



Washington  
State Department of  
Agriculture

Environmental Justice Assessment  
of  
the Establishment of chapter 16-  
101 WAC to adopt the Grade “A”  
Pasteurized Milk Ordinance, 2023  
Revision

# Table of Contents

<b>Environmental Justice Reporting Overview .....</b>	<b>3</b>
<b>Executive Summary of the Proposed Significant Agency Action .....</b>	<b>4</b>
<b>Section 1: Analyze Environmental Benefits and Harms .....</b>	<b>4</b>
<b>Section 2: Identify Overburdened Communities and Vulnerable Populations.....</b>	<b>5</b>
<b>Section 3: Community Engagement Summary.....</b>	<b>6</b>
<b>Section 4: Tribal Engagement and Consultation.....</b>	<b>8</b>
<b>Section 5: Strategies to Address Environmental Harms and Equitably Distribute Environmental Benefits .....</b>	<b>10</b>

# Environmental Justice Reporting Overview



An Environmental Justice Assessment (EJA) is an opportunity to assess the environmental justice impacts of an agency action. This template is designed to meet all the requirements established under [Washington's Environmental Justice Law](#)<sup>1</sup> (also known as the HEAL Act). While it was developed by the HEAL interagency Working Group, this document has been adopted by the Washington State Department of Agriculture (WSDA) to meet agency needs for fulfilling the requirements of completing an EJA.

**EJA Table 1: Environmental Justice Assessment Overview**

1. Primary agency responsible for this action	Washington State Department of Agriculture
2. Primary agency staff contact(s)	Kim King, Compliance and Dairy Process Improvement Coordinator Gena Reich, FS & CS Policy and Performance Administrator
3. Secondary agency contact(s), if applicable	Wil Satak, Food Safety Program Manager
4. Description of proposed significant agency action	Adoption of the Grade "A" Pasteurized Milk Ordinance, 2023 Revision. The adoption allows us to remain compliant with current federal standards to allow for interstate commerce.
5. Date environmental justice assessment was initiated	May 2025
6. Date environmental justice assessment was completed	7/21/2025
7. Type of significant agency action (check one)	<input checked="" type="checkbox"/> The development and adoption of significant legislative rules as defined in <a href="#">RCW 34.05.328</a> <sup>2</sup>
8. Link(s) to initial notification with Office of Financial Management and/or other postings, such as publicly available results, materials, or reports related to the assessment.	

<sup>1</sup> [Washington's Environmental Justice Law \(HEAL Act\)](#)

<sup>2</sup> [RCW 34.05.328](#)

<sup>3</sup> [RCW 70A.02.060](#)

## Executive Summary of the Proposed Significant Agency Action

The changes in the Pasteurized Milk Ordinance (PMO) and associated National Conference on Interstate Milk Shipments (NCIMS) documents from the 2017 editions to the 2023 editions provide clarity, modernization, and ensure stronger public health controls. The changes are grouped into clarification and modernizations, procedural changes, and public health procedure expansions.

The clarification and modernization changes center around updating forms and documents for grammar, uniformity, and clarity. Procedural changes include things like moving information between sections of the documents. The changes to public health procedures increase the types of milk products, including shelf-stable products and cup-set yogurts. They also ensure practices used in UV water treatment systems more closely aligned with current scientific standards. NCIMS removed language that would prevent new and innovative pasteurization techniques from being employed at this time. Many of the changes that strengthen public health revolve around ensuring information is in the correct section of the PMO, and easily accessible by regulatory personnel.

NCIMS has served as a model cooperative program between the U. S. Public Health Service/Food and Drug Administration (FDA), the states, and the dairy industry since 1950. This program jointly makes changes to regulatory documents. The NCIMS conference deliberates proposals to amend the conference documents submitted by various individuals from state or local regulatory agencies, FDA, USDA, producers, processors, consumers, who all have an interest in ensuring that the dairy products we consume are safe. Conference documents, including the PMO, are a result of the conference itself, as well as approval by FDA after the conclusion of each conference.

Links:

FDA 2023 PMO: [Grade "A" Pasteurized Milk Ordinance \(PMO\) - 2023 Revision](#)

[NCIMS – National Conference on Interstate Milk Shipments](#)

[Milk Guidance Documents & Regulatory Information | FDA](#)

## Section 1: Analyze Environmental Benefits and Harms

### 1. Describe likely environmental benefits<sup>4</sup> for overburdened communities, vulnerable populations, and tribes associated with this action.

Although not specifically a direct environmental benefit, the rule change should ensure that milk is produced safely and distributed so that people are protected from food borne illnesses.

<sup>4</sup> **Environmental benefits** mean activities that: (a) Prevent or reduce existing environmental harms or associated risks that contribute significantly to cumulative environmental health impacts; (b) Prevent or mitigate impacts to overburdened communities or vulnerable populations from, or support community response to, the impacts of environmental harm; or (c) meet a community need formally identified to a covered agency by an overburdened community or vulnerable population that is consistent with the intent of chapter 70A.02 RCW.

<sup>5</sup> **Environmental harm** means the individual or cumulative environmental health impacts and risks to communities caused by historic, current, or projected: (a) Exposure to pollution, conventional or toxic pollutants, environmental hazards, or other contamination in the air, water, and land; (b) Adverse environmental effects, including exposure to contamination, hazardous substances, or pollution that increase the risk of adverse environmental health outcomes or create vulnerabilities to the impacts of climate change; (c) Loss or impairment of ecosystem functions or traditional food resources or loss of access to gather cultural resources or harvest traditional foods; or (d) Health and economic impacts from climate change.

2. **Describe likely environmental harms<sup>5</sup> for overburdened communities, vulnerable populations, and tribes associated with this action.**

WSDA did not find environmental harms associated with this rule change.

3. **Describe likely associated positive health impacts for overburdened communities, vulnerable populations, and tribes associated with this action.**

The rule change more than likely increases public health protections and applies statewide. All consumers of Grade “A” milk and milk products produced in Washington, including Overburdened Communities, Vulnerable Populations, and Tribes, as well as the general population, should benefit by the protection enhancements within the rule changes.

4. **Describe likely associated negative health impacts for overburdened communities, vulnerable populations, and tribes associated with this action.**

There are no likely negative health impacts for these communities because of this action. Standards and food quality requirements increase and creates more water treatment options that further protects the public’s health from foodborne illnesses.

## Section 2: Identify Overburdened Communities and Vulnerable Populations

1. **Identify the geographic area(s) where there may be environmental and health impacts because of the agency action.**

This rule change is statewide, and most states have adopted the latest changes. No environmental or negative health impacts will increase because of adopting these rules. Many dairy farms and processing plants have started operating under the new national licenses.

2. **Describe overburdened communities<sup>6</sup> and vulnerable populations<sup>7</sup> identified within the geographic area(s) where there may be environmental and health impacts because of the agency action.**

<sup>6</sup> **Overburdened community** means a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, highly impacted communities as defined in RCW 19.405.020.

<sup>7</sup> **Vulnerable populations** means population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to: (i) Adverse socioeconomic factors, such as unemployment, high housing and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms; and (ii) sensitivity factors, such as low birth weight and higher rates of hospitalization.

**Vulnerable populations** includes, but is not limited to:

- Racial or ethnic minorities;
- Low-income populations;
- Populations disproportionately impacted by environmental harms; and
- Populations of workers experiencing environmental harms.

WSDA has not found that this rule change will have negative or positive environmental health impacts felt specifically by overburdened communities or vulnerable populations. The public health impacts may affect all consumers of Grade “A” milk and milk products produced in Washington.

## Section 3: Community Engagement Summary

### 1. Summarize engagement with people from overburdened communities and vulnerable populations to date.

WSDA, along with other partners, have attempted to ensure appropriate notification to milk producers and processors impacted by the rule change, know about the rule changes and how they can make changes before the changes become enforceable. To date, no feedback has been received from the businesses that specifically identify themselves as belonging to overburdened communities or vulnerable populations.

For general community engagement, WSDA has posted a short blog post on its agency website and have a 10-day open comment period.

WSDA will publish information regarding the adoption of the 2023 PMO on its website, <https://agr.wa.gov/departments/food-safety/food-safety/dairy>. The 2023 PMO is available for download from the FDA website, <https://www.fda.gov/food/milk-guidance-documents-regulatory-information/national-conference-interstate-milk-shipments-ncims-model-documents>.

### 2. Summarize information received from people from overburdened communities and vulnerable populations.

On June 10, 2025, WSDA wrote a short blog post explaining the changes and leaving contact information, posted below (<https://agr.wa.gov/about-wsda/blog-posts?article=44066>). As of June 17, 2025, WSDA has not received any comments.

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- Low-income populations;
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- Populations of workers experiencing environmental harms.

# WSDA SEEKS FEEDBACK ON PROPOSED CHANGES TO MILK GUIDANCE DOCUMENTS

WSDA seeks feedback on the adoption of proposed changes to the [Pasteurized Milk Ordinance](#) (PMO) and associated [National Conference of Interstate Milk Shipments \(NCIMS\) documents](#). These changes will provide clarity, modernization, and ensure stronger public health controls in processing, handling, and transporting milk.

## Changes to the PMO and NCIMS documents

Proposed changes to the PMO and NCIMS documents are grouped into clarification and modernizations, procedural changes, and public health procedure expansions.

- **Clarification and modernization changes** center around updating forms and documents for grammar, uniformity, and clarity of language.
- **Procedural changes** include updates such as moving information between sections of the documents to improve efficiency and clarity.
- **Selection of changes to public health procedures:**
  - Increase the types of milk products discussed in the documents, including the addition of shelf-stable products and cup-set yogurts.
  - Ensure practices used in ultraviolet water treatment systems more closely aligned with current scientific standards.
  - Strengthen public health by ensuring information is in the correct section of the PMO and easily accessible by regulatory personnel.
  - NCIMS also removed language that would prevent new and innovative pasteurization techniques from being employed at this time.

## What is NCIMS?

NCIMS has served as a model cooperative program between the U.S. Public Health Service/Food and Drug Administration (FDA), the states, and the dairy industry since 1950. This program jointly makes changes to regulatory documents.

The NCIMS conference deliberates proposals to amend the conference documents submitted by various individuals from state or local regulatory agencies, FDA, USDA, producers, processors, and consumers, who all have an interest in ensuring that the dairy products we consume are safe.

<sup>6</sup> **Overburdened community** means a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, highly impacted communities as defined in RCW 19.405.020.

<sup>7</sup> **Vulnerable populations** means population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to: (i) Adverse socioeconomic factors, such as unemployment, high housing and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms; and (ii) sensitivity factors, such as low birth weight and higher rates of hospitalization.

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- Low-income populations;
- Populations disproportionately impacted by environmental harms; and
- Populations of workers experiencing environmental harms.

Conference documents, including the PMO, are a result of the conference itself, as well as approval by FDA after the conclusion of each conference.

## How to provide feedback

To provide comments, please email [envjustice@agr.wa.gov](mailto:envjustice@agr.wa.gov). All comments received will be used to inform the agency's Environmental Justice Assessment for these changes. The Environmental Justice Assessment for these changes is scheduled to conclude on June 17, 2025, five business days following the publication of this notice.

## Learn more

[Visit our website](#) to get more information about PMO, NCIMS, and WSDA's food safety efforts in the dairy industry.

### Section 4: Tribal Engagement and Consultation

#### 1. Summarize tribal engagements and invitations for tribal consultation to date.

WSDA has no jurisdiction on Tribal reservation and the USDA and FDA have some jurisdiction and hold the relationship with on reservation businesses. WSDA does not plan to notify or engage Tribes about these specific rule changes at this time.

#### 2. Describe likely impacts to tribal rights and resources associated with this action.

These rules apply to milk production and processing safety and are required by federal statute for interstate distribution. These rules are not expected to have impacts on Treaty rights or cultural resources. The major change with these rules centers on ensuring Grade "A" milk and milk products produced in Washington meet federal standards and can be distributed across state lines.

#### 3. Summarize how information received from tribes and tribal organizations informed decision- making about this action.

No information has been received from Tribes and Tribal organizations and WSDA did not specifically invite consultation for this rule change.

<sup>6</sup> **Overburdened community** means a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, highly impacted communities as defined in RCW 19.405.020.

<sup>7</sup> **Vulnerable populations** means population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to: (i) Adverse socioeconomic factors, such as unemployment, high housing and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms; and (ii) sensitivity factors, such as low birth weight and higher rates of hospitalization.

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**4. Describe any plans for ongoing and/or future tribal consultation after the publication of the EJ Assessment.**

At WSDA we strive to serve all, but at this time there is no planned invitations for Tribal consultation about this specific rule change.

<sup>6</sup> **Overburdened community** means a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, highly impacted communities as defined in RCW 19.405.020.

<sup>7</sup> **Vulnerable populations** means population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to: (i) Adverse socioeconomic factors, such as unemployment, high housing and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms; and (ii) sensitivity factors, such as low birth weight and higher rates of hospitalization.

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## Section 5: Strategies to Address Environmental Harms and Equitably Distribute Environmental Benefits

1. Describe how the agency considered each of the following strategies to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits or provide a justification for not reducing, mitigating, or eliminating identified probable impacts:

WSDA has not identified any harms or benefits with this rule change to overburdened communities or vulnerable populations. The rule change will allow WSDA to continue to regulate milk production and processing and streamline regulations so that food stays safe.

- a. Eliminating the disparate impact of environmental harms on overburdened communities and vulnerable populations.  
N/A
- b. Reducing cumulative environmental health impacts on overburdened communities or vulnerable populations.  
N/A
- c. Preventing the action from adding to the cumulative environmental health impacts on overburdened communities or vulnerable populations.  
N/A
- d. Providing equitable participation and meaningful engagement of vulnerable populations and overburdened communities in the development of the significant agency action.  
N/A
- e. Prioritizing equitable distribution of resources and benefits to overburdened communities.  
N/A
- f. Promoting positive workforce and job outcomes for overburdened communities.  
N/A
- g. Meeting community needs identified by the affected overburdened community.  
N/A  
Keeping food safe and markets available to farmers are a primary need for all.
- h. Modifying substantive regulatory or policy requirements.  
N/A
- i. Any other mitigation techniques, including those suggested by the Environmental Justice Council, the Office of Equity, or representatives of overburdened

communities and vulnerable populations.

N/A

- 2. If the agency determines that it does not have the ability or authority to eliminate, reduce, or mitigate environmental harms caused by a significant agency action, or does not have the ability or authority to address the equitable distribution of environmental benefits, provide a clear explanation of why it has made that determination.**

The 2023 OPM seeks to increase health safety standards around milk production, transportation, and processing. For Washington state farms to sell milk and have market access, WSDA needs to continue to adopt updated rules so that the milk sold here and across the nation remains safe as possible. These rules help protect consumers and keeps farming viable.

- 3. Identify performance measures or indicators (recommended 3-5) that can be used to track the equitable distribution of environmental benefits and/or the elimination, reduction, or mitigation of environmental harms for overburdened communities, vulnerable populations, or tribes.**

**Health Data:**

Washington state agencies could look back and review data to see if the new rule changes made a difference in milk foodborne illness in Washington. Washington State Department of Health, WSDA, County Health Departments, and non-profit groups help track foodborne illnesses, along with the Center for Disease Control, FDA, and USDA.

**Other improvements:**

Include education and outreach activities to small producers, reducing language access barriers, both in outreach and technical and guidance documents, and efforts to encourage people to report food borne illness, with an emphasis with outreach in Overburden Communities.

**Recommendations:**

Washington State could recommend that NCIMS consider reviewing rules on manure management, animal health considerations, and other standards, that could help producers and processors continue to think of and practice ways of enhancing environmental quality along with economic viability.