



EXPEDITED RULE MAKING

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

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FILED

DATE: August 19, 2024

TIME: 8:42 AM

WSR 24-17-092

Agency: Dept. of Agriculture

Title of rule and other identifying information: (describe subject) Chapter 16-125 WAC, FARM MILK STORAGE TANKS AND BULK MILK TANKER—REQUIREMENTS

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.

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 15.36.020, 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
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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 99-18-032, filed 8/25/99, effective 9/25/99)

WAC 16-125-010 Definitions. (1) "Director" means the director of the department of agriculture, or (~~his/her~~) their duly authorized representative.

(2) "Bulk milk hauler" means the licensed dairy technician who has primary responsibility for the measuring, weighing, or grading of milk and the collection of samples at the farm.

(3) "Bulk milk hauling" means the transportation of milk or milk products from the producer to a milk processing plant or between milk processing plants, by vehicles belonging to an individual or corporation operating under a bulk milk hauler's license.

(4) "3A standards" means current sanitary standards for dairy equipment and accepted practices as published in the *Dairy Food and Environmental Sanitation* magazine of the International Association of Milk, Food and Environmental Sanitarians (IAMFES).

AMENDATORY SECTION (Amending WSR 99-18-032, filed 8/25/99, effective 9/25/99)

WAC 16-125-030 Installation. Before any person installs a new tank or relocates a used tank, (~~he or she~~) they must file drawings and detailed information about where and how the milk storage tank is to be installed with the director. There must be a minimum of two feet clearance between the sides of the tank and the walls of the milkhouse or other permanent equipment and a minimum of three feet on the working side of the tank and at the outlet valve. Adequate additional space necessary for normal milkhouse operations must be provided. There must be at least 30 inches clearance between the top of the pouring tank lip and the ceiling. Adequate space must be provided above the tank to accommodate the measuring rod.

Provisions of the National Bureau of Standards' Handbook 44 Code on Farm Milk Tanks as adopted under chapter 19.94 RCW applicable to installation and use shall be applicable.

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

WAC 16-125-120 Bulk milk tanker requirements. All bulk milk tankers operating in the state of Washington must comply with the provisions of 3A standard 05-14. Additional requirements are:

(1) Trucks and trailers with remote pumps, mounted on tractor or front trailer, and a system of external hoses and/or piping may be used: Provided, that

(a) External flexible hoses meet the following requirements:

(i) Hoses are the thick walled rubber type and meet 3A standards 18-01, 62-01 and 63-01 except for pump box hoses.

(ii) Hoses are capped with a sanitary cap when not in use.

(b) Piping along the length of the trailer is of the fixed type and meets the following requirements:

(i) The pipe is stainless steel and meets the requirements of 3A standards 63-02 and 33-01. Other materials may be used if they are approved by the Milk Safety Branch of the Food and Drug Administration.

(ii) The sanitary piping is enclosed in an insulated holder and both the sanitary piping and the holder are capped with a dust tight cap when disconnected.

(c) Sanitary air that meets the requirements of 3A standard 64-04 may be used to remove residual milk from the external piping system.

(d) Any milk in the external piping system that exceeds (~~forty-five~~) 45 degrees Fahrenheit is discarded.

(e) Adequate facilities must be provided at all receiving stations for the proper cleaning and sanitizing of tankers including the external lines and valves.

(2) All external valves on a tanker must be provided with a means of protection against dust, dirt, and road debris.

(a) Outlet valves must be protected by dust tight covers that will comply with 3A standard 05-14.

(b) Inlet valves and valves with attached hoses must be protected by a relatively dust tight cover. This cover may be:

(i) Stainless steel with an opening for the connection of hoses that is sealed with a flexible material that will prevent the entrance of dust, dirt, or road debris.

(ii) A flexible mounting made of rubber or other approved material that is close fitting, smooth, impervious, and easily removable for cleaning.

(iii) Any other cover for which plans have been submitted to and approved by the director.

(c) All valves not connected to hoses must have a sanitary cap and an approved dust cover on them.

(3) Markings on each truck or trailer must be sufficient to identify the owner of the truck or trailer.

(4) Cleaning and bactericidal treatment of all product contact surfaces including valves, hoses, covers, connections, appurtenances, pumps, and pump compartment of each tanker, when used, must be accomplished at least once every (~~twenty-four~~) 24 hours after first use. If the tanker is not used for hauling milk for (~~seventy-two~~) 72 hours after cleaning and sanitizing it must be sanitized again before it may be used for hauling milk. After sanitization each tanker must be tagged to show the date washed, place washed, and initials or signature of the person who washed the tanker. This wash tag must not be removed until the tanker is rewashed. It shall be the responsibility of the bulk milk hauler to ensure that the wash tag is present and that the tank is in fact clean prior to commencing (~~his~~) their route.

(5) Bulk milk tankers must meet the requirements under chapter 15.130 RCW and the rules adopted thereunder for transportation of food.

WAC 16-125-210 Recording thermometer—Operation. (1) Milk and milk products for consumption in the raw state or for pasteurization must be cooled to (~~(forty)~~) 40 degrees F or lower within two hours after completion of milking and maintained at that temperature until picked up: Provided, that the blend temperature after the first and subsequent milkings may not exceed (~~(fifty)~~) 50 degrees F.

(2) In making a milk pick-up, the licensed grader and sampler must:

(a) Remove the chart from the recorder before the chart has lapsed;

(b) Mark the date and time of pick-up;

(c) Sign the chart;

(d) Date and install a new chart, if necessary;

(e) File the completed charts under protected conditions, provided for by the producer, unless they are taken to the purchaser's premises for (~~(his)~~) their review.

(f) If the charts are taken from the dairy farm, they must be returned within (~~(ten)~~) 10 days from the date they were taken: Provided, that subject to the approval of its members and the department, a pooling agent, processing plant, receiving plant or regular place of business may file the recording thermometer charts at its place of business.

(g) The official milk temperature must be taken with an accurate, properly calibrated thermometer.

(3) The temperature recording charts may be used for more than one pick-up: Provided, that all the pick-ups occur within the maximum time interval of the chart. When the chart is used for more than one pick-up, the licensed grader and sampler must identify each lot of milk with the date, time of pick-up and (~~(his/her)~~) their signature.

(4) Before removing milk from a farm bulk tank, the licensed grader and sampler must check the recording chart. If the licensed grader and sampler finds milk temperature variations extending beyond the legal limits, (~~(he/she)~~) they must immediately notify the producer, or in the absence of the producer, an employee, and the producer's marketing agent. The licensed grader and sampler must sign the chart noting the date, time, stick reading and indicate that a temperature infraction has occurred. The producer's marketing agent must notify the department of agriculture of temperature standard violations detected through the official milk quality testing program. Temperature standard violations reported to the department will become part of the producer's official record.

(5) Except as otherwise provided in subsection (2) of this section, recorder charts must be held at the dairy farm for (~~(ninety)~~) 90 days and be made available to the director.