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S JATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

DATE: 2/18/92

FURTHER:

Date of 5-Day Notice: April 16, 1992
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: May 2, 1992

Resources Committee considered SB 434

"An Act relating to raw milk and goat milk."

and recommends:

replace with _____ CS _____ (_____)

attaches amendment(s)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

same title
 new title
 technical title change
(HB only)

NEW FISCAL NOTES: Dept/Date

zero fiscal notes _____

fiscal notes _____

appropriation--no fiscal note

PREVIOUS FISCAL NOTES: Dept/Date

Governor's bill with fiscal notes:
zero fiscal notes _____

fiscal notes DEC. 4/17/92

DO PASS:

Sen Cost
[Signature]
[Signature]
[Signature]

OTHER RECOMMENDATIONS:

Publication no rec.
Order needs smaller fiscal note

[Signature]
Chair: Signature and Recommendation

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. SB 434

Revision Date: _____ Department Affected: Environmental Conservation
 Title: "An Act relating to raw milk and goat milk." BRU: Environmental Health
 Component: Animal Health and Palmer Laboratory
 Sponsor: Patrick Rodey
 Requestor: _____ COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	73.8	73.8	73.8	73.8	73.8	73.8
TRAVEL	5.0	5.0	5.0	5.0	5.0	5.0
CONTRACTUAL	2.5	2.5	2.5	2.5	2.5	2.5
SUPPLIES	5.0	5.0	5.0	5.0	5.0	5.0
EQUIPMENT	24.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	110.3	86.3	86.3	86.3	86.3	86.3

CAPITAL						
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REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND	110.3	86.3	86.3	86.3	86.3	86.3
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	110.3	86.3	86.3	86.3	86.3	86.3

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	3	3	3	3	3	3
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Kit Ballentine, Acting Director Phone: 465-5280
 Division: Environmental Health Date: March 17, 1992
 Approved by Commissioner: _____
 Agency: _____ Date: _____

Senate

SPONSOR SUMMARY

Senate Bill 434 - Sale of Raw Milk

Senate Bill 434 proposes to allow for the sale of raw cow milk and raw goat milk in Alaska. There is a growing market for these products among health food advocates, and parents who want to provide their children with unprocessed milk products.

The bill provides for the sale of these products, and identifies the commissioner of the Department of Environmental Conservation as the regulatory authority. The department will establish regulations pertaining to operational activities, including storage and transportation of raw milk.

Currently, virtually all milk sold in Alaska comes from the state of Washington, a state which allows the sale of raw milk. Local production and distribution of raw milk products, while a modest portion of the market, will support in-state businesses.

CHAPTER 15.36

FLUID MILK

Sections

15.36.010	Definitions—"Milk" and certain milk products.	15.36.245	—Clean clothing.
15.36.011	Definitions and standards, establishment and amendment by rule—Milk and milk products—Products made to resemble or imitate dairy products—Labels.	15.36.250	—Milk stools.
15.36.020	—"Pasteurization."	15.36.255	—Removal of milk.
15.36.030	—"Adulterated and misbranded milk," etc.	15.36.260	—Cooling.
15.36.040	—"Milk producer"—"Distributor"—"Dairy"—"Milk plant."	15.36.265	—Bottling and capping.
15.36.050	—"Average" counts, time, temperature.	15.36.270	—Personnel, health.
15.36.060	—"Person"—"Director"—"Health officer"—"And/or."	15.36.280	—Vehicles and surroundings.
15.36.070	Sale of adulterated, misbranded, or ungraded milk or milk products prohibited.	15.36.290	Grade B raw milk—Standards.
15.36.075	Milk not deemed adulterated if added ingredient is approved by rule or regulation.	15.36.300	Grade C raw milk—Standards.
15.36.080	Permits.	15.36.310	Certified milk-pasteurized—Standards.
15.36.090	Labeling.	15.36.320	Grade A pasteurized milk—Standards.
15.36.100	Inspection of dairy farms and milk plants.	15.36.325	—Floors.
15.36.110	Examination of milk and milk products.	15.36.330	—Walls and ceiling.
15.36.120	Grading of milk and milk products—In general.	15.36.335	—Doors and windows.
15.36.130	Certified milk-raw—Standards.	15.36.340	—Lighting and ventilation.
15.36.140	Grade A raw milk—Standards in general.	15.36.345	—Miscellaneous, protection from contamination.
15.36.150	—Cows, tuberculosis and other diseases.	15.36.350	—Toilet facilities.
15.36.155	—Dairy barn, lighting.	15.36.355	—Water supply.
15.36.160	—Dairy barn, air space, ventilation.	15.36.360	—Hand-washing facilities.
15.36.165	—Milking stable, floors, animals.	15.36.365	—Sanitary piping.
15.36.170	—Milking stable, walls and ceiling.	15.36.370	—Construction and repair of containers and equipment.
15.36.175	—Cow yard.	15.36.375	—Plumbing and disposal of wastes.
15.36.180	—Manure disposal.	15.36.380	—Cleaning and bactericidal treatment of containers and equipment.
15.36.185	—Milk house or room, construction.	15.36.385	—Storage of containers and equipment.
15.36.190	—Milk house or room, cleanliness, flies.	15.36.390	—Handling of containers and equipment.
15.36.195	—Toilet.	15.36.395	—Storage of caps, parchment, paper, and single service containers.
15.36.200	—Water supply.	15.36.400	—Pasteurization.
15.36.205	—Utensils, construction.	15.36.405	—Cooling.
15.36.210	—Utensils, cleaning.	15.36.410	—Bottling.
15.36.215	—Utensils, bactericidal treatment.	15.36.415	—Overflow milk.
15.36.220	—Utensils, storage.	15.36.420	—Capping.
15.36.225	—Utensils, handling.	15.36.425	—Personnel, health.
15.36.230	—Milking, udders and teats, abnormal milk.	15.36.430	—Personnel, cleanliness.
15.36.235	—Milking, flanks.	15.36.440	—Vehicles.
15.36.240	—Milkers' hands.	15.36.450	Grade B pasteurized milk—Standards.
		15.36.460	Grade C pasteurized milk—Standards.
		15.36.470	Grades of milk and milk products which may be sold.
		15.36.480	Reinstatement of permit—Supplementary regrading.
		15.36.490	Transferring or dipping milk—Delivery containers—Cooling—Quarantined residences.
		15.36.500	Sale of out-of-state milk and milk products.
		15.36.510	Future dairies and milk plants.
		15.36.520	Notification of disease.
		15.36.530	Procedure when infection suspected.
		15.36.540	Federal milk code interpretation to govern.
		15.36.550	Rules and regulations—Standards.

- 15.36.560 Local milk inspection service units.
- 15.36.570 Designation of additional inspection units.
- 15.36.530 Hearing of protests—Findings and order—Appeal.

- 15.36.590 Penalty.
- 15.36.600 Violations may be enjoined.
- 15.36.900 Chapter to be construed as cumulative.

15.36.010 Definitions—"Milk" and certain milk products. [1961 c 11 § 15.36.010. Prior: 1955 c 238 § 2; prior: 1949 c 168 § 1, part; Rem. Supp. 1949 § 6266-30, part.] Repealed by 1969 1st ex.s. c 102 § 7.

15.36.011 Definitions and standards, establishment and amendment by rule—Milk and milk products—Products made to resemble or imitate dairy products—Labels. The director of agriculture, by rule, may establish and/or amend definitions and standards for milk and milk products. Such definitions and standards established by the director shall conform, insofar as practicable, with the definitions and standards for milk and milk products promulgated by the secretary of the United States department of health, education and welfare. The director of agriculture, by rule, may likewise establish and/or amend definitions and standards for products whether fluid, powdered or frozen, compounded or manufactured to resemble or in semblance or imitation of genuine dairy products as defined under the provisions of RCW 15.32.120, 15.36.011, 15.36.075, 15.36.540 and 15.36.600 or chapter 15.32 RCW as enacted or hereafter amended. Such products made to resemble or in semblance or imitation of genuine dairy products shall conform with all the provisions of chapter 15.38 RCW and be made wholly of nondairy products.

All such products compounded or manufactured to resemble or in semblance or imitation of a genuine dairy product shall set forth on the container or labels the specific generic name of each ingredient used.

In the event any product compounded or manufactured to resemble or in semblance or imitation of a genuine dairy product contains vegetable fat or oil, the generic name of such fat or oil shall be set forth on the label. If a blend or variety of oils is used, the ingredient statement shall contain the term "vegetable oil" in the appropriate place in the ingredient statement, with the qualifying phrase following the ingredient statement, such as "vegetable oils are soybean, cottonseed and coconut oils" or "vegetable oil, may be cottonseed, coconut or soybean oil."

The labels or containers of such products compounded or manufactured to resemble or in semblance or imitation of genuine dairy products shall not use dairy terms or words or designs commonly associated with dairying or genuine dairy products, except as to the extent that such words or terms are nec-

essary to meet legal requirements for labeling: *Provided*, That the term "nondairy" may be used as an informative statement.

The director may adopt any other rules necessary to carry out the purposes of chapters 15.36 and 15.38 RCW: *Provided*, That these rules shall not restrict the display or promotion of products covered under this section. The adoption of all rules provided for in this section shall be subject to the provisions of chapter 34.04 RCW as enacted or hereafter amended concerning the adoption of rules. [1969 1st ex.s. c 102 § 1.]

Repealed definitions constitute rules: "The definitions constituting section 15.36.010, chapter 11, Laws of 1961 and RCW 15.36.010 as hereinafter in section 7 of this 1969 amendatory act repealed are hereby constituted and declared to be operative and to remain in force as the rules of the department of agriculture until such time as amended, modified, or revoked by the director of agriculture." [1969 1st ex.s. c 102 § 2.]

15.36.020 Definitions — "Pasteurization." "Pasteurization," "pasteurize" and similar terms, refer to the process of heating every particle of milk or milk products to at least one hundred forty-three degrees Fahrenheit, and holding at such temperature for at least thirty minutes, or to at least one hundred sixty-one degrees Fahrenheit, and holding at such temperature for at least fifteen seconds in approved and properly operated equipment under the provisions of this chapter: *Provided*, That nothing contained in this definition shall be construed as disbaring any other process which has been demonstrated to be equally efficient and which is approved by the director. [1955 c 238 § 3. Prior: 1949 c 168 § 1(m); Rem. Supp. 1949 § 6266-30(m).]

15.36.030 Definitions—"Adulterated and misbranded milk," etc. "Adulterated and misbranded milk and milk products." Any milk to which water has been added, or any milk or milk product which contains any unwholesome substance, or which if defined in this chapter does not conform with its definition, shall be deemed adulterated. Any milk or milk products which carries a grade label unless such grade label has been awarded by the director and not revoked, or which fails to conform in any other respect with the statements on the label, shall be deemed to be misbranded. [1955 c 238 § 4. Prior: 1949 c 168 § 1(n); Rem. Supp. 1949 § 6266-30(n).]

15.36.040 Definitions — "Milk producer" — "Milk distributor" — "Dairy" — "Milk hauler" — "Milk plant." A "milk producer" is any person or organization who owns or controls one or more cows a part or all of the milk or milk products from which is sold or offered for sale.

A "milk distributor" is any person who offers for sale or sells to another any milk or milk products for human consumption as such and shall include a milk producer selling or offering for sale milk or milk products at the dairy farm.

A "dairy" or "dairy farm" is any place or premises where one or more cows are kept, a part or all of the milk or milk products from which is sold or offered for sale.

A "milk hauler" is any person, other than a milk producer or a milk plant employee, who transports milk or milk products to or from a milk plant or a collecting point.

A "milk plant" is any place, premises or establishment where milk or milk products are collected, handled, processed, stored, bottled, pasteurized, or prepared for distribution, except an establishment where milk or milk products are sold at retail only. [1955 c 238 § 5. Prior: 1949 c 168 § 1(o), (p), (q), and (r). Rem. Supp. 1949 § 6266-30 (o), (p), (q), and (r).]

15.36.050 Definitions—"Average" counts, time, temperature. "Average bacterial plate count," and the "average direct microscopic count," mean the logarithmic average, and "average reduction time" and "average cooling temperature," mean the arithmetic average of the respective results of the last four consecutive samples, taken upon separate days. [1955 c 238 § 6. Prior: 1949 c 168 § 1(t); Rem. Supp. 1949 § 6266-30(t).]

15.36.060 Definitions — "Person" — "Director" — "Health officer" — "And/or." The word "person" means any individual, partnership, firm, corporation, company, trustee, or association.

"Director" means the director of agriculture of the state of Washington or his duly authorized representative.

"Health officer" means the county or city health officer as defined in Title 70, or his authorized representatives.

Where the term "and/or" is used "and" shall apply where possible, otherwise "or" shall apply. [1955 c 238 § 7. Prior: 1949 c 168 § 1(s), (u), (v), and (w); Rem. Supp. 1949 § 6266-30(s), (u), (v), and (w).]

15.36.070 Sale of adulterated, misbranded, or ungraded milk or milk products prohibited. No person shall produce, sell, offer, or expose for sale, or have in possession with intent to sell, in the fluid state for direct consumption as such, any milk or milk product which is adulterated, misbranded, or un-

graded. It shall be unlawful for any person, elsewhere than in a private home, to have in possession any adulterated, misbranded, or ungraded milk or milk products: *Provided*, That in an emergency the sale of ungraded milk or milk products may be authorized by the director, in which case they shall be labeled "ungraded."

Adulterated, misbranded, and/or ungraded milk or milk products may be impounded and disposed of by the director. [1949 c 168 § 2; Rem. Supp. 1949 § 6266-31.]

15.36.075 Milk not deemed adulterated if added ingredient is approved by rule or regulation. For the purpose of this chapter, no fluid milk or fluid milk product shall be deemed to be adulterated if such fluid milk or fluid milk product contains an added ingredient or substance in the amount and kind prescribed or allowed by a rule or regulation promulgated by the director subsequent to a public hearing pursuant to the provisions of chapter 34.04 RCW (Administrative Procedure Act) as enacted or hereafter amended. [1969 1st ex.s. c 102 § 3.]

15.36.080 Permits. It shall be unlawful for any person to transport, or to sell, or offer for sale, or to have in storage where milk or milk products are sold or served, any milk or milk products defined in this chapter, who does not possess an appropriate permit from the director or an authorized inspection service as defined in this chapter.

Every milk producer, milk distributor, milk hauler, and operator of a milk plant shall secure a permit to conduct such operation as defined in this chapter. Only a person who complies with the requirements of this chapter shall be entitled to receive and retain such a permit. Permits shall not be transferable with respect to persons and/or locations.

Such a permit may be temporarily suspended by the director or health officer of a milk inspection unit upon violation by the holder of any of the terms of this chapter, or for interference with the director or health officer of a milk inspection unit in the performance of his duties, or revoked after an opportunity for a hearing by the director upon serious or repeated violations. [1955 c 238 § 8; 1949 c 168 § 3; Rem. Supp. 1949 § 6266-32.]

15.36.090 Labeling. All bottles, cans, packages, and other containers, enclosing milk or any milk product defined in this chapter shall be plainly labeled or marked with (1) the name of the contents as given in the definitions of this chapter; (2) the grade of the contents; (3) the word "pasteurized" only if the contents have been pasteurized; (4) the word "raw" only if the contents are raw; (5) the name of the pro-

ducer if the contents are raw, and the identity of the plant at which the contents were pasteurized if the contents are pasteurized; (6) the phrase "for pasteurization" if the contents are to be pasteurized; (7) in the case of vitamin D milk the designation "vitamin D milk," the source of the vitamin D and the number of units per quart; (8) the word "reconstituted" or "recombined" if included in the name of the product as defined in this chapter; (9) in the case of concentrated milk or milk products the volume or proportion of water to be added for recombining; (10) the words "skim milk solids added," and the percentage added if such solids have been added, except that this requirement shall not apply to reconstituted or recombined milk or milk products: *Provided*, That only the identity of the producer shall be required on cans delivered to a milk plant which receives only raw milk for pasteurization and which immediately dumps, washes, and returns the cans to the producer.

The label or mark shall be in letters of a size, kind, and color approved by the director and shall contain no marks or words which are misleading. [1955 c 238 § 9; 1949 c 168 § 4; Rem. Supp. 1949 § 6266-33.]

15.36.100 Inspection of dairy farms and milk plants. Prior to the issuance of a permit and at least once every six months the director shall inspect all dairy farms and all milk plants: *Provided*, That the director may accept the results of periodic industry inspections of producer dairies if such inspections have been officially checked periodically and found satisfactory. In case the director discovers the violation of any item of sanitation, he shall make a second inspection after a lapse of such time as he deems necessary for the defect to be remedied, but not before the lapse of three days, and the second inspection shall be used in determining compliance with the grade requirements of this chapter. Any violation of the same requirement of this chapter on such reinspection shall call for immediate degrading or suspension of permit.

One copy of the inspection report shall be posted by the director in a conspicuous place upon an inside wall of one of the dairy farm or milk plant buildings, and said inspection report shall not be defaced or removed by any person except the director. Another copy of the inspection report shall be filed with the records of the director.

Every milk producer and distributor shall upon the request of the director permit him access to all parts of the establishment, and every distributor shall furnish the director, upon his request, for official use only, samples of any milk product for laboratory analysis, a true statement of the actual quantities of

milk and milk products of each grade purchased and sold, together with a list of all sources, records of inspections and tests, and recording thermometer charts. [1949 c 168 § 5; Rem. Supp. 1949 § 6266-34.]

15.36.110 Examination of milk and milk products. During each six months period at least four samples of milk and cream from each dairy farm and each milk plant shall be taken on separate days and examined by the director: *Provided*, That in the case of raw milk for pasteurization the director may accept the results of nonofficial laboratories which have been officially checked periodically and found satisfactory. Samples of other milk products may be taken and examined by the director as often as he deems necessary. Samples of milk and milk products from stores, cafes, soda fountains, restaurants, and other places where milk or milk products are sold shall be examined as often as the director may require. Bacterial plate counts, direct microscopic counts, reduction tests, coliform determinations, phosphatase tests and other laboratory tests shall conform to the procedures in the current edition of "Standard Methods For The Examination Of Dairy Products," recommended by the American public health association. Examinations may include such other chemical and physical determinations as the director may deem necessary for the detection of adulteration. Samples may be taken by the director at any time prior to the final delivery of the milk or milk products. All proprietors of cafes, stores, restaurants, soda fountains, and other similar places shall furnish the director, upon his request, with the name of all distributors from whom their milk and milk products are obtained. Bio-assays of the vitamin D content of vitamin D milk shall be made when required by the director in a laboratory approved by him for such examinations.

Whenever the average bacterial count, the average reduction time, or the average cooling temperature, falls beyond the limit for the grade then held, the director shall send written notice thereof to the person concerned and shall take an additional sample, but not before the lapse of three days, for determining a new average in accordance with RCW 15.36.050: *Provided*, That the three-out-of-four method, as specified in the following paragraphs, may be used in lieu of the averaging method provided in RCW 15.36.050 for determining compliance of bacterial plate counts, direct microscopic counts, or cooling temperatures. Violation of the grade requirement by the new average or the three-out-of-four method shall call for immediate degrading or suspension of the permit, unless the last individual result is within the grade limit.

the civil penalty assessed, if any. The order may be appealed to superior court in accordance with chapter 34.05 RCW. Tests performed for antibiotic, pesticide, or other drug residues by a state or certified industry laboratory of a milk sample drawn by a department official or a licensed dairy technician shall be admitted as prima facie evidence of the presence or absence of an antibiotic, pesticide, or other drug residue.

(3) Any penalty imposed under this section is due and payable upon the issuance of the final order by the department. The penalty shall be deducted by the violator's marketing organization from the violator's final payment for the month following the issuance of the final order. The department shall promptly notify the violator's marketing organization of any penalties contained in the final order.

(4) All penalties received or recovered from violations of this section shall be remitted monthly by the violator's marketing organization to the Washington state dairy products commission and deposited in a revolving fund to be used solely for the purposes of education and research. No appropriation is required for disbursements from this fund.

(5) In case of a violation of the antibiotic, pesticide, or other drug residue test requirements, an investigation shall be made to determine the cause of the residue which shall be corrected. Additional samples shall be taken as soon as possible and tested as soon as feasible for antibiotic, pesticide, or other drug residue by the department or a certified laboratory. After the notice has been received by the producer and the results of a test of such an additional sample indicate that residues are above the actionable level or levels referred to in subsection (1) of this section, the producer's milk may not be sold until a sample is shown to be below the actionable levels established for the residues. [1989 c 354 § 18; 1989 c 175 § 48; 1984 c 226 § 1.]

Reviser's note: This section was amended by 1989 c 175 § 48 and by 1987 c 354 § 18, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.023(2). For rule of construction, see RCW 1.12.023(1).

Severability—1989 c 354: See note following RCW 15.36.010.

Effective date—1989 c 175: See note following RCW 34.05.010.

RCW 15.36.120 Grading of milk and milk products—In general. Grades of milk and milk products as defined in this chapter shall be based on the respectively applicable standards contained in RCW 15.36.120 through 15.36.460, with the grading of milk products being identical with the grading of milk, except that bacterial standards are omitted in the case of cultured milk products. Vitamin D milk shall be only of grade A, certified pasteurized, or certified raw quality. The grade of a milk product shall be that of the lowest grade milk or milk product used in its preparation. [1984 c 226 § 3; 1981 c 297 § 2; 1961 c 11 § 15.36.120. Prior: 1955 c 238 § 12; prior: 1949 c 168 § 7, part; Rem. Supp. 1949 § 6266-36, part.]

Severability—1981 c 297: See note following RCW 15.36.110.

RCW 15.36.140 Grade A raw milk—Standards in general. Grade A raw milk is raw milk produced upon dairy farms conforming with all of the items of sanitation contained in RCW 15.36.150 through 15.36.280, and the bacterial plate count does not exceed twenty thousand per milliliter and the coliform count does not exceed ten per milliliter.

Grade A raw milk for pasteurization is raw milk produced upon dairy farms conforming with all of the same items of sanitation except RCW 15.36.265 (bottling and capping), 15.36.270 (personnel health), and portions of other items as indicated, and the bacterial plate count, as delivered from the farm, does not exceed eighty thousand per milliliter as determined in accordance with RCW 15.36.110. [1984 c 226 § 4; 1981 c 297 § 3; 1961 c 11 § 15.36.140. Prior: 1955 c 238 § 14; prior: 1949 c 168 § 7, part; Rem. Supp. 1949 § 6266-36, part.]

Severability—1981 c 297: See note following RCW 15.36.110.

RCW 15.36.150 Cows—Tuberculosis, brucellosis, other diseases. Except as provided hereinafter, tuberculin test of all herds and additions thereto shall be made before any milk therefrom is sold, and at least once every twelve months thereafter, by an accredited and licensed veterinarian approved by the state department of agriculture or veterinarian employed by the bureau of animal industry, United States department of agriculture. Said tests shall be made and the reactors disposed of in accordance with the requirements approved by the director for accredited herds. A certificate signed by the veterinarian or attested to by the director and filed with the director shall be evidence of the above test: *Provided*, That in modified accredited counties in which the modified accredited area plan is applied to the dairy herds, the modified accredited area system approved by the director shall be accepted in lieu of annual testing.

No fluid milk or cream designated or represented to be "grade A" fluid milk or cream shall be sold, offered or exposed for sale which has been produced from a herd of cows, one or more of which are infected with brucellosis at the time such milk is produced, or from animals in such herd which have not been blood tested for brucellosis at least once during the preceding calendar year, or milk ring tested for brucellosis at least semiannually during the preceding year. The results of a test for brucellosis by the state or federal laboratory of a blood sample drawn by an official veterinarian, shall be prima facie evidence of the infection or noninfection of the animal or herds: *Provided*, That in lieu thereof, two official negative milk ring tests for brucellosis not less than six months apart may be accepted as such evidence. All herds of cows, the fluid milk or cream from which is designated or represented to be "grade A" fluid milk or cream shall be blood tested for brucellosis annually or milk ring tested for brucellosis semiannually. Such herds showing any reaction to the milk ring test shall be blood tested and all reactors to the blood test removed from the herd and disposed of within fifteen days from the date they are tagged and branded. The remaining animals in the infected herd shall be retested at not less than thirty-day nor more than sixty-day intervals from

Whenever more than one of the last four consecutive coliform tests made to determine bacterial count of samples taken on separate days falls beyond the limit for the grade then held, the director shall send written notice thereof to the person concerned and shall take an additional sample but not before the lapse of three days. Immediate degrading or suspension of permit shall be called for if the grade requirements are violated by such additional sample, unless the last individual result is within the grade limit.

In case of violation of the phosphatase test requirement, the cause of underpasteurization shall be determined and removed before milk or milk products from this plant can again be sold as pasteurized milk or milk products. [1955 c 238 § 10; 1949 c 168 § 6; Rem. Supp. 1949 § 6266-35.]

15.36.120 Grading of milk and milk products—In general. Grade of milk and milk products as defined in this chapter shall be based on the respectively applicable standards contained in RCW 15.36.120 to 15.36.460, inclusive, the grading of milk products being identical with the grading of milk, except that the bacterial standards shall be doubled in the case of cream and omitted in the case of sour cream and buttermilk. Vitamin D milk shall be only of grade A, certified pasteurized, or certified raw quality. The grade of a milk product shall be that of the lowest grade milk or milk product used in its preparation. [1955 c 238 § 12. Prior: 1949 c 168 § 7, part; Rem. Supp. 1949 § 6266-36, part.]

15.36.130 Certified milk-raw—Standards. Certified milk-raw is raw milk which conforms with requirements of the American association of medical milk commissions in force at the time of production and is produced under the supervision of a medical milk commission reporting monthly to the director and the state department of health. [1955 c 238 § 13. Prior: 1949 c 168 § 7, part; Rem. Supp. 1949 § 6266-36, part.]

15.36.140 Grade A raw milk—Standards in general. Grade A raw milk is raw milk produced upon dairy farms conforming with all of the items of sanitation contained in RCW 15.36.150 to 15.36.280, inclusive, and the bacterial plate count or the direct microscopic clump count of which does not exceed twenty thousand per milliliter, or the methylene blue reduction time of which is not less than seven hours, as determined in accordance with RCW 15.36.110.

Grade A raw milk for pasteurization is raw milk produced upon dairy farms conforming with all of said items of sanitation except RCW 15.36.255 (bottling and capping), 15.36.270 (personnel health), and such por-

tions of other items as are indicated therein, and the bacterial plate count or the direct microscopic clump count of which, as delivered from the farm, does not exceed one hundred thousand per milliliter, or the resazurin reduction time of which to P seven-fourth is not less than three hours, as determined in accordance with RCW 15.36.110. [1955 c 238 § 14. Prior: 1949 c 168 § 7, part; Rem. Supp. 1949 § 6266-36, part.]

15.36.150 Cows—Tuberculosis, brucellosis, other diseases. Except as provided hereinafter, tuberculin test of all herds and additions thereto shall be made before any milk therefrom is sold, and at least once every twelve months thereafter, by an accredited and licensed veterinarian approved by the state department of agriculture or veterinarian employed by the bureau of animal industry, United States department of agriculture. Said tests shall be made and the reactors disposed of in accordance with the requirements approved by the director for accredited herds. A certificate signed by the veterinarian or attested to by the director and filed with the director shall be evidence of the above test: *Provided*, That in modified accredited counties in which the modified accredited area plan is applied to the dairy herds, the modified accredited area system approved by the director shall be accepted in lieu of annual testing.

No fluid milk or cream designated or represented to be "grade A" fluid milk or cream shall be sold, offered or exposed for sale which has been produced from a herd of cows, one or more of which are infected with brucellosis at the time such milk is produced, or from animals in such herds which have not been blood tested for brucellosis at least once during the preceding calendar year, or milk ring tested for brucellosis at least semiannually during the preceding year. The results of a test for brucellosis by the state or federal laboratory of a blood sample drawn by an official veterinarian, shall be prima facie evidence of the infection or noninfection of the animal or herds: *Provided*, That in lieu thereof, two official negative milk ring tests for brucellosis not less than six months apart may be accepted as such evidence. All herds of cows, the fluid milk or cream from which is designated or represented to be "grade A" fluid milk or cream shall be blood tested for brucellosis annually or milk ring tested for brucellosis semiannually. Such herds showing any reaction to the milk ring test shall be blood tested and all reactors to the blood test removed from the herd and disposed of within fifteen days from the date they are tagged and branded. The remaining animals in the infected herd shall be retested at not less than thirty-day nor more than sixty-day in-

tervals from the date of the first test. A series of retests, with removal and disposition of reacting animals, shall be continued until the herd shall have passed two successive tests in which no reactors are found. If upon a final test, not less than six months nor more than seven months from the date of the last negative test, no reactors are found in the herd, it shall be deemed a disease free herd. Results of official blood or milk ring tests shall be conspicuously displayed in the milk house.

All milk and milk products consumed raw shall be from herds or additions thereto which have been found free from brucellosis, as shown by blood serum tests or other approved tests for agglutinins against brucella organisms made in a laboratory approved by the director. All such herds shall be retested at least every twelve months and all reactors removed from the herd. If a herd is found to have one or more animals positive to the brucellosis test, all milk from that herd is to be pasteurized until the three consecutive brucellosis tests obtained at thirty-day intervals between each test are found to be negative. A certificate identifying each animal by number and signed by the laboratory making the test shall be evidence of the above test.

Cows which show an extensive or entire induration of one or more quarters of the udder upon physical examination, whether secreting abnormal milk or not, shall be permanently excluded from the milking herd. Cows giving bloody, or stringy, or otherwise abnormal milk, but with only slight induration of the udder shall be excluded from the herd until reexamination shows that the milk has become normal.

For other diseases such tests and examinations as the director may require after consultation with state livestock sanitary officials shall be made at intervals and by methods prescribed by him. [1955 c 238 § 15. Prior: 1949 c 168 § 7(1r); Rem. Supp. 1949 § 6266-36(1r).]

15.36.155 Grade A raw milk—Dairy barn, lighting. A milking barn or stable shall be provided. It shall be provided with adequate light, properly distributed, for day or night milking. [1955 c 238 § 16. Prior: 1949 c 168 § 7(2r); Rem. Supp. 1949 § 6266-36(2r).]

15.36.160 Grade A raw milk—Dairy barn, air space, ventilation. Such sections of all dairy barns where cows are kept or milked shall be well ventilated and shall be so arranged as to avoid overcrowding. [1955 c 238 § 17. Prior: 1949 c 168 § 7(3r); Rem. Supp. 1949 § 6266-36(3r).]

15.36.165 Grade A raw milk—Milking stable, floors, animals. The floors and gutters of that portion of the barn or stable in which cows are milked shall be constructed of con-

crete or other approved impervious and easily cleaned material: *Provided*, That if the milk is to be pasteurized, tight, two-inch tongue and groove wood, impregnated with water-proofing material and laid with a mastic joint at the gutter may be used under the cows. Floors and gutters shall be graded to drain properly and shall be kept clean and in good repair. No horses, swine, or fowl shall be permitted in the milking stable. If dry cows, calves, or bulls are stabled therein, they shall be confined in stalls, stanchions or pens. [1955 c 238 § 18. Prior: 1949 c 168 § 7(4r); Rem. Supp. 1949 § 6266-36(4r).]

15.36.170 Grade A raw milk—Milking stable, walls and ceiling. The interior walls and the ceilings of the milking barn or stable shall be smooth, shall be whitewashed or painted as often as may be necessary, or finished in an approved manner, and shall be kept clean and in good repair. In case there is a second story above the milking barn or stable the ceiling shall be tight. If hay, grain or other feed is stored in a feed room or feed storage space adjoining the milking space, it shall be separated therefrom by a dust tight partition and door. No feed shall be stored in the milking portion of the barn unless stored in dust tight containers. [1955 c 238 § 19. Prior: 1949 c 168 § 7(5r); Rem. Supp. 1949 § 6266-36(5r).]

15.36.175 Grade A raw milk—Cow yard. The cow yard shall be graded and drained as well as practicable and so kept that there are no standing pools of water nor accumulation of organic wastes. Swine shall be kept out. [1955 c 238 § 20. Prior: 1949 c 168 § 7(6r); Rem. Supp. 1949 § 6266-36(6r).]

15.36.180 Grade A raw milk—Manure disposal. All manure shall be removed and stored at least fifty feet from the milking barn or disposed of in such manner as best to prevent the breeding of flies therein and the access of cows to piles thereof: *Provided*, That in loafing or pen type stables manure droppings shall be removed or clean bedding added at sufficiently frequent intervals to prevent the accumulation of manure on cows' udders and flanks and the breeding of flies. [1955 c 238 § 21. Prior: 1949 c 168 § 7(7r); Rem. Supp. 1949 § 6266-36(7r).]

15.36.185 Grade A raw milk—Milk house or room, construction. There shall be provided a milk house or milk room in which the cooling, handling, and storing of milk and milk products and the washing, bactericidal treatment, and storing of milk containers and utensils shall be done. (1) The milk house or room shall be provided with a tight floor constructed of concrete or other impervious material, in good repair, and graded to provide proper drainage. (2) It shall have walls and ceilings of such construction as to

permit easy cleaning, and shall be well painted or finished in an approved manner. (3) It shall be well lighted and ventilated. (4) It shall have all openings effectively screened, including outward-opening, self-closing doors, unless other effective means are provided to prevent the entrance of flies. (5) It shall be used for no other purposes than those specified above, except as may be approved by the director. (6) It shall not open directly into a stable or into any room for domestic purposes. (7) It shall have water piped into it. (8) It shall be provided with adequate facilities for the heating of water for the cleaning of utensils. (9) It shall be equipped with two-compartment stationary wash and rinse vats, except that in the case of retail raw milk, if chemicals are employed as the principal bactericidal treatment, the three-compartment type must be used; (10) and shall, unless the milk is to be pasteurized, be partitioned to separate the handling of milk and the storage of cleaned utensils from the cleaning and other operations, which shall be so located and conducted as to prevent any contamination of the milk or of cleaned equipment. [1955 c 238 § 22. Prior: 1949 c 168 § 7(8r); Rem. Supp. 1949 § 6266-36(8r).]

15.36.190 Grade A raw milk—Milk house or room, cleanliness, flies. The floors, walls, ceilings, and equipment of the milk house or room shall be kept clean at all times. All means necessary for the elimination of flies shall be used. [1955 c 238 § 23. Prior: 1949 c 168 § 7(9r); Rem. Supp. 1949 § 6266-36(9r).]

15.36.195 Grade A raw milk—Toilet. Every dairy farm shall be provided with one or more sanitary toilets conveniently located and properly constructed, operated and maintained so that the waste is inaccessible to flies and does not pollute the surface soil or contaminate any water supply. [1955 c 238 § 24. Prior: 1949 c 168 § 7(10r); Rem. Supp. 1949 § 6266-36(10r).]

15.36.200 Grade A raw milk—Water supply. The water supply for the milk room and dairy barn shall be properly located, constructed, and operated, and shall be easily accessible, adequate, and of a safe sanitary quality according to standards approved by the state board of health. [1955 c 238 § 25. Prior: 1949 c 168 § 7(11r); Rem. Supp. 1949 § 6266-36(11r).]

15.36.205 Grade A raw milk—Utensils, holding tanks, construction. All multi-use containers, equipment, or other utensils used in the handling, storage, or transportation of milk or milk products shall be made of smooth nonabsorbent material and of such construction as to be easily cleaned and shall be in good repair. Joints and seams shall be welded or soldered flush. Woven wire cloth

or multi-use cloth shall not be used for straining milk. If milk is strained, filter pads shall be used and not reused. All milk pails shall be of the seamless hooded type. All single-service containers, closures, and filter pads used shall have been manufactured, packaged, transported, and handled in a sanitary manner.

The design, construction, material and operation of all farm holding tanks shall be such as approved by the director. [1955 c 238 § 26. Prior: 1949 c 168 § 7(12r); Rem. Supp. 1949 § 6266-36(12r).]

15.36.210 Grade A raw milk—Utensils, cleaning. All multi-use containers, equipment, and other utensils used in the handling, storage, or transportation of milk or milk products must be thoroughly cleaned after each usage. [1955 c 238 § 27. Prior: 1949 c 168 § 7(13r); Rem. Supp. 1949 § 6266-36(13r).]

15.36.215 Grade A raw milk—Utensils, bactericidal treatment. All multi-use containers, equipment, and other utensils used in the handling, storage, or transportation of milk or milk products shall, before each usage, be effectively subjected to an approved bactericidal process with steam, hot water, chemicals, or hot air. [1955 c 238 § 28. Prior: 1949 c 168 § 7(14r); Rem. Supp. 1949 § 6266-36(14r).]

15.36.220 Grade A raw milk—Utensils, storage. All containers and other utensils used in the handling, storage, or transportation of milk or milk products shall, unless stored in bactericidal solutions, be so stored as to drain and dry and so as not to become contaminated before being used. [1955 c 238 § 29. Prior: 1949 c 168 § 7(15r); Rem. Supp. 1949 § 6266-36(15r).]

15.36.225 Grade A raw milk—Utensils, handling. After bactericidal treatment containers and other milk and milk product utensils shall be handled in such a manner as to prevent contamination of any surface with which milk or milk products come in contact. [1955 c 238 § 30. Prior: 1949 c 168 § 7(16r); Rem. Supp. 1949 § 6266-36(16r).]

15.36.230 Grade A raw milk—Milking, udders and teats, abnormal milk. Milking shall be done in the milking barn or stable. The udders and teats of all milking cows shall be clean and wiped with an approved bactericidal solution immediately preceding the time of milking. Abnormal milk shall be kept out of the milk supply and shall be so handled and disposed of as to preclude the infection of the cows and the contamination of milk utensils. [1955 c 238 § 31. Prior: 1949 c 168 § 7(17r); Rem. Supp. 1949 § 6266-36(17r).]

15.36.235 Grade A raw milk—Milking, flanks, etc. The flanks, bellies, and tails of

all milking cows shall be free from visible dirt at the time of milking. All brushing shall be completed before milking commences. [1955 c 238 § 32. Prior: 1949 c 168 § 7(18r); Rem. Supp. 1949 § 6266-36(18r).]

15.36.240 Grade A raw milk—Milkers' hands. Milkers' hands shall be clean, rinsed with bactericidal solution, and dried with a clean towel immediately before milking and following any interruption in the milking operation. Wet-hand milking is prohibited. Convenient facilities shall be provided for the washing of milkers' hands. [1955 c 238 § 33. Prior: 1949 c 168 § 7(19r); Rem. Supp. 1949 § 6266-36(19r).]

15.36.245 Grade A raw milk—Clean clothing. Milkers and milk handlers shall wear clean outer garments while milking or handling milk, milk products, containers, utensils, or equipment. [1955 c 238 § 34. Prior: 1949 c 168 § 7(20r); Rem. Supp. 1949 § 6266-36(20r).]

15.36.250 Grade A raw milk—Milk stools. Milk stools shall be kept clean. [1955 c 238 § 35. Prior: 1949 c 168 § 7(21r); Rem. Supp. 1949 § 6266-36(21r).]

15.36.255 Grade A raw milk—Removal of milk. Each pail or can of milk shall be removed immediately to the milk house or straining room. No milk shall be strained or poured in the barn unless it is protected from flies and other contamination. [1955 c 238 § 36. Prior: 1949 c 168 § 7(22r); Rem. Supp. 1949 § 6266-36(22r).]

15.36.260 Grade A raw milk—Cooling. Milk and milk products for consumption in the raw state shall be cooled within thirty minutes after completion of milking to fifty degrees Fahrenheit or less and maintained at that temperature until delivery, as determined in accordance with RCW 15.36.110. Milk delivered daily for pasteurization shall be cooled within thirty minutes after completion of milking to sixty degrees Fahrenheit or less and maintained at that temperature until delivered and dumped.

Milk delivered every other day for pasteurization shall be cooled to forty degrees Fahrenheit or lower at the place of production and shall not exceed forty-five degrees Fahrenheit at any time prior to pasteurization. [1955 c 238 § 37. Prior: 1949 c 168 § 7(23r); Rem. Supp. 1949 § 6266-36(23r).]

15.36.265 Grade A raw milk—Bottling and capping. Milk and milk products for consumption in the raw state shall be bottled on the farm where produced. Bottling and capping shall be done in a sanitary manner by means of approved equipment and these operations shall be integral in one machine. Caps or cap stock shall be purchased in sanitary containers and kept therein in a clean dry place until used. [1955 c 238

§ 38. Prior: 1949 c 168 § 7(24r); Rem. Supp. 1949 § 6266-36(24r).]

15.36.270 Grade A raw milk—Personnel, health. The health officer or a physician authorized by him shall examine and take a careful morbidity history of every person connected with a producer-distributor dairy, or about to be employed, whose work brings him in contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment. If such examination or history suggests that such person may be a carrier of or infected with the organisms of typhoid or para-typhoid fever or any other communicable diseases likely to be transmitted through milk, he shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the state health authorities for such examinations, and if the results justify such person shall be barred from such employment. [1955 c 238 § 39. Prior: 1949 c 168 § 7(25r); Rem. Supp. 1949 § 6266-36(25r).]

15.36.280 Grade A raw milk—Vehicles—Surroundings. All vehicles used for the transportation of milk or milk products shall be so constructed and operated as to protect their contents from the sun, from freezing, and from contamination. All vehicles used for the distribution of milk and milk products shall have the distributor's name prominently displayed. Deck boards must be used when more than one deck of cans are transported.

The immediate surroundings of the dairy shall be kept clean and free of health menaces. [1955 c 238 § 40. Prior: 1949 c 168 § 7(26r, part); Rem. Supp. 1949 § 6266-36(26r, part).]

15.36.290 Grade B raw milk—Standards. Grade B raw milk is raw milk which violates the bacterial standard requirement for grade A raw milk, but which conforms with all other requirements for grade A raw milk, and has an average bacterial plate count not exceeding one hundred thousand per milliliter, or an average direct microscopic count not exceeding one hundred thousand per cubic centimeter if clumps are counted or six hundred thousand per cubic centimeter if individual organisms are counted, or an average reduction time of not less than three and one-half hours, as determined under RCW 15.36.050 and 15.36.110. [1955 c 238 § 41. Prior: 1949 c 168 § 7, part; Rem. Supp. 1949 § 6266-36, part.]

15.36.300 Grade C raw milk—Standards. Grade C raw milk is raw milk of a producer-distributor which violates any of the requirements for grade B raw milk. [1955 c 238 § 42. Prior: 1949 c 168 § 7, part; Rem. Supp. 1949 § 6266-36, part.]