



EXPEDITED RULE MAKING

CR-105 (August 2017) (Implements RCW 34.05.353)

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STATE OF WASHINGTON
FILED

DATE: August 19, 2024

TIME: 8:38 AM

WSR 24-17-088

Agency: Dept. of Agriculture

Title of rule and other identifying information: (describe subject) Chapter 16-101X WAC, DEGRADES, LICENSE SUSPENSIONS AND REVOCATIONS FOR DAIRY PRODUCERS AND PROCESSORS.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: In response to a petition for rule making, the Department is proposing to clarify current rule language by replacing all gender-specific pronouns with modern gender-inclusive pronouns.

The department is also removing the reference to RCW 15.36.411 from section WAC 16-101X-050 as it was repealed in 1999.

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 agency'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 15.36.021, RCW 43.01.160,

Statute being implemented: Chapter 15.36 RCW)

Is rule necessary because of a:

Federal Law? ☐ Yes ☒ No

Federal Court Decision? ☐ Yes ☒ No

State Court Decision? ☐ Yes ☒ No

If yes, CITATION:

Name of proponent: (person or organization) Skye Theriot

☒ Private

☐ Public

☐ Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Gloriann Robinson	1111 Washington Street SE, Olympia, WA	(360) 902-1802
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Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None.

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- ☐ Relates only to internal governmental operations that are not subject to violation by a person;
- ☐ Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- ☒ Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- ☐ Content is explicitly and specifically dictated by statute;
- ☐ Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- ☐ Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- ☐ The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- ☐ The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- ☐ The rule is no longer necessary because of changed circumstances; or
- ☐ Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4): 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

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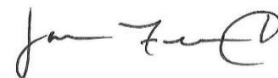
AND RECEIVED BY (date) 10/22/2024

Date: 08/19/2024

Name: Jason Ferrante

Title: Deputy 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~~).