



EXPEDITED RULE MAKING

CR-105 (June 2004)
(Implements RCW 34.05.353)
EXPEDITED RULE MAKING ONLY

Agency: Washington State Department of Agriculture

Title of rule and other identifying information: (Describe Subject)

Chapter 16-167 Intrastate Commerce in Foods – this rule adopts federal regulations adopted under the Federal Food, Drug and Cosmetic Act, 21 U.S.C.301 et seq..This rulemaking is to update the chapter which was last revised May 24, 1999.

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

Name: Henri Gonzales, Agency Rules Coordinator
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AND RECEIVED BY October 25, 2016

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

After Congress passed the Food Safety Modernization Act (FSMA) in 2011, the U. S. Food and Drug Administration (FDA) released a number of revised and new federal code of regulations necessary to implement FSMA in late 2015 and again in 2016. Revision to chapter 16-167 WAC Intrastate Commerce in Foods, is necessary to remain uniform with federal regulations so that food produced in Washington may be freely shipped in interstate and international commerce and to ultimately protect consumers from contaminated, adulterated, and or misbranded food.

Reasons supporting proposal: Chapter 16-167 WAC Intrastate Commerce in Foods – The agency is amending the rule to adopt recent changes to federal regulations regarding food safety in order to better protect public health and promote uniformity with other states.

Statutory authority for adoption: RCW 69.04.740, RCW 69.07.020, RCW 69.10.055, RCW 15.36.021, RCW 69.22.020 and chapter 34.05 RCW.

Statute being implemented: Chapters 69.04, 69.07, 69.10, 69.22, and 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:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 04, 2016

TIME: 4:40 PM

WSR 16-17-011

DATE
August 24, 2016

NAME (TYPE OR PRINT)
Candace A. Jacobs

SIGNATURE *Candace A. Jacobs*

TITLE
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Name of proponent: (person or organization) Washington State Department of Agriculture

- Private
- Public
- Governmental

Name of agency personnel responsible for:

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Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

The agency is conducting this rulemaking to update our WAC 16-167 to be consistent with newly revised and new federal food safety regulations that the U.S. Food and Drug Administration has issued. Uniformity with the federal rules are necessary to ensure WSDA is implementing and using enforcement requirements that are also meeting the new Food Safety Modernization Act rule changes that FDA has issued so our state food producers can both move products within the state and in the domestic and international arena. Uniformity with the federal requirements is also important for partnership and funding opportunities with the federal government such as the FDA Manufactured Food Regulatory Standards Program and our Rapid Response Team Program.