

WSR 25-23-037

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed November 13, 2025, 11:32 a.m., effective December 14, 2025]

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

Purpose: This rule-making order amends chapter 16-101 WAC, Washington state milk and milk products standards, by:

- Adopting the 2023 revision of the "Grade "A" Pasteurized Milk Ordinance" (PMO);
- Adopting the 2023 revision of the "Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments";
- Adopting the 2023 revision of the "Methods of Making Sanitation Ratings of Milk Shippers and the Certifications/Listings of Single-Service Containers and/or Closures for Milk and/or Milk Products Manufacturers";
- Adopting the 2023 revision of the "Evaluation of Milk Laboratories"; and
- Updating exceptions to PMO that conflict with state law.

Citation of Rules Affected by this Order: Amending WAC 16-101-701, 16-101-716, 16-101-721, 16-101-726, and 16-101-731.

Statutory Authority for Adoption: RCW 15.36.021.

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 25-16-047 on July 30, 2025.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 4, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: November 13, 2025.

Derek I. Sandison  
Director

**RDS-6543.1**

AMENDATORY SECTION (Amending WSR 19-09-008, filed 4/5/19, effective 5/6/19)

**WAC 16-101-701 Standards for the production of milk and milk products.** (1) With the exception of the portions identified in subsection (2) of this section, the department adopts the Grade "A" Pasteurized Milk Ordinance, ((2017)) 2023 Revision, United States Public Health Service/Food and Drug Administration, as additional Washington

state standards for the production of milk and milk products including Grade A condensed and dry milk products and condensed and dry whey products under chapter 15.36 RCW.

(2) The department does not adopt the following portions of the Grade "A" Pasteurized Milk Ordinance, ((2017)) 2023 Revision:

(a) Grade "A" Pasteurized Milk Ordinance - ((2017)) 2023 Revision.

PMO Page No.	Excepted Portion
Page 16	<ul style="list-style-type: none"> <li>• Section 3, Permits, paragraph ((6)) <u>5</u>, which begins with "The regulatory agency shall suspend..."</li> <li>• Section 3, Permits, paragraph ((7)) <u>6</u>, which begins with "Upon notification..."</li> </ul>
Pages 28((-29))	<ul style="list-style-type: none"> <li>• Section 6, The Examination of Milk and/or Milk Products, paragraph ((9)) <u>11</u>, which begins with "Whenever two (2) of the last four (4) consecutive..."</li> </ul>
Page ((34)) <u>33</u>	<p>Section of Table 1 entitled "GRADE "A" RAW MILK AND MILK PRODUCTS FOR PASTEURIZATION, ULTRA-PASTEURIZATION, ASEPTIC PROCESSING AND PACKAGING, OR RETORT PROCESSED AFTER PACKAGING OR FERMENTED HIGH-ACID, SHELF-STABLE PROCESSING AND PACKAGING"</p> <ul style="list-style-type: none"> <li>• Under Temperature: "Cooled to 10°C (50°F) or less within four (4) hours ((or less of the commencement of the first milking and to 7°C (45°F) or less within two (2) hours after the completion of milking)) after starting the milking operation. The milk shall then be cooled within two (2) more hours to 7°C (45°F) or less. Provided, that the blend temperature after the first milking and subsequent milkings does not exceed 10°C (50°F)."</li> </ul> <p><b>Note:</b> Milk sample submitted for testing cooled and maintained at 0°C (32°F) to 4.5°C (40°F), where sample temperature is &gt; 4.5°C (40°F) but ≤7.0°C (45°F) and less than three (3) hours after collection has not increased in temperature;</p> <ul style="list-style-type: none"> <li>• Under Bacterial Limits: Only the sentence..."Individual producer milk not to exceed 100,000 per mL prior to commingling with other producer milk."</li> </ul>

PMO Page No.	Excepted Portion
Pages ((34-35)) <u>33</u>	Under Somatic Cell Count: "individual producer milk not to exceed 750,000 per mL... *Goat milk 1,500,000 mL."

(b) Standards for Grade "A" Raw Milk for Pasteurization, Ultra-pasteurization, Aseptic Processing and Packaging or Retort Processed After Packaging or Fermented High-Acid, Shelf-Stable Processing and Packaging.

PMO Page No.	Excepted Portion
Page <u>58-59</u>	Item 18r. "Raw Milk Cooling" paragraph 1, which begins with "Raw milk for pasteurization, ultra-pasteurization, aseptic processing and packaging or retort processed after packaging or fermented high-acid, shelf-stable processing and packaging shall be cooled..."
Page 59	I. "Administrative Procedures", item 1 only

(c) Standards for Grade "A" Pasteurized, Ultra-pasteurized, Aseptically Processed and Packaged Low-Acid Milk and/or Milk Products, and Retort Processed after Packaged Low-Acid Milk and/or Milk Products.

PMO Page No.	Excepted Portion
Page 119	Item 18p. "Bottling, Packaging and Container Filling", under Public Health Reason, first sentence only which begins with "Manual bottling, packaging, and container filling..."
Page 119	Item 18p. "Administrative Procedures", item number 2 only.
Page 121	Item 19p. "Capping, container closure and sealing and Dry Milk Product Storage", Administrative Procedures, item number 1 only.
Page 134	Sections 15 (Enforcement), 16 (Penalty), and 17 (Repeal and Date of Effect)

(d) Appendix E: Examples of 3-out-of-5 Compliance Enforcement Procedures.

PMO Page No.	Excepted Portion
Pages ((209-)) <u>210-211</u>	All of Appendix E

(3) The department does adopt the following somatic cell count standards to be: Individual producer bovine cow milk not to exceed 400,000 per mL; and goat, sheep, and all other species milk not to exceed 1,000,000 per mL.

AMENDATORY SECTION (Amending WSR 19-09-008, filed 4/5/19, effective 5/6/19)

**WAC 16-101-716 Procedures for certification of interstate milk shippers.** The department adopts the Procedures Governing the Coopera-

tive State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments ((2017)) 2023 Revision as Washington state procedures for the certification of interstate milk shippers.

AMENDATORY SECTION (Amending WSR 19-09-008, filed 4/5/19, effective 5/6/19)

**WAC 16-101-721 Methods for making sanitation ratings of milk shippers.** The department adopts the Methods of Making Sanitation Ratings of Milk Shippers and the Certifications/Listings of Single-Service Containers and/or Closures for Milk and/or Milk Products Manufacturers ((2017)) 2023 Revision, United States Health and Human Services Public Health Service/Food and Drug Administration as Washington state methods for ratings of interstate milk shippers.

AMENDATORY SECTION (Amending WSR 19-09-008, filed 4/5/19, effective 5/6/19)

**WAC 16-101-726 Standard for the accrediting of milk laboratories.** The department adopts the Evaluation of Milk Laboratories ((2017)) 2023 Revision United States Health and Human Services Public Health Service/Food and Drug Administration as the Washington state standard for accrediting milk laboratories and certified industry supervisors who request certification and approval for uniform collection and testing required for compliance with the Grade "A" Pasteurized Milk Ordinance.

AMENDATORY SECTION (Amending WSR 19-09-008, filed 4/5/19, effective 5/6/19)

**WAC 16-101-731 Availability of the publications adopted by the department in this chapter.** (1) The Grade "A" Pasteurized Milk Ordinance, ((2017)) 2023 Revision, United States Public Health Service/Food and Drug Administration, the Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments, ((2017)) 2023 Revision, the Methods of Making Sanitation Ratings of Milk Shippers, and the Certifications/Listings of Single-Service Containers and/or Closures for Milk and/or Milk Products Manufacturers ((2017)) 2023 Revision, United States Department of Health and Human Services Public Health Services/Food and Drug Administration, and the Evaluation of Milk Laboratories, ((2017)) 2023 Revision, United States Department of Health and Human Services Public Health Service/Food and Drug Administration can be obtained at ((<https://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/Milk/uem2007966.htm>)) <https://www.fda.gov/food/milk-guidance-documents-regulatory-information/national-conference-interstate-milk-shipments-ncims-model-documents>.

(2) For information regarding the contents and application of these publications, contact the Food Safety and Consumer Services Di-

vision at the Washington State Department of Agriculture, P.O. Box  
42560, Olympia, WA 98504-2560 or (~~FSCS@agr.wa.gov~~)  
[foodsafety@agr.wa.gov](mailto:foodsafety@agr.wa.gov).