



# 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: 8/25/99

(2) Purpose: Scheduled review of existing rule to update requirements and references, clarify language used in rule and to repeal unnecessary requirements.

(3) Citation of existing rules affected by this order: Chapter 16-125 WAC all sections  
 Repealed: WAC 16-125-040, 16-125-050, 16-125-060, 16-125-070, 16-125-080, 16-25-090 and 16-125-100.  
 Amended: WAC 16-125-010, 16-125-020, 16-125-030, 16-125-120, 16-125-200 and 16-125-210.  
 Suspended:

(4) Statutory authority for adoption: RCW 15.36.020  
Other Authority:

**PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)**  
 Adopted under notice filed as WSR 99-14-072 on 7/6/99 (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:

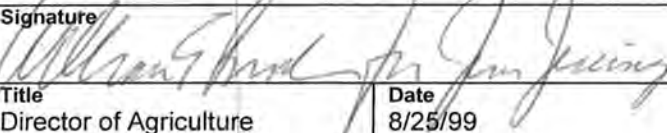
**EXPEDITED REPEAL ONLY**  
 Under Preproposal Statement of Inquiry filed as WSR \_\_\_\_\_ on \_\_\_\_\_ (date)

(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**  
 31 days after filing  
 Other (specify) \_\_\_\_\_  
**Emergency Rules**  
 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 of Agriculture    Date: 8/25/99

### CODE REVISER USE ONLY

CODE REVISER'S OFFICE  
 STATE OF WASHINGTON  
 FILED

AUG 25 1999

TIME: 10:51 AM  
 WSR: 99-18-032 PM

**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:**

<b>Federal statute:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Federal rules or standards:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Recently enacted state statutes:</b>	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>6</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>1</u>	Amended	<u>6</u>	Repealed	<u>7</u>
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Pilot rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Other alternative rule making:</b>	New	<u>1</u>	Amended	<u>6</u>	Repealed	<u>7</u>

## Chapter 16-125 WAC

### FARM MILK STORAGE TANKS AND BULK MILK TANKER--REQUIREMENTS

#### AMENDATORY SECTION (Amending Order 1840, filed 9/5/84)

**WAC 16-125-010 Definitions.** (1) "Director" means the director of the department of agriculture (~~of the state of Washington~~), or his/her duly authorized representative.

(2) "Bulk milk hauler" means the (~~person~~) licensed dairy technician who has primary responsibility for the measuring, weighing, or grading of milk and the collection of samples at the farm (~~and is properly licensed by the director~~).

(3) "Bulk milk hauling" means the transportation of milk or milk products from the (~~place where it is produced~~) producer to a milk processing plant or between milk processing plants, (~~performed~~) by vehicles belonging to an individual or corporation operating under (~~permit from the director~~) a bulk milk hauler's license.

(4) "3A standards" means current sanitary standards for dairy equipment and accepted practices as published in the (~~Journal of Food Protection~~) Dairy Food and Environmental Sanitation magazine of the International Association of Milk, Food and Environmental Sanitarians (IAMFES).

#### AMENDATORY SECTION (Amending Order 1283, filed 1/29/73)

**WAC 16-125-020 Construction.** All new farm tanks must conform with the 3-A sanitary standards for farm milk cooling and holding tanks. Whenever a ladder or platform is needed for sampling, measuring or other purposes, it must be permanently attached to the tank or a wall. All calibrated rods (~~and~~) must be identified with the serial number of the tank. Sight glass tubes must be of one-piece construction and permanently attached to the farm tank. All sight glass tubes must be cleaned with a Clean-in-Place (C.I.P.) system.

AMENDATORY SECTION (Amending Order 1283, filed 1/29/73)

**WAC 16-125-030 Installation.** Before any person installs a new tank or relocates a used tank, he or she must file (~~((with the director))~~) drawings and detailed information about where and how the milk storage tank is to be (~~((put on the farm))~~) installed with the director. There (~~((shall))~~) must be a minimum of two feet clearance between the sides of the tank and the walls of the milkhouse or other permanent equipment and a minimum of three feet on the working side of the tank and at the outlet valve (~~((and))~~). Adequate additional space necessary for normal milkhouse operations (~~((is to))~~) must be provided. There (~~((shall))~~) must be at least 30 inches clearance between the top of the pouring tank lip and the ceiling (~~((and))~~). Adequate space must be provided above the tank to accommodate (~~((the length of))~~) the measuring rod.

Provisions of the National Bureau of Standards' Handbook 44 Code on Farm Milk Tanks as adopted under chapter 19.94 RCW applicable to installation and use shall be applicable.

NEW SECTION

**WAC 16-125-035 Farm tank pickup and washing requirements.**

(1) All milk must be picked up at least every forty-eight hours from farm tanks.

(2) All farm tanks must be emptied, washed and sanitized at least once every forty-eight hours.

AMENDATORY SECTION (Amending Order 1840, filed 9/5/84)

**WAC 16-125-120 Bulk milk tanker requirements.** All bulk milk tankers operating in the state of Washington (~~((shall))~~) must comply with the provisions of 3A standard (~~((05-13))~~) 05-14. Additional requirements are:

(1) Trucks and trailers with remote pumps, mounted on tractor or front trailer, and a system of external hoses and/or piping may be used: Provided, That

(a) External flexible hoses meet the following requirements:

(i) Hoses are the thick walled rubber type and meet 3A standards (~~((18-007))~~) 18-01, 62-01 and 63-01 except for pump box hoses.

(ii) Hoses are capped with a sanitary cap when not in use.

(b) Piping along the length of the trailer is of the fixed type and meets the following requirements:

(i) The pipe is stainless steel and meets the requirements of

3A standards (~~(09-07 and 33-00)~~) 63-02 and 33-01. Other materials may be used (~~(after approval has been received from)~~) if they are approved by the Milk Safety Branch of the Food and Drug Administration.

(ii) The sanitary piping is enclosed in an insulated holder and both the sanitary piping and the holder are capped with a dust tight cap when disconnected.

(c) Sanitary air (~~(which)~~) that meets the requirements of 3A standard (~~(604-03)~~) 64-04 may be used to remove residual milk from the external piping system.

(d) Any milk in the external piping system that exceeds forty-five degrees Fahrenheit is discarded.

(e) Adequate facilities (~~(shall)~~) must be provided at all receiving stations for the proper cleaning and (~~(sanitization)~~) sanitizing of tankers including the external lines and valves.

(2) All external valves on a tanker (~~(shall)~~) must be provided with a means of protection against dust, dirt, and road debris.

(a) Outlet valves (~~(shall)~~) must be protected by dust tight covers (~~(which)~~) that will comply with 3A standard (~~(05-13)~~) 05-14.

(b) Inlet valves and valves with attached hoses (~~(shall)~~) must be protected by a relatively dust tight cover. This cover may be:

(i) Stainless steel with an opening for the connection of hoses (~~(which)~~) that is sealed with a flexible material that will prevent the entrance of dust, dirt, or road debris.

(ii) A flexible mounting made of rubber or other approved material (~~(which)~~) that is close fitting, smooth, impervious, and easily removable for cleaning.

(iii) Any other (~~(type)~~) cover for which plans have been submitted to and approved by the director.

(c) All valves not connected to hoses (~~(shall)~~) must have a sanitary cap and an approved dust cover on them.

(3) Markings on each truck or trailer (~~(shall)~~) must be sufficient to (~~(allow inspection personnel to)~~) identify the owner of the truck or trailer.

(4) Cleaning and bactericidal treatment of all product contact surfaces including valves, hoses, covers, connections, appurtenances, pumps, and pump compartment of each tanker, when used, (~~(shall)~~) must be accomplished at least once every twenty-four hours (~~(by the receiving plant)~~) after first use. If the tanker is not used for hauling milk for seventy-two hours after cleaning and sanitizing it must be sanitized again before it may be used for hauling milk. After sanitization each tanker (~~(shall)~~) must be tagged to show the date washed, place washed, and initials or signature of the person who washed the tanker. This wash tag (~~(shall)~~) must not be removed until the tanker is rewashed. It shall be the responsibility of the bulk milk hauler to ensure that the wash tag is present and that the tank is in fact clean prior to commencing his route.

(5) (~~(For violations of WAC 16-125-120 a condemnation tag shall be affixed to the tanker outlet valve by the director. Any tanker so tagged may not be used to transport grade A milk until the violation(s) have been corrected and the condemnation tag removed by the director.~~)

~~(6) In the event of serious or repeated violations of WAC 16-125-120 the contents of the tanker shall be lowered to Grade C.~~

~~(7) Any Grade A plant or receiving station unloading milk from a tanker bearing a condemnation tag or from a tanker that has not been properly cleaned may have that load lowered to Grade C. If the load has commingled with other milk the entire amount may be lowered to Grade C.~~

~~(8) All Grade A milk shall be picked up at least every forty-eight hours.~~

~~(9) All farm tanks shall be emptied and washed at least every forty-eight hours.~~

~~(10)) Plans and drawings relating to tankers submitted to the director ((shall)) will be treated with confidentiality except as required under Public Disclosure Act, chapter 42.17 RCW.~~

(6) Bulk milk tankers must meet the requirements under chapter 69.04 RCW and the rules adopted thereunder for transportation of food.

AMENDATORY SECTION (Amending Order 1902, filed 8/8/86)

**WAC 16-125-200 Recording thermometers--Installation.** (1)

~~((After January 1, 1987))~~ All new farm bulk tank installations ((shall)) must include a recording thermometer and an automatic interval timer. Installation of a used milk tank ((shall)) will be ((construed)) regarded as a new installation.

(2) The installation and operation of recording thermometers and interval timers shall be the responsibility of the holder of the Grade A producer permit.

(3) ~~((A))~~ Recording devices ((shall)) must not be ((installed on or)) attached to a farm tank. ((It)) Recording devices may be suspended on metal brackets from the ceiling, firmly attached to the inside wall of the milk room, or at any other location acceptable to the department. The recording device must be mounted no more than six feet from the floor or be otherwise accessible from the floor without the necessity of climbing.

(4) The sensor bulb or device ~~((shall))~~ must be ~~((so))~~ located so as to record the temperature of the milk in the tank before the milk reaches ~~((ten))~~ twenty percent of the tank volume. A capillary system containing toxic gas or liquids ~~((shall))~~ must not be used in a bare bulb sensor device.

(5) The recorder and chart ~~((shall))~~ must be capable at a minimum of recording from thirty-two degrees to one hundred eighty degrees ~~((Fahrenheit))~~ F, or above, and ~~((shall))~~ must be accurate within plus or minus two degrees F.

(6) The case of the recording device ~~((shall))~~ must be moisture-proof under operating conditions in the milk house or milk room.

~~(7) ((Means shall be provided for sealing the recording pen~~

arm setting.

~~((8))~~) The recording chart (~~((shall))~~) must make at a minimum one revolution every seven days. A strip chart (~~((shall))~~) must not be used.

~~((9))~~) (8) The recording clock (~~((shall))~~) must be electrically operated. The recorder pen (~~((shall reflect))~~) must be set to the actual time.

~~((10))~~) (9) If at any time, the recording device becomes inoperable or out of tolerance, the inspection service and the pooling agent or hauler (~~((shall))~~) must be notified immediately by the producer. Repair or replacement of the device (~~((shall))~~) must be made as soon as possible.

~~((11))~~) (10) The producer (~~((shall))~~) must maintain an adequate supply of recording charts. The charts (~~((shall be of those recommended for))~~) must fit the specific instrument (~~((which is))~~) installed.

~~((12))~~) (11) To (~~((preclude))~~) prevent stratification(~~((7))~~) of the milk in the tank the interval timer (~~((shall))~~) must be set (~~((and adjusted))~~) so the milk will be agitated (~~((for not less than a))~~) for at least five minutes (~~((period with a frequency of))~~) every hour.

AMENDATORY SECTION (Amending Order 1902, filed 8/8/86)

**WAC 16-125-210 Recording thermometer--Operation.** (1) Milk and milk products for consumption in the raw state or for pasteurization (~~((shall))~~) must be cooled to forty degrees (~~((Fahrenheit))~~) F or lower within two hours (~~((of))~~) after completion of milking and maintained at that temperature until picked up(~~((7, as determined in accordance with RCW 15.36.110))~~): Provided, That the blend temperature after the first and subsequent milkings (~~((does))~~) may not exceed fifty degrees (~~((Fahrenheit))~~) F.

(2) In making a milk pick-up, the licensed grader and sampler (~~((shall))~~) must:

(a) Remove the chart from the recorder before the chart has lapsed;

(b) Mark the date and time of pick-up;

(c) Sign the chart;

(d) Date and install a new chart, (~~((as))~~) if necessary;

(e) File the completed charts under protected conditions, provided for by the producer, unless they are taken to the purchaser's premises for his review.

(f) If the charts are taken from the dairy farm, they (~~((shall))~~) must be returned within ten days from the date they were taken: Provided, That subject to the approval of its members and the department, a pooling agent, processing plant, receiving plant or regular place of business may file the recording thermometer charts at its place of business.

(g) The official milk temperature must be taken with an

accurate, properly calibrated thermometer.

(3) The temperature recording charts may be used for more than one pick-up: Provided, That all the pick-ups occur within the maximum time interval of the chart. When the chart is used for more than one pick-up, the licensed grader and sampler (~~shall~~) must identify each lot of milk with the date, time of pick-up and his/her signature.

(4) Before removing milk from a farm bulk tank, the licensed grader and sampler (~~shall~~) must check the recording chart. If the licensed grader and sampler finds milk temperature variations extending beyond the legal limits, he/she (~~shall~~) must immediately notify the producer, or in the absence of the producer, an employee, and the producer's marketing agent. The licensed grader and sampler (~~shall~~) must sign the chart noting the date, time, stick reading and indicate that a temperature infraction has occurred. The producer's marketing agent (~~shall~~) must notify the department of agriculture of temperature standard violations detected through the official milk quality testing program. Temperature standard violations reported to the department will become part of the producer's official record.

~~((a) Milk stored at temperatures beyond the legal limits shall be tested by a representative of the producer's marketing agent and determined to be of acceptable quality before the milk can be picked up as Grade A milk.~~

~~(b) If milk stored at temperatures beyond the legal limits is determined to be of unacceptable quality by a representative of the producer's marketing agent, the milk in question is subsequently picked up as manufacturing milk or condemned.)~~

(5) Except as otherwise provided in subsection (2) of this section, recorder charts (~~shall~~) must be held at the dairy farm for ninety days and (~~shall~~) be made available to the (~~dairy sanitarian~~) director.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-125-040	Tolerances.
WAC 16-125-050	Authorized calibrators.
WAC 16-125-060	Calibration charts.
WAC 16-125-070	Calibration required.
WAC 16-125-080	Calibration (gaging) procedure.
WAC 16-125-090	Checking (testing) procedure.
WAC 16-125-100	Sealing legs.