# Chapter 16-167 WAC
# INTRASTATE COMMERCE IN FOODS

WAC


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**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 the dates stated in the rule.

(2) The purpose of this rule is to adopt the following portion of the federal regulations promulgated under Title 21 C.F.R., Title 40 C.F.R. 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.

[Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398, 69.07.020 and 69.10.055. 99-12-020, § 16-167-010, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020. 98-09-048, § 16-167-010, filed 4/15/98, effective 5/16/98; 97-02-036 (Order 6012), § 16-167-010, filed 12/26/96, effective 1/26/97. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.398 and 69.07.020. 95-02-017 (Order 5065), § 16-167-010, 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 C.F.R. Revised as of July 1, 1998.

(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.

[Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398, 69.07.020 and 69.10.055. 99-12-020, § 16-167-020, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020. 98-09-048, § 16-167-020, filed 4/15/98, effective 5/16/98; 97-02-036 (Order 6012), § 16-167-020, filed 12/26/96, effective 1/26/97. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.398 and 69.07.020. 95-02-017 (Order 5065), § 16-167-020, 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 C.F.R. Chapter 1 Revised as of April 1, 1998.

(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.

[Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398, 69.07.020 and 69.10.055. 99-12-020, § 16-167-030, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020. 98-09-048, § 16-167-030, filed 4/15/98, effective 5/16/98; 97-02-036 (Order 6012), § 16-167-030, filed 12/26/96, effective 1/26/97. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.398 and 69.07.020. 95-02-017 (Order 5065), § 16-167-030, 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 C.F.R. Chapter 1 Subchapter A-General Revised as of April 1, 1998.

(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.

[Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398, 69.07.020 and 69.10.055. 99-12-020, § 16-167-040, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020. 98-09-048, § 16-167-040, filed 4/15/98, effective 5/16/98; 97-02-036 (Order 6012), § 16-167-040, filed 12/26/96, effective 1/26/97. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.398 and 69.07.020. 95-02-017 (Order 5065), § 16-167-040, filed 12/27/94, effective 1/27/95.]

**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 C.F.R. Chapter 1 Subchapter A-General Revised as of April 1, 1998.

(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 C.F.R. Chapter 1 Subchapter B-Food for Human Consumption, Revised as of Federal Register: July 8, 1998, (Volume 63, Number 130) Page 37030-37056.

(a) Part 100 - General.

(b) Part 101 - Food Labeling.

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

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

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

(f) Part 106 - Infant Formal Quality Control Procedures.

(g) Part 107 - Infant Formula.

(h) Part 108 - Emergency Permit Control.

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

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

(k) Part 111 - Current Good Manufacturing Practices for Dietary Supplements.

(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.

(p) Part 130 - Food Standards: General.

(q) Part 131 - Milk and Cream.

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

(s) Part 135 - Frozen Desserts.

(t) Part 136 - Bakery Products.

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

(v) Part 139 - Macaroni and Noodle Products.

(w) Part 145 - Canned Fruits.

(x) Part 146 - Canned Fruit Juices.

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

(z) Part 152 - Fruit Pies.

(aa) Part 155 - Canned Vegetables.

(bb) Part 156 - Vegetable Juices.

(cc) Part 158 - Frozen Vegetables.

(dd) Part 160 - Eggs and Egg Products.

(ee) Part 161 - Fish and Shellfish.

(ff) Part 163 - Cacao Products.

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

(hh) Part 165 - Beverages.

(ii) Part 166 - Margarine.

(jj) Part 168 - Sweeteners and Table Syrups.

(kk) Part 169 - Food Dressings and Flavorings.

[Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398, 69.07.020 and 69.10.055. 99-12-020, § 16-167-050, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020. 98-09-048, § 16-167-050, filed 4/15/98, effective 5/16/98; 97-02-036 (Order 6012), § 16-167-050, filed 12/26/96, effective 1/26/97. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.398 and 69.07.020. 95-02-017 (Order 5065), § 16-167-050, filed 12/27/94, effective 1/27/95.]

**WAC 16-167-060 Compliance policy guidelines.** The following compliance policy guidelines are adopted as Washington regulations for regulating food in intrastate commerce. Food and Drug Administration Compliance Policy Guides revised as of August 1996.

Chapter 5 - Foods, Colors and Cosmetics.

(1) Subchapter 500 - Additives.

(2) Subchapter 505 - Bakery Products.

(3) Subchapter 510 - Beverages.

(4) Subchapter 515 - Candy and Sugar.

(5) Subchapter 520 - Canned Foods.

(6) Subchapter 525 - Condiment Industry.

(7) Subchapter 527 - Dairy.

(8) Subchapter 530 - Dietary Supplements.

(9) Subchapter 535 - Edibles Oils.

(10) Subchapter 537 - Egg Industry.

(11) Subchapter 540 - Fish and Seafood.

(12) Subchapter 545 - Food Related.

(13) Subchapter 550 - Fruits.

(14) Subchapter 555 - General.

(15) Subchapter 562 - Labeling.

(16) Subchapter 565 - Meat and Poultry.

(17) Subchapter 570 - Nut.

(18) Subchapter 575 - Pesticides.

(19) Subchapter 578 - Processed Grains.

(20) Subchapter 580 - Storage.

(21) Subchapter 585 - Vegetables.

(22) Subchapter 587 - Colors.

[Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020. 98-09-048, § 16-167-060, filed 4/15/98, effective 5/16/98. Statutory Authority: 69.04.392, 69.04.394, 69.04.398 and 69.07.020. 95-02-017 (Order 5065), § 16-167-060, filed 12/27/94, effective 1/27/95.]

**WAC 16-167-900 Where can publications adopted by WSDA under this chapter be obtained?** (1) Title 21 C.F.R. and Title 40 C.F.R. 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

[Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020. 97-02-036 (Order 6012), § 16-167-900, filed 12/26/96, effective 1/26/97.]