

WSR 24-22-033

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed October 28, 2024, 7:14 a.m., effective November 28, 2024]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule-making order amends chapter 16-167 WAC, Intra-state commerce in foods, by clarifying current rule language by replacing all gender-specific pronouns with modern gender-inclusive pronouns.

Citation of Rules Affected by this Order: Amending WAC 16-167-010.

Statutory Authority for Adoption: RCW 15.130.120, 43.01.160.

Adopted under notice filed as WSR 24-17-094 on August 19, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 25, 2024.

Derek I. Sandison
Director

OTS-5739.1

AMENDATORY SECTION (Amending WSR 20-17-020, filed 8/6/20, effective 9/6/20)

WAC 16-167-010 General. (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., this chapter adopts the version of the referenced federal rule current at the time this rule becomes effective.

(2) To promote continued uniformity with federal rules; amendments to the federal rules referenced in this chapter are hereby incorporated and enforceable under this chapter upon the effective date of the federal amendment provided:

(a) The director of the Washington state department of agriculture or (~~his or her~~) their authorized representative (director) gives notice of the federal rule amendment at the time it is published as a final rule in the Federal Register;

(b) The notice is published, at a minimum, in the state register and on the agency's website; and

(c) The director has not otherwise determined that the amendment should not be adopted as provided in subsection (3) of this section.

(3) If the director determines that a proposed amendment to a federal rule referenced in this chapter should not be adopted, the director shall initiate rule making under chapter 34.05 RCW to amend this chapter to reflect the version of the federal rule, if any, effective under this chapter.