



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (August 2017)
(Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 28, 2024

TIME: 7:09 AM

WSR 24-22-026

Agency: Dept. of Agriculture

Effective date of rule:

Permanent Rules

- ☒ 31 days after filing.
☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- ☐ Yes ☒ No If Yes, explain:

Purpose: This rule making order amends Chapter 16-101X WAC, DEGRADES, LICENSE SUSPENSIONS AND REVOCATIONS FOR DAIRY PRODUCERS AND PROCESSORS by:

Clarifying current rule language by replacing all gender-specific pronouns with modern gender-inclusive pronouns and removing the reference to RCW 15.36.411 from section WAC 16-101X-050 as it was repealed in 1999..

Citation of rules affected by this order:

New:

Repealed:

Amended: 16-101X-040, 16-101X-050.

Suspended:

Statutory authority for adoption: RCW 15.36.021, RCW 43.01.160

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 24-17-088 on 08/19/2024 (date).

Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	2	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	<u>2</u>	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

Date adopted: 10/25/2024

Name: Derek I. Sandison

Title: Director

Signature:



AMENDATORY SECTION (Amending WSR 96-24-059, filed 11/27/96, effective 12/28/96)

WAC 16-101X-040 How can a degraded dairy farm or milk processing plant operation be regraded? A producer or processor subject to degrade action for repeat violations must apply on an application provided by the department to have ~~((his or her))~~ their dairy farm or milk processing plant regraded. The application must be signed by the producer or processor and must state that all violations, both repeat violations and nonrepeat violations, cited on the inspection that caused the degrade have been corrected. Within seven days after receiving a completed application for regrade, the department will reinspect the dairy farm or milk processing plant. If the department determines that all violations, both repeat violations and nonrepeat violations, cited on the inspection that caused the degrade have been corrected and the degrade period as determined by the director has ended, the department will regrade the dairy farm or milk processing plant operation.

AMENDATORY SECTION (Amending WSR 96-24-058, filed 11/27/96, effective 12/28/96)

WAC 16-101X-050 Under what circumstances may the director initiate revocation action against the grade A license of a producer or processor? The director may initiate revocation proceedings against a dairy producer or milk processor whenever that producer or processor has had ~~((his or her))~~ their milk processing plant operation or dairy farm operation degraded for repeated violations and/or had his or her Grade A producer's license or milk processing plant license suspended and/or his or her milk degraded due to temperature violations, excessive coliform bacteria counts, total bacterial counts, or somatic cell counts, more than four times within a continuous three year period. A license may also be revoked as provided for in RCW 15.36.401 ~~((or 15.36.411))~~.