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**SENATE BILL 5778**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senators Shewmake, Short, Chapman, Lovick, Krishnadasan, Wellman, Saldaña, Schoesler, Muzzall, Warnick, Wagoner, Liias, Robinson, and Slatter

AN ACT Relating to maple syrup processing operations; adding a new chapter to Title 69 RCW; and prescribing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  (1) The legislature finds that the bigleaf maple is the tallest species of maple in North America, native to the Pacific Northwest, a distinctive and attractive species of tree, and a key part of Washington's forest ecosystems.

(2) The legislature further finds that bigleaf maple sap can be processed into maple syrup, with significant value added potential. Bigleaf maple syrup has a unique and desirable flavor profile that reflects the nuances of the trees' environment. On average, between 60 and 90 gallons of bigleaf maple sap are required to make one gallon of bigleaf maple syrup.

(3) The legislature further finds that it is impractical to use a commercial kitchen to process maple syrup. The high volume of sap needed as an input makes it impractical to transport the sap for processing, and the large quantity of steam produced during syrup production can be problematic in a nonspecialized kitchen. For these reasons, maple syrup production is typically done in an on-site, specialized facility known as a sugar shack.

(4) The legislature further finds that much of Washington's forestland well-suited to commercial sugaring is located in remote areas that lack utilities such as water, sewer, septic, and electrical systems and are not well-suited to the requirements of the food processor license.

(5) The legislature further finds that the United States food and drug administration considers the process of making maple syrup to be low risk. Maple syrup must be extensively boiled and is bottled at temperatures between 180 and 200 degrees, inherently controlling foodborne pathogens.

(6) It is, therefore, the intent of the legislature to create a maple syrup processing license that responds to maple syrup's unique production circumstances, supports the production of this unique regional commodity, and provides an economic incentive for leaving land forested.

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of agriculture.

(2) "Director" means the director of the department.

(3) "Maple sap" means the sap or sweet water obtained by tapping a maple tree.

(4) "Maple syrup" means syrup made exclusively by the evaporation of pure maple sap. This does not include value added products such as flavored syrup, maple candies, bottling other businesses' syrup, known as co-manufacturing, or the processing of other food products where maple syrup is an added ingredient.

(5) "Maple syrup processing operation" means a person or business that produces maple syrup for sale, and includes the collection of maple sap, the processing of maple sap into maple syrup, and all related facilities, equipment, and employees.

(6) "Permeate" means the clean water that is produced during the reverse osmosis process and that may be taken directly from the evaporator.

(7) "Sugar shack" means a structure used, in whole or in part, for the collection, storage, or processing of maple sap into maple syrup. A sugar shack does not include a domestic residence. A sugar shack need not be a permanent structure, but the permittee must be able to ensure sanitary conditions in the processing area.

NEW SECTION. **Sec.**  (1) The department may adopt, by rule, requirements for maple syrup processing operations. These requirements may include, but are not limited to:

(a) The application and renewal of permits under section 4 of this act;

(b) Inspections as provided under section 5 of this act;

(c) Sanitary procedures;

(d) Facility, equipment, and utensil requirements beyond the requirements of this section;

(e) Condensation removal during the evaporation process;

(f) Labeling to follow the United States food and drug administration labeling requirements for packaged food;

(g) Washing and other hygienic practices; and

(h) Clean water sources and waste and wastewater disposal, provided that:

(i) The department may not require plumbing or running water to be accessible on-site or installed in the sugar shack;

(ii) Water that is obtained from a private source shall be tested no less than annually; and

(iii) Operations with less than $50,000 in annual gross sales that bottle syrup only and use hot water drawn from the evaporator for equipment sanitizing are exempt from water testing.

(2) The department may not require a maple syrup processing operation to use a permanent structure as a sugar shack.

(3) A maple syrup food processing operation must:

(a) Use food-grade materials for pipeline tubing and ensure that any vessels used to transport or store water, maple sap, or maple syrup are made of food-grade materials;

(b) Ensure that evaporator pans, buckets, tanks, and other food processing equipment may not be made with solder containing lead in any quantity or other materials that are not suitable or appropriate for use as food contact surfaces;

(c) Use only new single-use containers and lids to bottle the finished product;

(d) Maintain the grounds outside the sugar shack such that they are reasonably clean and free of clutter that may constitute a breeding and harborage site for rodents;

(e) Maintain adequate drainage to avoid contamination; and

(f) Design and maintain the sugar shack to facilitate proper maintenance, sanitary operations, and production of safe food.

NEW SECTION. **Sec.**  (1) All maple syrup processing operations must be permitted every two years by the department on forms developed by the department. All permits and permit renewals must be made on forms developed by the department and be accompanied by a fee of $250. All fees must be deposited into the food processing inspection account created in RCW 69.07.120.

(2) In addition to the provision of any information required by the department on forms developed under subsection (1) of this section and the payment of all fees, an applicant for a permit or a permit renewal as a maple syrup processing operation must also provide documentation that all individuals involved in the preparation of maple syrup have secured appropriate food safety training, which will include a food and beverage service worker's permit under chapter 69.06 RCW or its equivalent.

NEW SECTION. **Sec.**  (1) The maple syrup processing operation must meet appropriate sanitation controls determined by the department both before initial permitting and thereafter at a frequency designated for low-risk food products by the department. In addition, the department may inspect the sugar shack and maple syrup processing operation at any time in response to a food complaint, foodborne outbreak, or other public health emergency.

(2) When conducting the sanitary inspection, the department shall, at a minimum, inspect for the following:

(a) That the permitted maple syrup processor understands that no person other than the permittee, or a person under the direct supervision of the permittee, may be engaged in the processing, packaging, or handling of maple syrup;

(b) That all food contact surfaces, equipment, and utensils used for the preparation, packaging, or handling of maple sap or maple syrup are appropriately cleaned and sanitized as frequently as necessary;

(c) That all food preparation and food and equipment storage areas are maintained free of contamination sources, including rodents and insects;

(d) That all persons involved in the preparation and packaging of maple syrup:

(i) Have obtained, at a minimum, a food and beverage service worker's permit under chapter 69.06 RCW or its equivalent;

(ii) Are not processing maple syrup when ill, nor have open lesions, wounds, or sources of microbial contamination; and

(iii) Wash their hands with potable hot, cold, or tempered water, or permeate, before any sap or syrup food preparation and food packaging activities.

(3) The department shall charge an inspection fee of $150 for any additional basic sanitation inspection required due to a failing initial permitting inspection, which must be deposited into the food processing inspection account created in RCW 69.07.120. An additional inspection fee must be collected for each visit to a maple syrup processor for the purposes of conducting an inspection for compliance.

(4) The department may contract with local health jurisdictions to conduct the inspections required under this section.

(5) For the purposes of determining compliance with this chapter, the department may access, for inspection purposes, the maple syrup processing operation permitted by the department under this chapter. This authority includes the authority to inspect any records required to be kept under the provisions of this chapter.

(a) All inspections must be made at reasonable times and, when possible, during regular business hours.

(b) Should the department be denied access to a maple syrup processing operation where access was sought for the purposes of enforcing or administering this chapter, the department may take appropriate regulatory enforcement action.

NEW SECTION. **Sec.**  (1) After conducting a hearing, the department may deny, suspend, or revoke any permit provided for in this chapter if it is determined that a permittee has committed any of the following acts:

(a) Refused, neglected, or failed to comply with the provisions of this chapter, any rules adopted to administer this chapter, or any lawful order of the department;

(b) Refused, neglected, or failed to keep and maintain records required by this chapter, or to make the records available when requested pursuant to the provisions of this chapter;

(c) Consistent with section 5 of this act, refused the department access to the permitted area of the maple syrup processing operation for the purpose of carrying out the provisions of this chapter; or

(d) Consistent with section 5 of this act, refused the department access to any records required to be kept under the provisions of this chapter.

(2) The department may summarily suspend a permit issued under this chapter if the department finds that a maple syrup processing operation is operating under conditions that constitute an immediate danger to public health or if the department is denied access to the permitted area of a maple syrup processing operation or records where the access was sought for the purposes of enforcing or administering this chapter.

NEW SECTION. **Sec.**  (1)(a) Any person engaging in a maple syrup processing operation without a valid permit issued under section 4 of this act or otherwise violating any provision of this chapter, or any rule adopted under this chapter, is guilty of a misdemeanor.

(b) A second or subsequent violation is a gross misdemeanor. Any offense committed more than five years after a previous conviction is considered a first offense.

(2) Whenever the department finds that a person has committed a violation of any of the provisions of this chapter, and that violation has not been punished pursuant to subsection (1) of this section, the department may impose upon and collect from the violator a civil penalty not exceeding $1,000 per violation per day. Each violation is a separate and distinct offense.

NEW SECTION. **Sec.**  Except as otherwise provided in this chapter, maple syrup processing operations with a valid permit under section 4 of this act are not subject to the provisions of chapter 69.07 RCW or to permitting and inspection by a local health jurisdiction.

NEW SECTION. **Sec.**  Nothing in this chapter affects the application of any other state or federal laws or any applicable ordinances enacted by any local unit of government.

NEW SECTION. **Sec.**  The rights, remedies, and procedures respecting the administration of this chapter, including rule making, emergency actions, and permit suspension, revocation, or denial, are governed by chapter 34.05 RCW.

NEW SECTION. **Sec.**  Sections 1 through 10 of this act constitute a new chapter in Title 69 RCW.

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