Chapter 16-101 WAC
WASHINGTON STATE MILK AND MILK PRODUCTS STANDARDS

WAC
16-101-701 Standards for the production of milk and milk products.
16-101-716 Procedures for certification of interstate milk shippers.
16-101-726 Standard for the accrediting of milk laboratories.
16-101-731 Availability of the publications adopted by the department in this chapter.
16-101-800 Raw milk warning labels.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-101-001 Promulgation. [Order 1132, § 16-101-001, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-010 Milk. [Order 1132, § 16-101-010, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-020 Goat milk. [Order 1132, § 16-101-020, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-030 Cream or coffee cream. [Order 1132, § 16-101-030, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-040 Whipping cream. [Order 1132, § 16-101-040, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-050 Whipped cream. [Order 1132, § 16-101-050, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-060 Whipped coffee cream. [Order 1132, § 16-101-060, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-070 Sour cream or cultured sour cream. [Order 1132, § 16-101-070, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-080 Half-and-half. [Order 1132, § 16-101-080, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-090 Sour half-and-half or cultured half-and-half. [Order 1132, § 16-101-090, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-100 Reconstituted or recombined milk and milk products. [Order 1132, § 16-101-100, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-110 Concentrated milk. [Order 1132, § 16-101-110, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-120 Concentrated milk products. [Order 1132, § 16-101-120, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-130 Nonfat milk. [Order 1132, § 16-101-130, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-140 Skim milk. [Order 1132, § 16-101-140, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-150 Lowfat milk. [Order 1132, § 16-101-150, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-160 Vitamin D milk and milk products. [Order 1132, § 16-101-160, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-170 Fortified milk and milk products. [Order 1132, § 16-101-170, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-180 Homogenized milk. [Order 1132, § 16-101-180, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-190 Flavored milk or milk products. [Order 1132, § 16-101-190, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-200 Buttermilk. [Order 1132, § 16-101-200, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-210 Cultured buttermilk. [Order 1132, § 16-101-210, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-220 Cultured milk or cultured whole milk buttermilk. [Order 1132, § 16-101-220, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-230 Eggnog. [Order 1132, § 16-101-230, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-240 Eggnog flavored milk. [Order 1132, § 16-101-240, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-250 Yogurt. [Order 1132, § 16-101-250, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-260 Low fat yogurt. [Order 1132, § 16-101-260, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-270 Nonfat yogurt. [Order 1132, § 16-101-270, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-280 Milk products. [Order 1132, § 16-101-280, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-290 Grade A dry milk products. [Order 1132, § 16-101-290, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.
16-101-300 Optional ingredients. [Order 1132, § 16-101-300, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

Last Update: 4/5/19

Certified on 10/25/19
Misbranded milk and milk products. [Order 1132, § 16-101-310, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

Pasteurization. [Order 1132, § 16-101-320, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75.

Fluid milk products. [Order 1132, § 16-101-330, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

Promulgation. [Order 1401, § 16-101-400, filed 6/19/75 and 6/20/75.] Repealed by WSR 80-06-125 (Order 1706), filed 6/2/80. Statutory Authority: Chapter 15.36 RCW.


Multivitamin fortified or multimineral fortified milk or milk products. [Statutory Authority: Chapters 15.32 and 15.36 RCW. WSR 87-12-026 (Order 1931), § 16-101-455, filed 5/29/87.] Repealed by WSR 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.


Sour half-and-half or cultured half-and-half. [Statutory Authority: Chapter 15.32 and 15.36 RCW. WSR 87-09-033 (Order 1925), § 16-101-570, filed 4/10/87; Order 1401, § 16-101-570, filed 6/19/75 and 6/20/75.] Repealed by WSR 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.


Eggnog flavored milk or eggnog. [Order 1401, § 16-101-640, filed 6/19/75 and 6/20/75.]

Optional ingredients. [Order 1401, § 16-101-650, filed 6/19/75 and 6/20/75.]

Protein fortified fluid milk products. [Order 1401, § 16-101-660, filed 6/19/75 and 6/20/75.]

Acidified milk and milk products. [Order 1401, § 16-101-670, filed 6/19/75 and 6/20/75.]

Pasteurization. [Order 1401, § 16-101-680, filed 6/19/75 and 6/20/75.]

Civil penalties—Substandard products. [Statutory Authority: Chapter 15.36 RCW. WSR 87-08-038 (Order 1920), § 16-101-590, filed 3/30/87; effective 7/1/87.]

Adoption of the pasteurized milk ordinance as the standard for production of milk and milk products. [Statutory Authority: RCW 15.36.021(3). WSR 00-21-012, § 16-101-700, filed 10/6/00, effective 11/6/00; WSR 96-22-058, § 16-101-700, filed 11/4/96, effective 12/5/96. Statutory Authority: RCW 15.36.540 and (15.36.)550. WSR 93-24-095 (Order 5021), § 16-101-700, filed 11/30/93, effective 12/31/93. Statutory Authority: Chapter 15.36 RCW. WSR 80-06-125 (Order 1706), § 16-101-700, filed 6/2/80.] Repealed by WSR 96-24-073, filed 12/1/84, effective 1/1/09. Statutory Authority: RCW 15.36.21 (15.36.021) and chapter 15.36 RCW.

Adoption of the dry milk ordinance as the standard for production of condensed and dry milk products and condensed and dry whey. [Statutory Authority: RCW 15.36.021(3). WSR 96-22-059, § 16-101-705, filed 11/4/96, effective 12/5/96. Repealed by WSR 96-24-073, filed 12/1/84, effective 1/1/09. Statutory Authority: Chapter 15.36 RCW.

Suspension of Grade A permit. [Statutory Authority: Chapter 15.36 RCW. WSR 80-06-125 (Order 1706), § 16-101-710, filed 6/2/80.] Repealed by WSR 84-18-055 (Order 1840), filed 9/5/84. Statutory Authority: Chapter 15.36 RCW.

Adoption of the standards for the fabrication of single-service containers and closures for milk and milk products. [Statutory Authority: RCW 15.36.021(3). WSR 96-22-059, § 16-101-711, filed 11/4/96, effective 12/5/96.] Repealed by WSR 96-24-073, filed 12/1/84, effective 1/1/09. Statutory Authority: RCW 15.36.21 (15.36.021) and chapter 15.36 RCW.


WAC 16-101-701 Standards for the production of milk and milk products. (1) With the exception of the portions identified in subsection (2) of this section, the department adopts the Grade "A" Pasteurized Milk Ordinance, 2017 Revision, United States Public Health Service/ Food and Drug Administration, as additional Washington state standards for the production of milk and milk products including Grade A condensed and dry milk products and condensed and dry whey products under chapter 15.36 RCW.

(2) The department does not adopt the following portions of the Grade "A" Pasteurized Milk Ordinance, 2017 Revision:
(a) Grade "A" Pasteurized Milk Ordinance—2017 Revision.
<table>
<thead>
<tr>
<th>PMO Page No.</th>
<th>Excepted Portion</th>
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| Page 16      | • Section 3, Permits, paragraph 6, which begins with "The regulatory agency shall suspend…"  
               • Section 3, Permits, paragraph 7, which begins with "Upon notification…" |
| Pages 28-29  | • Section 6, The Examination of Milk and/or Milk Products, paragraph 9, which begins with "Whenever two (2) of the last four (4) consecutive…" |
| Page 34      | Section of Table 1 entitled "GRADE "A" RAW MILK AND MILK PRODUCTS FOR PASTEURIZATION, ULTRA-PASTEURIZATION, ASEPTIC PROCESSING AND PACKAGING, OR RETORT PROCESSED AFTER PACKAGING"  
               • Under Temperature: "Cooled to 10°C (50°F) or less within four (4) hours or less of the commencement of the first milking and to 7°C (45°F) or less within two (2) hours after the completion of milking. Provided that the blend temperature after the first milking and subsequent milkings does not exceed 10°C (50°F)."
               **Note:** Milk sample submitted for testing cooled and maintained at 0°C (32°F) to 4.5°C (40°F), where sample temperature is > 4.5°C (40°F) but ≤7.0°C (45°F) and less than three (3) hours after collection has not increased in temperature;  
               • Under Bacterial Limits: Only the sentence..."Individual producer milk not to exceed 100,000 per mL prior to commingling with other producer milk." |
| Pages 34-35  | Under Somatic Cell Count: "individual producer milk not to exceed 750,000 per mL ... *Goat milk 1,500,000 mL." |

(b) Standards for Grade "A" Raw Milk for Pasteurization, Ultra-pasteurization, Aseptic Processing and Packaging or Retort Processed After Packaging.

<table>
<thead>
<tr>
<th>PMO Page No.</th>
<th>Excepted Portion</th>
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<tbody>
<tr>
<td>Page 59</td>
<td>Item 18r. &quot;Raw Milk Cooling&quot; paragraph 1, which begins with &quot;Raw milk for pasteurization, ultra-pasteurization, aseptic processing and packaging or retort processed after packaging shall be cooled…&quot;</td>
</tr>
</tbody>
</table>
(c) Standards for Grade "A" Pasteurized, Ultra-pasteurized, Aseptically Processed and Packaged Low-Acid Milk and/or Milk Products, and Retort Processed after Packaged Low-Acid Milk and/or Milk Products.

(d) Appendix E: Examples of 3-out-of-5 Compliance Enforcement Procedures.

(3) The department does adopt the following somatic cell count standards to be: Individual producer bovine cow milk not to exceed 400,000 per mL; and goat, sheep, and all other species milk not to exceed 1,000,000 per mL.

[Statutory Authority: RCW 15.36.021 and chapter 34.05 RCW. WSR 19-09-008, § 16-101-701, filed 4/5/19, effective 5/6/19; WSR 13-03-046, § 16-101-701, filed 1/10/13, effective 2/10/13. Statutory Authority: RCW 15.36.21 [15.36.021] and chapter 15.36 RCW. WSR 08-24-073, § 16-101-701, filed 12/1/08, effective 1/1/09.]

WAC 16-101-716 Procedures for certification of interstate milk shippers. The department adopts the Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments 2017 Revision as Washington state procedures for the certification of interstate milk shippers.

[Statutory Authority: RCW 15.36.021 and chapter 34.05 RCW. WSR 19-09-008, § 16-101-716, filed 4/5/19, effective 5/6/19; WSR 13-03-046, § 16-101-716, filed 1/10/13, effective 2/10/13. Statutory Authority: RCW 15.36.21 [15.36.021] and chapter 15.36 RCW. WSR 08-24-073, § 16-101-716, filed 12/1/08, effective 1/1/09. Statutory Authority: RCW 15.36.021(3). WSR 00-21-012, § 16-101-716, filed 10/6/00, effective 11/6/00; WSR 96-22-059, § 16-101-716, filed 11/4/96, effective 12/5/96.]
WAC 16-101-721 Methods for making sanitation ratings of milk shippers. The department adopts the Methods of Making Sanitation Ratings of Milk Shippers and the Certifications/Listings of Single-Service Containers and/or Closures for Milk and/or Milk Products Manufacturers 2017 Revision, United States Health and Human Services Public Health Service/Food and Drug Administration as Washington state methods for ratings of interstate milk shippers.

[Statutory Authority: RCW 15.36.021 and chapter 34.05 RCW. WSR 19-09-008, § 16-101-721, filed 4/5/19, effective 5/6/19; WSR 13-03-046, § 16-101-721, filed 1/10/13, effective 2/10/13. Statutory Authority: RCW 15.36.21 [15.36.021] and chapter 15.36 RCW. WSR 08-24-073, § 16-101-721, filed 12/1/08, effective 1/1/09. Statutory Authority: RCW 15.36.021(3). WSR 00-21-012, § 16-101-721, filed 10/6/00, effective 11/6/00; WSR 96-22-059, § 16-101-721, filed 11/4/96, effective 12/5/96.]

WAC 16-101-726 Standard for the accrediting of milk laboratories. The department adopts the Evaluation of Milk Laboratories 2017 Revision United States Health and Human Services Public Health Service/Food and Drug Administration as the Washington state standard for accrediting milk laboratories and certified industry supervisors who request certification and approval for uniform collection and testing required for compliance with the Grade "A" Pasteurized Milk Ordinance.

[Statutory Authority: RCW 15.36.021 and chapter 34.05 RCW. WSR 19-09-008, § 16-101-726, filed 4/5/19, effective 5/6/19; WSR 13-03-046, § 16-101-726, filed 1/10/13, effective 2/10/13. Statutory Authority: RCW 15.36.21 [15.36.021] and chapter 15.36 RCW. WSR 08-24-073, § 16-101-726, filed 12/1/08, effective 1/1/09. Statutory Authority: RCW 15.36.021(3). WSR 96-22-059, § 16-101-726, filed 11/4/96, effective 12/5/96.]

WAC 16-101-731 Availability of the publications adopted by the department in this chapter. (1) The Grade "A" Pasteurized Milk Ordinance, 2017 Revision, United States Public Health Service/Food and Drug Administration, the Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments, 2017 Revision, the Methods of Making Sanitation Ratings of Milk Shippers, and the Certifications/Listings of Single-Service Containers and/or Closures for Milk and/or Milk Products Manufacturers 2017 Revision, United States Department of Health and Human Services Public Health Services/Food and Drug Administration, and the Evaluation of Milk Laboratories, 2017 Revision, United States Department of Health and Human Services Public Health Service/Food and Drug Administration can be obtained at https://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/Milk/ucm2007966.htm.

(2) For information regarding the contents and application of these publications, contact the Food Safety and Consumer Services Division at the Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560 or FSCS@agr.wa.gov.

[Statutory Authority: RCW 15.36.021 and chapter 34.05 RCW. WSR 19-09-008, § 16-101-731, filed 4/5/19, effective 5/6/19; WSR
WAC 16-101-800 Raw milk warning labels. (1) This rule is promulgated under authority of RCW 15.36.021(1) and 15.130.120 and applies to containers of raw milk intended for sale to consumers in the state of Washington.

(2) The purpose is to inform consumers about possible harm that may occur from consuming raw milk that contains harmful microorganisms and to warn purchasers about known hazards associated with the consumption of raw milk so that they may make informed choices about buying these products.

(3) A raw milk container must bear the following labeling: WARNING: This product has not been pasteurized and may contain harmful bacteria. Pregnant women, children, the elderly and persons with lowered resistance to disease have the highest risk of harm from use of this product.

(4) The raw milk warning labels must meet the following requirements:

(a) The warning label type size must be consistent with the type size of other required labeling, but not less than one-sixteenth inch in height.

(b) The warning label must be conspicuous and in contrasting color from other labeling.

(c) The warning label must be prominently displayed on the container's principal display panel.

(d) The warning label must be clearly readable.

[Statutory Authority: RCW 15.36.021 and chapter 34.05 RCW. WSR 19-09-008, § 16-101-800, filed 4/5/19, effective 5/6/19. Statutory Authority: RCW 15.36.021(1) and 69.04.398(3). WSR 97-19-045, § 16-101-800, filed 9/11/97, effective 10/12/97.]