

State of Washington

Department of Agriculture
(agency name)

Administrative Order No. 1706

(1) I, Bob J. Mickelson, director of Washington State Department of Agriculture

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

Interpretation for the enforcement of Chapter 15.36 RCW relating to Pasteurized Milk.

Amending WAC 16-101-700 and WAC 16-101-710

Repealing WAC 16-101-400 Promulgation

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. WSR 80-04-088 filed with the code reviser on April 1, 1980. Such rules shall take effect:

- [X] pursuant to RCW 34.04.040(2).
[] at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04 (1977 c 19 § 2) that every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules (fill in statement (a), (b), or (c) as appropriate):

- [X] (a) This rule is promulgated pursuant to RCW 15.36 and is intended to administratively implement that statute.
[] (b) This rule is promulgated pursuant to RCW which directs that the

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

- [] (c) This rule is promulgated under the general rule-making authority of the

(agency)

as authorized in RCW

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this agency is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

STATE OF WASHINGTON

APPROVED AND ADOPTED May 30, 1980

JUN 2 1980

By [Signature]

Deputy Director of Agriculture

Title

CODE REVISER'S OFFICE WSR 80-06-125

NEW SECTION

WAC 16-101-700 INTERPRETATION FOR THE ENFORCEMENT OF CHAPTER 15.36 RCW RELATING TO PASTEURIZED MILK. The Grade "A" Pasteurized Milk Ordinance 1978 Recommendation of the United States Public Health Service/Food and Drug Administration is adopted as the interpretation for the enforcement of those provisions of chapter 15.36 RCW relating to pasteurized milk: PROVIDED, That the following portions of Part I Grade A Pasteurized Milk Ordinance and Part II Administrative Procedures shall not apply as interpretations for enforcement of chapter 15.36 RCW.

- (1) Part I. Grade A Pasteurized Milk Ordinance:
 - (a) Section 1. Paragraph A through Paragraph L-2, pages 19-20.
 - (b) Section 6. Paragraph 4, pages 24-25.
 - (c) Section 7. Table 1, Line 4, page 26.
- (2) Part II. Administrative Procedures:
 - (a) Section 1. Paragraph A through Paragraph L-2, pages 35-36.
 - (b) Section 6. Paragraph 4, page 42.
 - (c) Section 7. Table 1, Line 4, page 45.
 - (d) Item 6r Administrative Procedures #2, page 49.
 - (e) Sections 15, 16, and 17, page 86.
 - (f) Appendix E, pages 131-132.
 - (g) Appendix K, page 183.
 - (h) Appendix L, page 185.

As the Grade "A" Pasteurized Milk Ordinance 1978 Recommendation of the United States Public Health Service/Food and Drug Administration will not be codified, it should be noted that it may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

NEW SECTION

WAC 16-101-710 SUSPENSION OF GRADE A PERMIT. Section 6, Paragraph 6, Part I, Grade "A" Pasteurized Milk Ordinance, page 25, and Part II Administrative Procedures, page 42, are changed to read:

Whenever an antibiotic or pesticide residue test is positive, an immediate suspension of Grade A permit shall be instituted. An investigation shall be made to determine the cause of the residue and the cause shall be corrected. An additional sample shall be taken and tested for antibiotic or pesticide residues and no milk shall be offered for sale until it is shown by a subsequent sample to be free of antibiotic or pesticide residues or below the actionable levels established for such residues. The suspension of the Grade A permit shall remain in effect until the residue is below the actionable level, but in no case shall the suspension be in effect for less than four calendar days.

REPEALER

The following section of the Washington Administrative Code is repealed:

- (1) WAC 16-101-400 PROMULGATION

For the purpose of legislative review of agency rules, the following statement is submitted:

- (a) This rule relates to interpretation for the enforcement of Chapter 15.36 RCW pertaining to pasteurized milk in the State of Washington.
- (b) This regulation, with certain exceptions, adopts the 1978 recommendation of the United States Public Health/Food and Drug Administration's Grade A Pasteurized Milk Ordinance relating to the method of production and processing of milk and milk products.
- (c) Department of Agriculture
Dairy and Food Division
James E. Wommack
406 General Administration Building
Olympia, Washington
- (d) Proponents: Department of Agriculture
Opponents: None