged	15
16c	Recording thermometer reads no higher than indicating thermometer	15
16d	Product held minimum pasteurization temperature continuously for 30 minutes, plus filling time if product preheated before entering vat, plus emptying time, if cooling is begun after opening outlet	15
16e	No product added after holding begun	15
16f	Airspace above product held at not less than 5.0 F higher than minimum required pasteurization temperature during holding	15
16g	Approved airspace thermometer; bulb not less than 1 inch above product level	15
16h	Inlet and outlet valves and connections in compliance with Ordinance	15
16B	PASTEURIZATION-HIGH TEMPERATURE	
(1)	INDICATING AND RECORDING THERMOMETERS	
16a	Comply with Ordinance specifications	4
(2)	TIME AND TEMPERATURE CONTROLS	
16a	Flow diversion device complies with Ordinance requirements	15
16b	Recorder-controller complies with Ordinance requirements	15
16c	Holding tube complies with Ordinance requirements	15
16d	Flow promoting devices comply with Ordinance requirements	15
(3)	ADULTERATION CONTROLS	
16a	Satisfactory means to prevent adulteration with added water	3
16C	ASEPTIC PROCESSING	
(1)	INDICATING AND RECORDING THERMOMETERS	
16a	Comply with Ordinance specifications	4
(2)	TIME AND TEMPERATURE CONTROLS	
16a	Flow diversion device complies with Ordinance requirements	15
16b	Recorder-controller complies with Ordinance requirements	15
16c	Holding tube complies with Ordinance requirements	15
16d	Flow promoting devices comply with Ordinance requirements	15
(3)	ADULTERATION CONTROLS	
16a	Satisfactory means to prevent adulteration with added water	3
16D	REGENERATIVE HEATING	
16a	Pasteurized or aseptic product in regenerator automatically under greater pressure than raw product in regenerator at all times	10
16b	Accurate pressure gauges installed as required; booster pump properly identified and installed	10
16c	Regenerator pressures meet Ordinance requirements	10
16E	TEMPERATURE RECORDING CHARTS	
16a	Batch pasteurizer charts comply with applicable Ordinance requirements	4
16b	HTST pasteurizer charts comply with applicable Ordinance requirements	4
16c	Aseptic charts comply with applicable Ordinance requirements	4

17	COOLING OF MILK	
17a	Raw milk maintained at 45 F or less until processed	5
17b	Pasteurized milk and milk products, except those to be cultured, cooled immediately to 45 F or less in approved equipment; all milk and milk products stored thereat until delivered	5
17c	Approved thermometers properly located in all refrigeration rooms and storage tanks	5
17d	Recirculated cooling water from safe source and properly protected; complies with bacteriological standards	5
18	BOTTLING AND PACKAGING	
18a	Performed in plant where contents finally pasteurized	5
18b	Performed in sanitary manner by approved mechanical equipment	5
18c	Aseptic filling in compliance	5
19	CAPPING	
19a	Capping and/or closing performed in sanitary manner by approved mechanical equipment	5
19b	Imperfectly capped/closed products properly handled	5
19c	Caps and closures comply with Ordinance	5
20	PERSONNEL CLEANLINESS	
20a	Hands washed clean before performing plant functions; rewashed when contaminated	1
20b	Clean outer garments and hair covering worn	1
20c	No use of tobacco in processing areas	1
21	VEHICLES	
21a	Vehicles clean; constructed to protect milk	1
21b	No contaminating substances transported	1
22	SURROUNDINGS	
22a	Neat and clean; free of pooled water, harborages and breeding areas	2
22b	Tank unloading areas properly constructed	2
22c	Approved pesticides; used properly	2

NEW SECTION

WAC 16-101X-040 HOW CAN A DEGRADED DAIRY FARM OR MILK PROCESSING PLANT OPERATION BE REGRADED?

A producer or processor subject to degrade action for repeat violations must apply on an application provided by the department to have his or her dairy farm or milk processing plant regraded. The application must be signed by the producer or processor and must state that all violations, both repeat violations and non-repeat violations, cited on the inspection that caused the degrade have been corrected. Within seven days after receiving a completed application for regrade, the department will reinspect the dairy farm or milk processing plant. If the department determines that all violations, both repeat violations and non-repeat violations, cited on the inspection that caused the degrade have been corrected and the degrade period as determined by the director has ended, the department will regrade the dairy farm or milk processing plant operation.