

**SENATE BILL REPORT**

**SB 6096**

**AS REPORTED BY COMMITTEE ON AGRICULTURE, JANUARY 31, 1994**

**Brief Description:** Making major changes to milk and milk products regulations.

**SPONSORS:** Senators M. Rasmussen, Anderson, Newhouse, Snyder, Morton, Bauer and Quigley

**SENATE COMMITTEE ON AGRICULTURE**

**Majority Report:** That Substitute Senate Bill No. 6096 be substituted therefor, and the substitute bill do pass.

Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Bauer, Morton and Newhouse.

**Staff:** Vic Moon (786-7469)

**Hearing Dates:** January 18, 1994; January 31, 1994

**BACKGROUND:**

The Washington State Department of Agriculture regulates the production of milk and milk products in the state to protect consumers from unsafe products. Dairies and dairy products are regulated under Chapter 15.32 RCW and fluid milk is regulated under Chapter 15.36 RCW. These chapters are very similar in construction and each has a number of provisions which are outdated or which have been superseded by federal law.

The Public Health Service (PHS)/Food and Drug Administration (FDA) recommended pasteurized milk ordinance (PMO) is the basic standard used in the voluntary cooperative state-PHS program for certification of interstate milk shippers, a program participated in by all 50 states, the District of Columbia and United States trust territories. The National Conference on Interstate Milk Shipments (NCIMS), in accordance with the Memorandum of Understanding with the FDA, has recommended changes and modifications to the PMO. The PMO is incorporated by reference in federal specifications for procurement of milk and milk products; is used as the sanitary regulation for milk and milk products served on interstate carriers; and is recognized by the public health agencies, the milk industry, and many others as a national standard for milk sanitation.

The PMO is intended to accomplish two things: (1) provide a nationwide system of protection and public health standards that transcend state lines; and (2) provide a baseline for industry that must be met to engage in interstate commerce.

**SUMMARY:**

Redundant definitions, contradictory language requirements and unnecessary standards which contradict the pasteurized milk ordinance (PMO) are removed. Enforcement of the PMO or more strict standards is a requirement for interstate shipment of grade A milk and grade A milk products.

The industry will be covered with a uniform license, a milk processor's license, and licensees are exempt from dual licensing as food processing plants. A uniform procedure is established to protect the public health through license suspension procedures. Uniform enforcement of requirements to protect the public health and a uniform appeal procedure are established.

The bill is partitioned into several parts: Part I contains a statement of purpose, definitions and rule adoption language. Rules adopted for grade A pasteurized and grade A raw milk under this section may be more stringent than the PMO.

Part II addresses permits and licenses, including a milk producer's license, a milk processing plant license, a milk distributor's license, a milk hauler's license, a dairy technician's license, and a milk wash station license. Inspections of dairy farms and milk processing plants will occur prior to issuance of licenses and thereafter at a frequency determined by rule. Violations on reinspections will result in degrading or summary suspension of the license. The Director of Agriculture will have access to the inspected establishment during working hours. Milk products must be maintained at 45 degrees Fahrenheit or less.

Part III addresses milk grading, including grade A pasteurized, grade A raw, and grade C.

Part IV addresses cleanliness of dairy farms and milk processing plants. Frequency of milk sample collection, milk quality measurements, container and labeling requirements are outlined.

Part V addresses Department of Agriculture enforcement, which includes fines, violations, and license suspension or revocation.

**EFFECT OF PROPOSED SUBSTITUTE:**

The Department of Agriculture is allowed to use dairy industry inspections.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** requested January 10, 1994

**TESTIMONY FOR:**

The present law is confused and does not correspond to other state's laws and federal programs. Update is needed to keep Washington's dairy industry in compliance with federal law and competitive with other state's dairy producers.

**TESTIMONY AGAINST:** None

**TESTIFIED:** PRO: Doug Marshall, Darigold; Dan Coyne, Mike Schwisow, Oregon-Washington Dairy Producers; Debby Becker, WA Dairy Federation; John Daly, Dept. of Agriculture