



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: Department of Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Rule Making

(1) Date of adoption: September 25, 2003

(2) Purpose: This rule making order is the result of the department's on-going Executive Order 97-02 commitment to review and repeal rules that are no longer necessary. This filing repeals:

- WAC 16-100-001 (Promulgation) because it represents an outdated method of rule writing that is no longer used and the section is not needed.
- WAC 16-100-010 (Specifications and use) because it is redundant and not needed. The requirements in this section are covered in WAC 16-167-050 and Title 21 Code of Federal Regulations (21CFR) part 110. Department food storage temperature requirements are also addressed in RCW 19.32.100, RCW 69.04.915, WAC 16-142-170 and WAC 16-165-130(29).
- WAC 16-100-020 (Penalty) because it is also redundant and not needed. The subject of penalties is covered in RCW 19.32.180, RCW 69.04.060, RCW 69.04.070, RCW 69.07.150, RCW 69.10.050 and chapter 16-139 WAC (Penalties).

(3) Citation of existing rules affected by this order:

Repealed: WAC 16-100-001, WAC 16-100-010, WAC 16-100-020
 Amended:
 Suspended:

(4) Statutory authority for adoption: Chapter 19.32 RCW, Chapter 69.04 RCW, Chapter 69.07 RCW, Chapter 69.10 RCW, and Chapter 34.05 RCW

Other Authority:

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 03-13-130 on June 18, 2003.
 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:

(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

- 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)
Valoria H. Loveland

Signature
Valoria H. Loveland

Title: Director Date: September 25, 2003

CODE REVISER USE ONLY

SEARCHED _____ INDEXED _____
 SERIALIZED _____ FILED _____
 TIME: 1:52 PM
 WSR: 03-20-063

(COMPLETE REVERSE SIDE)

**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	0	Amended	0	Repealed	0
Federal rules or standards:	New	0	Amended	0	Repealed	0
Recently enacted state statutes:	New	0	Amended	0	Repealed	0

The number of sections adopted at the request of a nongovernmental entity:

New	0	Amended	0	Repealed	0
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The number of sections adopted in the agency's own initiative:

New	0	Amended	0	Repealed	3
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	0	Amended	0	Repealed	0
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The number of sections adopted using:

Negotiated rule making:	New	0	Amended	0	Repealed	0
Pilot rule making:	New	0	Amended	0	Repealed	0
Other alternative rule making:	New	0	Amended	0	Repealed	3

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-100-001	Promulgation.
WAC 16-100-010	Specifications and use.
WAC 16-100-020	Penalty.