



RULE-MAKING ORDER
(RCW 34.05.360)

#6012

CR-103 (4/25/96)

Agency: Department of Agriculture	<input checked="" type="checkbox"/> Permanent Rule
(1) Date of adoption: 12/26/96	<input type="checkbox"/> Emergency Rule
	<input type="checkbox"/> Expedited Repeal

(2) Purpose: To adopt the 1996 Federal Regulations under Title 21 CFR, 1996 pesticide tolerances under Title 40 CFR and 1996 FDA Compliance Policy Guidelines. This will update the current rule that was adopted in 1994 and ensure that we are consistent with the latest federal regulations that establish food standards, food and color additives, current good manufacturing practices, food labels, Seafood HACCP, and pesticide tolerances.

(3) Citation of existing rules affected by this order: Chapter 16-167 WAC
 Repealed: 0
 Amended: Chapter 16-167 WAC
 Suspended: 0

(4) Statutory authority for adoption: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020.
 Other Authority:

PERMANENT RULE ONLY
 Adopted under notice filed as WSR 96-22-083 on 11/6/96 (date).
 Describe any changes other than editing from proposed to adopted version:

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	Emergency Rules
<input checked="" type="checkbox"/> 31 days after filing	<input type="checkbox"/> Immediately
<input type="checkbox"/> Other (specify) _____ *	<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	CODE REVISER USE ONLY CODE REVISER'S OFFICE STATE OF WASHINGTON FILED DEC 26 1996 TIME: <u>10:00</u> WSR: <u>97-02-036</u>
Signature 	
Title Director of Agriculture	

Date 12/26/96

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

DEC 26 1996

TIME: 10:00

WSR: 97-02-036

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	Repealed	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	Repealed	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	Repealed	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

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	Repealed	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	Repealed	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	Repealed	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

AMENDATORY SECTION (Amending Order 5065, filed 12/27/94, effective 1/27/95)

WAC 16-167-010 Purpose and authority. (1) Consistent with the concept of uniformity where possible with the federal regulations adopted under the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 301 et seq. the following federal regulations are specifically made applicable to all persons subject to chapters 69.04 and 69.07 RCW by virtue of RCW 69.04.392, 69.04.394, 69.04.396 and 69.04.398. Although those regulations are automatically applicable to all persons subject to chapters 69.04 and 69.07 RCW, the department is nevertheless adopting as its own rules the following existing regulations of the federal government published in the Code of Federal Regulations revised as of April 1, ((1994)) 1996.

(2) The purpose of this rule is to adopt the following portion of the federal regulations promulgated under Title 21 CFR, Title 40 CFR and FDA Compliance Policy Guidelines as Washington standards for food safety to ensure uniformity with United States standards and to protect the consuming public from possible harm due to the purchase or consumption of adulterated or misbranded food.

(3) These rules are promulgated under authority of RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020.

AMENDATORY SECTION (Amending Order 5065, filed 12/27/94, effective 1/27/95)

WAC 16-167-020 Pesticide chemicals. The following federal regulations are adopted as Washington tolerances for pesticide chemicals: 40 CFR Revised as of July 1, ((1993)) 1995.

(1) Parts 180 - Tolerances and Exemptions from Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities.

(a) Subpart A - Definitions and Interpretative Regulations.

(b) Subpart C - Specific Tolerances.

(2) Part 185 - Tolerances for Pesticides in Food.

(3) Part 186 - Tolerances for Pesticides in Animal Feeds.

AMENDATORY SECTION (Amending Order 5065, filed 12/27/94, effective 1/27/95)

WAC 16-167-030 Food additives. The following federal regulations prescribing the conditions under which such food additives may safely be used are adopted as Washington food

additive regulations. 21 CFR Chapter 1 Revised as of April 1, ((1994)) 1996.

- (1) Part 170 - Food Additives.
- (2) Part 172 - Food Additives Permitted for Direct Addition to Food for Human Consumption.
- (3) Part 173 - Secondary Direct Food Additives Permitted in Food for Human Consumption.
- (4) Part 174 - Indirect Food Additives: General.
- (5) Part 175 - Indirect Food Additives: Adhesives and Components of Coatings.
- (6) Part 176 - Indirect Food Additives: Paper and Paperboard Components.
- (7) Part 177 - Indirect Food Additives: Polymers.
- (8) Part 178 - Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers.
- (9) Part 179 - Irradiation in the Production, Processing and Handling of Food.
- (10) Part 180 - Food Additives Permitted in Food on an Interim Basis or in Contact with Food Pending Additional Study.
- (11) Part 181 - Prior-Sanctioned Food Ingredients.
- (12) Part 182 - Substances Generally Recognized as Safe.
- (13) Part 184 - Direct Food Substances Affirmed as Generally Recognized as Safe.
- (14) Part 186 - Indirect Food Substances Affirmed as Generally Recognized as Safe.
- (15) Part 189 - Substances Prohibited From Use in Human Food.

AMENDATORY SECTION (Amending Order 5065, filed 12/27/94, effective 1/27/95)

WAC 16-167-040 Color additives. The following federal regulations prescribing the use or limited use of such color additives are adopted as Washington color additive regulations. 21 CFR Chapter 1 Subchapter A-General Revised as of April 1, ((1994)) 1996.

- (1) Part 70 - Color Additives.
- (2) Part 73 - Listing of Color Additives Exempt From Certification.
- (3) Part 74 - Listing of Color Additives Subject to Certification.
- (4) Part 81 - General Specifications and General Restrictions for Provisional Color Additives for Use in Foods, Drugs and Cosmetics.
- (5) Part 82 - Listing of Provisionally Listed Colors and Specifications.

WAC 16-167-050 General requirements. The following federal regulations concerning food are adopted as Washington requirements for regulating food in intrastate commerce.

(1) 21 CFR Chapter 1 Subchapter A-General Revised as of April 1, (~~1994~~) 1996.

(a) Part 1 - General Enforcement Regulations.

(i) Subpart A General Provisions.

(ii) Subpart B General Labeling Requirements.

(b) Part 2 - General Administrative Rulings and Decisions.

(i) Subpart A General Provisions.

(ii) Subpart B Human and Animal Foods.

(c) Part 7 - Enforcement Policy.

(2) 21 CFR Chapter 1 Subchapter B-Food for Human Consumption.

(a) Part 100 - General.

(b) Part 101 - Food Labeling.

(c) Part 102 - Common or Usual Name for Nonstandardized Foods.

(d) Part 103 - Quality Standards for Foods With no Identity Standards.

(e) Part 104 - Nutritional Quality Guidelines for Foods.

(f) Part 105 - Foods for Special Dietary Use.

(g) Part 106 - Infant Form Quality Control Procedures.

(h) Part 107 - Infant Formula.

(i) Part 108 - Emergency Permit Control.

(j) Part 109 - Unavoidable Contaminants in Food for Human Consumption and Food Packaging Material.

(k) Part 110 - Current Good Manufacturing Practice in Manufacturing. Packing and Holding Human Food.

(l) Part 113 - Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers.

(m) Part 114 - Acidified Foods.

(n) Part 123 - Fish and Fishery Products.

(o) Part 129 - Processing and Bottling Bottled Drinking Water.

(~~(+o)~~) (p) Part 130 - Food Standards: General.

(~~(+p)~~) (q) Part 131 - Milk and Cream.

(~~(+q)~~) (r) Part 133 - Cheeses and Related Cheese Products.

(~~(+r)~~) (s) Part 135 - Frozen Desserts.

(~~(+s)~~) (t) Part 136 - Bakery Products.

(~~(+t)~~) (u) Part 137 - Cereal Flours and Related Products.

(~~(+u)~~) (v) Part 139 - Macaroni and Noodle Products.

(~~(+v)~~) (w) Part 145 - Canned Fruits.

(~~(+w)~~) (x) Part 146 - Canned Fruit Juices.

(~~(+x)~~) (y) Part 150 - Fruit Butters, Jellies, Preserves and Related Products.

(~~(+y)~~) (z) Part 152 - Fruit Pies.

(~~(+z)~~) (aa) Part 155 - Canned Vegetables.

(~~(+aa)~~) (bb) Part 156 - Vegetable Juices.

(~~(+bb)~~) (cc) Part 158 - Frozen Vegetables.

(~~(+cc)~~) (dd) Part 160 - Eggs and Egg Products.

(~~(+dd)~~) (ee) Part 161 - Fish and Shellfish.

(~~(+ee)~~) (ff) Part 163 - Cacao Products.

(~~(+ff)~~) (gg) Part 164 - Tree Nut and Peanut Products.

(~~(+gg)~~) (hh) Part 165 - Beverages.

(ii) Part 166 - Margarine.

(~~(+hh)~~) (jj) Part 168 - Sweeteners and Table Syrups.

((~~ii~~)) kk Part 169 - Food Dressings and Flavorings.

NEW SECTION

WAC 16-167-900 Where can publications adopted by WSDA under this chapter be obtained? (1) Title 21 CFR and Title 40 CFR can be purchased from the Superintendent of Documents, U.S. Printing Office, Mail Stop SSOP, Washington D.C. 20402-9328.

(2) The compliance policy guidelines can be obtained by writing the Center for Food Safety and Applied Nutrition, Director, Office of Constituent Operations, Industry Activities Staff, HFS-S65 200 "C" Street SW, Washington D.C. 20204.

(3) Information can also be obtained from FDA's homepage at [HTTP://WWW.FDA.GOV/FDAHOMEPAGE.HTML](http://www.fda.gov/fdahomepage.html)