



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Agriculture	<input checked="" type="checkbox"/> Permanent Rule
(1) Date of adoption: June 9, 1999	<input type="checkbox"/> Emergency Rule
	<input type="checkbox"/> Expedited Adoption
	<input type="checkbox"/> Expedited Repeal

(2) Purpose: To review, update references and rewrite Chapter 16-142 WAC Perishable Packaged Foods—Pull Dating in the clear rule format.

(3) Citation of existing rules affected by this order: Chapter 16-142 WAC Perishable Package Foods—Pull Dating.
 Repealed: WAC 16-142-001, 16-142-010, 16-142-020, 16-142-030, 16-1420-040, 16-142-050 and 16-142-060.
 Amended: 0
 Suspended: 0

(4) Statutory authority for adoption: RCW 69.04.915
 Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)
 Adopted under notice filed as WSR 99-09-095 on April 21, 1999 (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
<input checked="" type="checkbox"/> 31 days after filing	<input type="checkbox"/> Immediately
<input type="checkbox"/> Other (specify) _____*	<input type="checkbox"/> 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 June 9, 1999

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JUN 9 1999

TIME 8:44 A

WSR 99-13-048

**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>8</u>	Amended	<u>0</u>	Repealed	<u>7</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>8</u>	Amended	<u>0</u>	Repealed	<u>7</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>

Chapter 16-142 WAC

PERISHABLE PACKAGED FOOD GOODS--PULL DATING

NEW SECTION

WAC 16-142-100 What is the purpose for this rule? The purpose for this rule is to establish uniform standards for pull date labeling and safe storage conditions for perishable packaged food goods as described in RCW 69.04.900 through 69.04.920.

NEW SECTION

WAC 16-142-110 What is the purpose for pull dates? The purpose for pull dates is to inform the consumer of the expected length of shelf life for perishable packaged foods in order to allow them a reasonable amount of time to use the product under proper care and storage conditions.

NEW SECTION

WAC 16-142-120 What does the pull date indicate? The pull date indicates the last day that the product can be sold and still allow the purchaser a reasonable amount of time to use the product under normal usage and storage conditions.

NEW SECTION

WAC 16-142-130 Can products be sold after the pull date? **Yes,** products can be sold after the pull date has expired if they are still wholesome, not a danger to health and clearly labeled

indicating that the pull date has expired. They must be separated from products that are still within pull date.

NEW SECTION

WAC 16-142-140 How must the pull date be shown? The pull date must first show the month then the day of the month. The month can either be identified with three letters indicating the month such as DEC for December or by numbers indicating the month from one for January through twelve for December. The day of the month must be shown using two numbers such as 06 for the sixth day or 19 for the nineteenth day. When both the month and day of the month are shown by numbers they must be separated by a space or dash. The pull date must be separated from other numbers or letters on the label so as to prevent confusion.

NEW SECTION

WAC 16-142-150 Can pull dates be changed? No, pull dates on perishable packaged foods subject to pull dating may not be changed, crossed-out or concealed.

NEW SECTION

WAC 16-142-160 Where must the pull date be placed? The pull date must be placed on the label in a conspicuous location, that is clearly discernible. The pull date must be legible and of a type size consistent with the size of other required labeling.

NEW SECTION

WAC 16-142-170 What are the storage conditions and temperature requirements for perishable packaged foods? Storage conditions and temperature requirements for perishable packaged foods are the same as required under chapter 246-215 WAC rules and regulations of the state board of health for food service and

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-142-001	Promulgation.
WAC 16-142-010	Application.
WAC 16-142-020	Date.
WAC 16-142-030	Package dating.
WAC 16-142-040	Placement of "pull date."
WAC 16-142-050	Storage.
WAC 16-142-060	Effective date.