

# SENATE BILL REPORT

## ESB 5962

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As Passed Senate, March 11, 1995

**Title:** An act relating to dairy products.

**Brief Description:** Changing dairy products regulations.

**Sponsors:** Senators Rasmussen and Newhouse.

**Brief History:**

**Committee Activity:** Agriculture & Agricultural Trade & Development: 2/25/95, 2/28/95 [DPA].

Passed Senate, 3/11/95, 47-0.

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### SENATE COMMITTEE ON AGRICULTURE & AGRICULTURAL TRADE & DEVELOPMENT

**Majority Report:** Do pass as amended.

Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; A. Anderson, Bauer, Morton, Newhouse and Snyder.

**Staff:** Bob Lee (786-7404)

**Background:** The Department of Agriculture inspects dairy farms at least once every six months to determine compliance with the pasteurized milk ordinance. The items inspected range from how milk facilities are constructed and maintained to allowable bacteria counts in milk. If there are repeat violations, the milk is required to be degraded from class A milk to class C milk. Class C milk may be used in manufactured milk products such as ice cream, powdered milk or cheese.

Concern exists as to whether milk should be required to be degraded if the degrading was the result of nonhealth related violations of the pasteurized milk ordinance.

A provision of the pasteurized milk ordinance in effect since 1949 was intended to prohibit the selling milk out of a milk can to the consumer. Instead, milk is to be sold to the consumer in individual containers or from approved dispensing devices. Concern exists that dispensing milk for coffee and lattes from small containers would be in violation of current law.

**Summary of Bill:** The Department of Agriculture is directed to develop a proposal to impose a civil penalty that would be in lieu of a degrade. In developing a proposal, the department must consult with the federal Food and Drug Administration and neighboring states. The department must provide a written report of its conclusions and recommendations to the Legislature by December 15, 1995.

Milk that is consumed on the premises can be served from a container if the serving size does not exceed one-half pint.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** There are a number of items that are checked by milk facility inspectors which do not directly relate to the wholesomeness or quality of milk. This bill gives the director authority to levy a civil fine rather than degrading the milk which could be exercised when the degrade does not affect the wholesomeness of the product.

**Testimony Against:** There is concern that the marketing of milk in other northwest states could be affected unless the civil fine procedures have prior acceptance by the federal Food and Drug Administration and the Interstate Milk Shippers Association.

**Testified:** Tim Erwin, Sid Mensonides, Walt DeJong, Independent Milk Products Distributors Association of NW (pro); Mike Schwisow, Oregon-Washington Dairy Processors (pro); Dan Coyne, Dairy Federation (pro); Mike Donovan, WSDA.

**House Amendment(s):** The House amendment retains the requirement that a proposal be developed to impose a civil penalty in lieu of degrading milk for violation of the pasteurized milk ordinance. Also retained is the requirement that the federal Food and Drug Administration and neighboring states be consulted.

The House amendment requires that the Dairy Inspection Program Advisory Committee rather than the Department of Agriculture develop the proposal and submit a report to the Legislature.