



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: September 11, 1997

(2) Purpose: To require warning labels on bottles of raw milk to inform consumers that milk which has not been pasteurized (raw milk) might contain harmful microorganisms that are especially hazardous to persons with lowered immunity. This will allow consumers to make informed choices concerning whether or not they want to purchase and consume milk that has not been pasteurized.

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

Repealed:

Amended:

Suspended:

(4) Statutory authority for adoption: RCW 15.36.021(1) and RCW 69.04.398(3)

Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 97-15-115 on July 22, 1997 (date).

Describe any changes other than editing from proposed to adopted version: none

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)

Jim Jesernig

Signature

Title
Director

Date
September 11, 1997

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

SEP 11 1997

205

TIME _____

WSR 97-19-045

**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>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	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>1</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>1</u>	Amended	<u>0</u>	Repealed	<u>0</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>1</u>	Amended	<u>0</u>	Repealed	<u>0</u>

NEW SECTION

WAC 16-101-800 Raw milk warning labels. (1) **What authority does the department have to require warning labels on retail raw milk containers?** This rule is being promulgated under authority of RCW 15.36.021(1) and 69.04.398(3).

(2) **To what does this rule apply?** The labeling requirements in this rule apply to containers of raw milk intended for sale to consumers in the state of Washington.

(3) **Why is the Washington state department of agriculture adopting warning label requirements for retail raw milk sales?** The department is adopting this rule to inform consumers about possible harm that may occur from consuming raw milk that contains harmful microorganisms.

(4) **What purpose will this rule serve?** The purpose of this rule is to warn purchasers about known hazards associated with the consumption of raw milk so that they may make informed choices about buying these products.

(5) **What warning label must be on raw milk containers?** The raw milk container must bear the following labeling: **WARNING:** *This product has not been pasteurized and may contain harmful bacteria. Pregnant women, children, the elderly and persons with lowered resistance to disease have the highest risk of harm from use of this product.*

(6) **What are the specific requirements for warning labels on raw milk?** The raw milk warning labels must meet the following requirements:

(a) The warning label type size must be consistent with the type size of other required labeling, but not less than one-sixteenth inch in height.

(b) The warning label must be conspicuous and in contrasting color from other labeling.

(c) The warning label must be prominently displayed on the container's principal display panel.

(d) The warning label must be clearly readable.