



# 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: 2/9/00

(2) Purpose: Rule was amended to implement legislation passed by 1999 legislature extending authority for issuance of Sanitary Certificates to Milk Processing Plants. Rule was also reviewed and language modified for clarity.

(3) Citation of existing rules affected by this order: Chapter 16-147 WAC all sections

Repealed: none  
 Amended: WAC 16-147-010, 16-147-020 and 16-147-030.  
 Suspended:

(4) Statutory authority for adoption: RCWs 15.36.525 and 69.07.085

Other Authority:

### PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 00-01-178 on 12/22/99 (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:

- |   |  |
|---|--|
| <b>Permanent Rules<br/>or Expedited Repeal</b><br><input checked="" type="checkbox"/> 31 days after filing<br><input type="checkbox"/> Other (specify) _____* | <b>Emergency Rules</b><br><input type="checkbox"/> Immediately<br><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  
2/9/00

### CODE REVISER USE ONLY

CODE REVISER'S OFFICE  
STATE OF WASHINGTON

FEB 9 2000

TIME 8:22 AM

WSR 0005-025 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>3</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>0</u>	Amended	<u>3</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>0</u>	Amended	<u>3</u>	Repealed	<u>0</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>0</u>	Amended	<u>3</u>	Repealed	<u>0</u>

AMENDATORY SECTION (Amending Order 5066, filed 12/27/94, effective 1/27/95)

WAC 16-147-010 (~~(Authority and)~~) What is the purpose((-) of this chapter? (~~(This chapter is promulgated under authority of RCW 69.07.020 and 69.07.085-)~~) The purpose of this (~~(rule)~~) chapter is to establish requirements for (~~(issuance of)~~) issuing sanitary certificates to food (~~(processors)~~) processing plants and to milk processing plants.

AMENDATORY SECTION (Amending Order 5066, filed 12/27/94, effective 1/27/95)

WAC 16-147-020 What is a sanitary certificate ((defined-))? A sanitary certificate is a notarized statement by a responsible food safety official (~~(that certifies)~~) certifying that a food processing plant or milk processing plant has been inspected and approved by this department and has been issued a license indicating the same.

(~~(It further certifies that its products to the best of our knowledge are prepared under sanitary conditions, are not harmful and are freely sold in the United States.)~~)

AMENDATORY SECTION (Amending Order 5066, filed 12/27/94, effective 1/27/95)

WAC 16-147-030 What are the requirements for obtaining a sanitary certificate((-))? The requirements for obtaining a sanitary certificate are:

(1) All applicants (~~(for a sanitary certificate)~~) must (~~(have current license)~~) be currently licensed as either a food (~~(processor)~~) processing or milk processing plant in Washington state with the department of agriculture under RCW 69.07.040 or 15.36.051.

(2) Sanitary certificate will be issued only to cover products listed on the license application or otherwise approved by the department of agriculture.

(3) Products for certification must not be under embargo or litigation by (~~(Washington)~~) the department of agriculture, the

U.S. Food and Drug Administration, or other recognized public health authorities.

(4) (~~(A food processor)~~) An applicant must not be (~~(in arrears)~~) more than ninety days in arrears in paying for previous sanitary certificates issued.

(5) (~~(A food processor)~~) Any applicant that requests sanitary certificates must have been inspected by the department of agriculture within the inspection frequency guidelines established by Washington state department of agriculture and must be in substantial compliance with applicable food safety and dairy laws and rules.

(6) The applicant must provide the department with a declaration in a form acceptable to the department.

(7) Sanitary certificates will be in a form approved by the (~~(Washington state)~~) department of agriculture (~~(which)~~) that specifies the plant location where the products were (~~(produced)~~) processed and that the plant was inspected and found in substantial compliance with food safety or dairy laws and rules. No statements will be made to (~~(infer)~~) imply that (~~(any given)~~) a product was inspected and passed.

(~~(+7)~~) (8) Sanitary certificates will be issued (~~(as soon as possible)~~) in the order the requests are received. However advance notice of three business days is required to ensure (~~(the)~~) that sanitary certificates will be sent by the date needed.

(~~(+8)~~) (9) The department will deliver sanitary certificate by U.S. mail service. Requests for overnight mail or FAX will be allowed, but must be paid for by requester.

(10) Milk processing plants that request sanitary certificates for Grade A products must be in compliance with the Pasteurized Milk Ordinance (PMO), or Condensed and Dry Milk Ordinance (DMO), as applicable.