

WSR 24-17-090
EXPEDITED RULES
DEPARTMENT OF AGRICULTURE
[Filed August 19, 2024, 8:40 a.m.]

Title of Rule and Other Identifying Information: Chapter 16-104 WAC, Shell eggs—Standards, grades and weight classes.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: In response to a petition for rule making, the department of agriculture (department) is proposing to clarify current rule language by replacing all gender-specific pronouns with modern gender-inclusive pronouns.

Reasons Supporting Proposal: RCW 43.01.160 requires state agencies to use gender-neutral terms in rules unless a specification of gender is intended. Replacing gender-specific terminology supports the department's commitment to integrate inclusive policies and procedures as outlined in the department's 22-25 strategic plan.

Gender-inclusive pronouns are pronouns that are not specifically gendered and can be utilized when referring to each other in the third person. They are linguistic tools that we use to refer to people. Using gender-neutral pronouns can help create a more inclusive and welcoming environment and show respect for people's gender identities.

Statutory Authority for Adoption: RCW 69.25.030, 43.01.160.

Statute Being Implemented: Chapter 69.25 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Skye Theriot, private.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Gloriann Robinson, 1111 Washington Street S.E., Olympia, WA, 360-902-1802.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, makes address or name changes, or clarifies language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The amendments in this proposal meet the criteria for expedited rule making specified in RCW 34.05.353 (1)(c) by clarifying the rule, without changing its effect, by replacing gender-specific pronouns with gender-inclusive pronouns.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Gloriann Robinson, Rules Coordinator, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1802, fax 360-902-2092, email wsdarulescomments@agr.wa.gov, AND RECEIVED BY October 22, 2024.

August 19, 2024
Jason Ferrante
Deputy Director

OTS-5735.1

AMENDATORY SECTION (Amending WSR 87-16-075, filed 8/4/87)

WAC 16-104-200 Grades. (1) Washington consumer grade AA (at origin) shall consist of eggs which are at least 87 percent AA quality. The maximum tolerance of 13 percent which may be below AA quality may consist of A or B quality in any combination, except that within the tolerance for B quality, not more than ((±)) one percent may be B quality due to air cells over 3/4 inch, blood spots (aggregating not more than 1/8 inch in diameter), or serious yolk defects. Not more than ((5)) five percent ((7)) seven percent for jumbo size) checks are permitted and not more than 0.50 percent leakers, dirties, or loss (due to meat or blood spots) in any combination, except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

(2) Washington consumer grade AA (destination) shall consist of eggs which are at least 72 percent AA quality. The remaining tolerance of 28 percent shall consist of at least 10 percent A quality, and the remainder shall be B quality, except that within the tolerance for B quality not more than ((±)) one percent may be B quality due to air cells over 3/8 inch, blood spots (aggregating not more than 1/8 inch in diameter), or serious yolk defects. Not more than ((7)) seven percent ((9)) nine percent for jumbo size) checks are permitted and not more than 1 percent leakers, dirties, or loss (due to meat or blood spots) in any combination, except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

(a) Washington consumer grade A (A) Washington consumer grade A (at origin) shall consist of eggs which are at least 87 percent A quality or better. Within the maximum tolerance of 13 percent which may be below A quality, not more than ((±)) one percent may be B quality due to air cells over 3/8 inch, blood spots (aggregating not more than 1/8 inch in diameter), or serious yolk defects. Not more than ((5)) five percent ((7)) seven percent for jumbo size) checks are permitted and not more than 0.50 percent leakers, dirties, or loss (due to meat or blood spots) in any combination, except that such loss may exceed 0.30 percent. Other types of loss are not permitted.

(b) Washington consumer grade A (destination) shall consist of eggs which are at least 82 percent A quality or better. Within the maximum tolerance of 18 percent which may be below A quality, not more than ((±)) one percent may be B quality due to air cells over 3/8 inch, blood spots (aggregating not more than 1/8 inch in diameter), or serious yolk defects. Not more than ((7)) seven percent ((9)) nine percent for jumbo size) checks are permitted and not more than ((±)) one percent leakers, dirties, or loss (due to meat or blood spots) in any combination, except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

(3) Washington consumer grade B.

(a) Washington consumer grade B (at origin) shall consist of eggs which are at least 90 percent B quality or better, not more than 10 percent may be checks, and not more than 0.50 percent leakers, dirties, or loss (due to meat or blood spots) in any combination, except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

(b) Washington consumer grade B (destination) shall consist of eggs which are at least 90 percent B quality or better, not more than 10 percent may be checks and not more than ((±)) one percent leakers,

dirtyies, or loss (due to meat or blood spots) in any combination, except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

"Exemption." A licensed wholesale shell egg dealer may sell a consumer grade check on the premises where (~~he packages~~) they pack-
age eggs, directly to household consumers for use by such consumer and members of (~~his~~) their household and (~~his~~) their nonpaying guests and employees. This consumer grade check shall consist of eggs which at least 99 percent are checks or better. Checks may not exceed (~~1%~~) one percent dirtyies, leakers, and loss in any combination (due to meat or blood spots). Loss other than meat or blood spots is not permitted.

(4) Additional tolerances:

(a) In lots of two or more cases:

(i) For grade AA - No individual case may exceed 10 percent less AA quality eggs than the minimum permitted for the lot average.

(ii) For grade A - No individual case may exceed 10 percent less A quality eggs than the minimum permitted for the lot average.

(iii) For grade B - No individual case may exceed 10 percent less B quality eggs than the minimum permitted for the lot average.

(b) For grade AA, A, and B, no lot shall be rejected or downgraded due to the quality of a single egg except for loss other than blood or meat spots.