



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (August 2017)
(Implements RCW 34.05.360)

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WSR 26-15-012

Agency: Dept. of Agriculture

Effective date of rule:

Permanent Rules

☒ 31 days after filing.

☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If Yes, explain:

Purpose: This rule making order establishes chapter 16-175 WAC, Maple Syrup Inspection, which creates inspection criteria and licensing requirements tailored specifically to maple syrup processing operations and amends chapter 16-165 WAC, Food Inspection, by updating definitions related to maple syrup processors, ensuring consistency between regulatory frameworks and clarifying when maple syrup processors are subject to the specialized requirements in chapter 16-175 WAC versus the general food processing requirements in chapter 16-165 WAC.

Citation of rules affected by this order:

New: 16-175-100, -110, -120, -130, -140, -150

Repealed:

Amended: 16-165-120, -130

Suspended: -

Statutory authority for adoption: RCW 69.07.020, RCW 69.07.070

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 26-11-005 on May 8, 2026 (date).

Describe any changes other than editing from proposed to adopted version: The following changes were made to the adopted version of the rule as compared to the proposed language. These changes are nonsubstantive and either remove or relax requirements that were in the original proposed language.

WAC 16-175-130(15), "**Maple syrup processed at adequate temperatures**" means maple syrup that is processed and bottled between 180 and 200 degrees Fahrenheit" has been changed to read, "**Maple syrup processed at adequate temperatures**" means maple syrup is processed and then bottled at 180 degrees Fahrenheit or higher."

WAC 16-175-130(20)(a)(i), "Toilet facilities are no closer than 50 feet and no farther than 300 feet from the maple syrup processing area" has been changed to read "Toilet facilities are no farther than a quarter mile (1320 feet) from the maple syrup processing area."

WAC 16-175-130(21), "**Toilet facilities clean, in good repair, screened, and with self-closing doors**" means toilet facilities are kept clean, free of trash and litter, serviced at intervals to ensure sanitary condition, in good repair, screened, and all doors are self-closing" has been changed to, "**Toilet facilities clean, in good repair, screened, and with the exception of domestic facilities must have self-closing doors**" means toilet facilities are kept clean, free of trash and litter, serviced at intervals to ensure sanitary condition, in good repair, screened, and with the exception of domestic facilities all doors are self-closing."

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:
Web site:
Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	<u>6</u>	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	<u>2</u>	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>6</u>	Amended	<u>2</u>	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

Date adopted: 07/03/2026

Name: Derek I. Sandison

Title: Director

Signature:



**Chapter 16-175 WAC
MAPLE SYRUP INSPECTION**

NEW SECTION

WAC 16-175-100 Purpose of chapter. The purpose of this chapter is to:

(1) Establish an inspection criteria and a rating system that will be used to determine whether maple syrup processing establishments, which process or handle maple syrup in intrastate commerce, are in compliance with chapters 69.07 and 15.130 RCW, and regulations adopted thereunder.

(2) Identify steps leading to enforcement actions by the department.

(3) Establish criteria for licensing maple syrup establishments under chapter 69.07 RCW.

NEW SECTION

WAC 16-175-110 Maple syrup food processor licensing—New application—Inspection criteria. To qualify for a new food processing plant license for maple syrup processors issued under chapter 69.07 RCW, the Washington Food Processing Act, a **maple syrup** processing establishment must first submit an application to the department. The license is only applicable to the processing of maple syrup. The processing of all other food products falls under the food inspection regulations specified under chapter 16-165 WAC. After the department receives a complete application, the department will inspect the facility. The facility must be in compliance with the following requirements prior to issuance of a license:

The maple syrup processing establishment must achieve a score of 90 points or higher on the licensing inspection and be in compliance with licensing criteria. For the purposes of licensing, a maple syrup processing establishment must not incur any licensing specific debits. Refer to WAC 16-175-140 for licensing criteria and licensing specific debits.

NEW SECTION

WAC 16-175-120 Maple syrup establishments—Definitions. The definitions in this section apply throughout this chapter:

(1) "Adequate" means that which is needed to accomplish the intended purpose in keeping with good public health practice.

(2) "Critical violation" means a violation of the inspection criteria that is a direct violation of RCW 15.130.200 with respect to adulterated food or a violation that results in food adulteration that

could cause injury or illness in consumers, or that has the potential to contribute to conditions resulting in such adulteration.

(3) "Establishment" and "facility" mean a sugar shack, premise, plant, building, room, or area which processes, prepares, handles, or stores maple syrup for sale in intrastate commerce.

(4) "Filth" means microorganisms, unsuitable toxic chemicals, dirt, debris, microscopic physical contaminants, and other adulterants.

(5) "Grade standards" means the standards prescribed in Section 52.5962 of the United States Standards for Grades of Maple Syrup (March 2, 2015).

(6) "Labeling" and "finished product labeling" means labeling to follow the United States Food and Drug Administration labeling requirements for packaged food in 21 C.F.R. Part 101, 21 U.S.C. 321, and in Section 52.5962 of the United States Standards for Grades of Maple Syrup.

(7) "Licensing criteria violation" means any violation of the inspection criteria required to be in compliance prior to the issuance of a maple syrup food processor's license under chapter 69.07 RCW.

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

(9) "Maple syrup" means the liquid food derived by concentrating and heat-treating sap from the maple tree (Acer) as defined in the U.S. Food and Drug Administration (FDA) Standards of Identity for Maple Sirup (21 C.F.R. 168.140) issued under the Federal Food, Drug, and Cosmetic Act. The solids content of the finished maple syrup shall not be less 66 percent by weight (Brix).

(10) "Maple syrup processing establishment" means any premise, plant, building, room, area, or facility which processes, prepares, handles, or stores maple syrup for sale in intrastate commerce.

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

(12) "Product" means maple syrup.

(13) "Sanitize" means to adequately treat food contact surfaces by a process that is effective in destroying vegetative cells of microorganisms of public health significance, and in substantially reducing numbers of other undesirable microorganisms, but without adversely affecting the product or its safety for the consumer.

(14) "Significant violation" means any violation of the inspection criteria not deemed to be a critical violation as defined in WAC 16-175-140(2).

(15) "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

WAC 16-175-130 Maple syrup processing establishment—Inspection criteria definitions—Interpretations. WSDA will use the definitions

and interpretations in this section to determine if a maple syrup processing establishment inspection complies with the inspection criteria.

(1) **"Clean and adequate protective clothing"** means the clothing or the outside layer of clothing, which can occasionally or incidentally contact food, either directly or indirectly, is:

(a) Clean at the start of the work shift;

(b) Changed when the clothing becomes so soiled during the course of the work shift that contamination of food, food packaging, or food contact surfaces becomes imminent; and

(c) Suitable to maple syrup processing facilities for protection against the contamination of food, food packaging, and food contact surfaces.

(2) **"Clean and effective hair restraints"** means hats, caps, scarves, or other head cover are worn for the protection of the maple syrup from contamination. Hair spray and/or tying back the hair in ponytails, etc., are not considered effective hair restraints.

(3) **"Adequate washing of hands as necessary"** means washing hands thoroughly to protect against contamination of maple syrup from undesirable microorganisms in an adequate handwash facility by:

(a) Using proper handwashing methods which consist of:

(i) Applying soap to hands;

(ii) Using potable water;

(iii) Scrubbing hands thoroughly; and

(iv) Rinsing and drying hands using methods that prevent food contamination;

(b) Washing hands before beginning work, after each absence from the workstation, and any time hands become soiled or contaminated; and

(c) Sanitizing hands when appropriate in addition to, but not in place of, the proper handwashing methods.

(4) **"Garments and personal belongings stored appropriately; not a source of contamination"** means personal belongings and garments, either personal or facility supplied, are stored or kept separately from maple syrup processing, handling, and storage operations such as in an area, locker, cupboard, or other closable unit that is dedicated to the storing or hanging of personal belongings and clothing so not to become a source of contamination to maple syrup, maple syrup packaging, or maple syrup contact surfaces.

No maple syrup, packaging materials, utensils, or equipment used in the maple processing operation are kept, stored, or commingled with personal belongings or garments.

(5) **"Grounds maintained"** means the grounds outside the maple syrup establishment are clean and free of clutter that may constitute a breeding and harborage site for rodents.

(6) **"Adequate light"** means a minimum of 25-foot candles at the working surfaces of maple syrup processing areas and a minimum of 10-foot candles at the floor level in all other maple syrup processing areas.

(7) **"Detergents, sanitizers, and toxic materials properly identified"** means:

(a) Labeling any container containing detergent, sanitizer, or toxic material with the:

(i) Product name;

(ii) Chemical description;

(iii) Directions for use;

(iv) Any required precautionary and warning statements;

(v) First-aid instructions;

(vi) Name and address of the manufacturer or distributor; and
(vii) Any other additional information required by the federal Environmental Protection Agency or other laws or rules; or

(b) Small transport or use containers for detergents, sanitizers, or toxic materials are used only under the following conditions:

(i) The contents are properly identified on the container. Labeling the container with the common name is acceptable if the original storage container is on hand and properly identified;

(ii) No maple syrup container is used as a container for detergents, sanitizers, or toxic materials; and

(iii) No container used for detergents, sanitizers, or toxic materials is used as a maple syrup container.

(8) **"Suitable size, location, and construction of the facility"** means:

(a) Floors, ceilings, walls, counters, shelving, and other fixtures, are smooth, easily cleanable, and in good repair.

(b) The bottling area must be enclosed.

(9) **"Food grade materials and product packaging"** means:

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

(b) Evaporator pans, buckets, tanks, and other maple syrup 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; and

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

(10) **"Maple syrup contact surfaces clean and maintained in a sanitary condition, cleaned and sanitized prior to each use or as required"** means:

(a) Contact surfaces of equipment, utensils, containers, and other articles used in the processing of maple syrup, when its continued use is apparent, are not soiled with any residue or contaminant that could adulterate food products as defined in RCW 15.130.200;

(b) Maple syrup residue is removed from product contact surfaces frequently enough to prevent residues from becoming unwholesome or unfit for food, decomposed, filthy, putrid, or injurious to health; and

(c) Maple syrup contact surfaces are sanitized prior to use and after cleaning.

(11) **"Maple syrup contact surfaces clean and maintained in a sanitary condition, cleaned and sanitized prior to each use or as essential: Critical violation"** means it is a critical violation if a maple syrup product contact surface comes into contact with potentially hazardous contaminants and the surface is not sanitized after cleaning or prior to use.

Product contact surfaces that become contaminated but are cleaned and sanitized prior to use are not considered a critical violation.

(12) **"Nonproduct contact surfaces of equipment cleaned and maintained in a sanitary condition"** means nonproduct contact surfaces of equipment used in the processing of maple syrup are kept reasonably free from dirt, residues, foreign material, dust, mold, mildew, slime, and other accumulations that occur because of day-to-day maple syrup processing operations.

(13) **"In-use maple syrup contact equipment and utensils appropriately stored: Protected from contamination between uses"** means the equipment and utensils used in the processing of maple syrup, such as buckets, tubing, spoons, knives, scrapers, scoops, shovels, cutters,

pans, and other hand tools and equipment, are food safe and placed or stored in a manner to prevent being contaminated with filth.

Storage and placement of utensils or equipment in the following manner is considered inappropriate storage:

(a) In contact with the floor, dirty equipment frames, other insanitary nonfood contact surfaces;

(b) In contact with containers of nonpotable water (other than sterilizing solutions); and

(c) In contact with other contaminants.

(14) **"In-use maple syrup contact equipment and utensils appropriately stored: Protected from contamination between uses: Critical violation"** means that it is a critical violation when a utensil or piece of equipment is or has been stored in such a manner that it becomes obviously contaminated with filth and its continued use is apparent.

Utensils and equipment that become contaminated are not considered a critical violation if the utensils and equipment are cleaned and sanitized prior to the next use.

(15) **"Maple syrup processed at adequate temperatures"** means maple syrup is processed and then bottled at 180 degrees Fahrenheit or higher.

(16) **"USDA Grade included on product labeling"** must meet the requirements of that standard as prescribed in Section 52.5962 of the United States Standards for Grades of Maple Syrup.

(17) **"Water supply—Safe and of sanitary quality"** means the water supply used in the processing of maple syrup is potable, from an approved source, and is monitored in accordance with applicable laws and rules. Water from an approved source and monitored in accordance with applicable laws and rules means:

(a) Food processors with 25 or more employees and operating 60 days or more annually comply with the state department of health, division of drinking water requirements for a group A water system (chapter 246-290 WAC).

(b) Processors with less than 25 employees or operating less than 60 days annually, except single-family residences employing only household members, comply with the state department of health, division of drinking water requirements for a group B water system (chapter 246-291 WAC).

(c) Processors who operate from single-family residences on private water supplies meet the department of health, division of drinking water requirements for a group B water system (chapter 246-291 WAC) with respect to monitoring for bacteriological, chemical, and physical properties. Processors who do not use water as an ingredient or incorporate water into their product need only meet the bacteriological testing requirements.

(18) **"Current satisfactory water test"** means analysis verifying the bacteriological, physical, and chemical safety of the water has been conducted according to appropriate group A or B water system monitoring schedules and that reports of such analysis are on file at the maple syrup processing establishment and available for review by WSDA during routine facility inspection.

(19) **"Approved sewage disposal system"** means:

(a) Sewage and other waste do not provide a source of contamination to maple syrup, potable water, maple syrup contact surfaces, or maple syrup packaging material, or create any insanitary condition; and

(b) Sewage disposal meets the requirements of federal, state, or local agencies having jurisdiction.

(20) **"Adequate, readily accessible toilet facilities"** means:

(a) A maple syrup establishment provides its employees with toilet facilities that are maintained in accordance with 21 C.F.R., Part 117, and:

(i) Nonwater carriage toilet facilities are no farther than a quarter of a mile (1,320 feet) from the maple syrup processing area;

(ii) Toilet facilities mean:

(A) Nonwater carriage toilets such as a chemical toilet or an incinerator toilet, and includes a handwash station directly adjacent to the toilet facility; or

(B) Toilet facilities may also mean a standard toilet facility if properly plumbed for disposal into a municipal/city approved sewage disposal system or a local health jurisdiction approved on-site wastewater disposal system.

(b) A domestic toilet facility is sufficient if the maple syrup processing operation is a family operation where only family members are employed and if the domestic toilet facility meets applicable requirements provided in 21 C.F.R., Part 117.

(21) **"Toilet facilities clean, in good repair, screened, and with the exception of domestic facilities must have self-closing doors"** means toilet facilities are kept clean, free of trash and litter, serviced at intervals to ensure sanitary condition, in good repair, screened, and with the exception of domestic facilities all doors are self-closing.

(22) **"Handwash facilities adequate and convenient"** means food handlers in a maple syrup establishment have access to an adequate handwash facility:

(a) Adequate handwash facility means:

(i) At a minimum, a 20-gallon container of potable water with a free-flow spigot;

(ii) Container must be stored off the ground at a minimum of a standard table height of 30 inches or greater; and

(iii) Liquid or foaming soap and single use disposable towels must be located at the handwash container; and

(b) Handwashing stations must have hot, cold, or tempered running water; and

(c) One or more handwash facilities must be located in the maple syrup processing area, and one hand wash facility must be adjacent to the toilet facility; or

(d) Handwash facilities may also mean a standard handwash sink if properly plumbed for disposal into a municipal/city approved sewage disposal system or a local health jurisdiction approved on-site wastewater disposal system.

(23) **"Maple syrup protected from contamination in storage"** means maple syrup is stored under conditions that protect food against physical, chemical, and microbial contamination, as well as against deterioration of the maple syrup and the container.

(24) **"Maple syrup protected from contamination in storage: Critical violation"** means it is a critical violation when:

(a) A storage situation allows potential contamination of products. This includes, but is not limited to, the storing of raw materials in such a fashion that they cross-contaminate finished maple syrup products, particularly ready to eat maple syrup products; or

(b) Raw materials from unapproved or uncertified sources are used that are inherently associated with food-borne illnesses.

(25) **"Adequate records maintained as required"** means all records are maintained as provided under Title 21 C.F.R., Part 117 and any other law or rule requiring recordkeeping, except that water tests are covered under subsection (18) of this section, "Current satisfactory water test."

(26) **"Adequate records maintained as required: Critical violation"** means it is a critical violation when a record is not maintained on any food process and/or controls as provided for in subsection (25) of this section, or so poorly maintained that the information intended to be conveyed by the record is lacking or cannot be determined.

(27) **"Packaging material properly handled and stored"** means a food contact surface of maple syrup packaging material is protected from potential sources of contamination during handling and storage. This includes, but is not limited to:

(a) Boxes, liners, and other primary containers are stored off floors or other insanitary surfaces;

(b) Top containers in a nested stack of lined or primary containers are inverted or otherwise protected;

(c) All single service containers, caps, roll stock, liner jars, bottles, jugs, and other preformed containers are stored in closed sanitary tubes, wrappings, boxes, or cartons prior to use;

(d) The forming, make-up, or other package assembly is conducted in a manner that precludes contamination; and

(e) The handling of packaging material and containers prior to filling or wrapping is conducted so not to expose them to contamination by dust, foreign material, or other contaminants.

NEW SECTION

WAC 16-175-140 Maple syrup establishment—Inspection criteria.

The maple syrup inspection criteria shall be in accordance with the following table for determining:

(1) If a maple syrup establishment is in compliance with chapters 69.07 and 15.130 RCW, and 21 C.F.R. Part 101, and rules adopted thereunder;

(2) The debit value for each significant violation; and

(3) Whether a violation is critical, or a licensing requirement:

INSPECTION CRITERIA Critical Inspection Criteria

Criteria Item—Critical*		Licensing Requirement?
1.	Maple syrup products free from adulteration.	Yes
2.	Persons with apparent infections or communicable diseases properly restricted.	Yes
3.	Adequate washing and sanitizing of hands as necessary, gloves used in food handling sanitary conditions.	Yes

Criteria Item—Critical*		Licensing Requirement?
4.	Product contact surfaces clean and maintained in a sanitary condition; cleaned and sanitized prior to each use or as essential.	Yes
5.	In use maple syrup contact equipment and utensils appropriately stored; protected from contamination between uses.	No
6.	Water used safe and of adequate sanitary quality; from approved source.	Yes
7.	Adequate, readily accessible toilet facilities provided not within 50 feet or further than 300 feet of the processing area.	Yes
8.	Handwash facility directly adjacent to toilet facility.	Yes
9.	No evidence of human defecation or urination about the premises.	Yes
10.	Handwash station with 20-gallon container of potable water with free-flow spigot adequate and convenient to the processing area.	Yes
11.	Maple syrup protected from contamination in storage.	No
12.	Adequate records maintained as required.	No
13.	Sewage disposal meets the requirements of federal, state, or local agencies having jurisdiction.	Yes
14.	Maple syrup products misbranded, product has undeclared allergens or human sensitivity causing ingredients including subcomponents.	No
15.	Producing, holding, or packaging products other than maple syrup as defined by this rule.	No

* Any critical violation results in an establishment not being in substantial compliance.

INSPECTION CRITERIA

Significant Inspection Criteria

Criteria Item—Significant		Debit Value	Licensing Requirement?
1.	Jewelry, watches, and other personal items not a source of contamination.	1	No
2.	Clean and adequate protective clothing and hair restraints.	1-2	No

Criteria Item—Significant		Debit Value	Licensing Requirement?
3.	Use of tobacco, eating and drinking of food and beverages, and gum chewing restricted to appropriate areas.	1	No
4.	Garments and personal belongings stored appropriately, not a source of potential contamination.	2	No
5.	Employee work procedures preclude contamination.	1-2	No
6.	Grounds within fifteen feet of processing area: Free from pest attractions, breeding places, harborage, excessive dust, and other contaminants.	1-2	No
7.	Suitable size and location, construction including floors, ceilings, walls, counters, shelving, other fixtures, smooth, readily cleanable and in good repair if present.	1-5	Yes
8.	The bottling area must be enclosed, the cleanest area of the establishment.	1-5	Yes
9.	No operations in domestic living or sleeping quarters (including domestic kitchens).	0	Yes
10.	Adequate light.	1-2	Yes
11.	Lights, glass over food protected, breakproof.	1	No
12.	Drip or condensate not a potential source of contamination.	1-3	No
13.	Screened or protected to exclude pests.	1-2	No
14.	Building, fixtures, facilities clean; including transport vehicles.	1-5	Yes
15.	Detergents, sanitizers, toxic materials safely used and stored.	1-3	No
16.	Detergents, sanitizers, and toxic materials properly identified.	1-2	No
17.	Product contact surfaces clean and maintained in a sanitary condition; cleaned and sanitized prior to each use or as essential.	1-2	No
18.	Equipment, utensils, and product packaging made of food-grade materials.	1-5	Yes
19.	Nonproduct contact surfaces of equipment clean and maintained in a sanitary condition.	1-2	No
20.	In use maple syrup contact equipment and utensils appropriately stored; protected from contamination between uses.	1-2	No
21.	No harborage/breeding areas within or directly adjacent to processing areas.	1-2	No
22.	Pesticides safely used and stored.	1-3	No
23.	No evidence of rodents, insects, birds or other animals.	1-5	Yes
24.	Current satisfactory water supply test.	5	Yes
25.	Water supply sufficient in quantity for intended operations.	2	Yes
26.	Toilet facilities clean and in good repair, not within 50 feet of processing area and not farther than 300 feet from processing area, screened, self-closing door, adjacent handwash.	1-2	Yes
27.	Soap and single service towels or suitable drying devices provided at handwash stations. Adequate refuse receptacles provided.	1-2	No
28.	Design, material and workmanship durable, readily cleanable, and in good repair. Contact surfaces nontoxic and corrosion resistant.	1-3	Yes
29.	Design and use preclude contamination with lubricants, fuel, contaminated water, paint, rust, compressed air/gas and other contaminants.	1-3	No
30.	New single-use containers and lids used to bottle finished product.	1-5	No
31.	Incoming raw materials and ingredients from an approved source, in an obvious sanitary condition. Items inspected on receipt, suitable for intended use, segregated as necessary, and properly stored (clean storage containers, facilities, products properly covered); ingredients properly identified.	1-5	No

Criteria Item—Significant		Debit Value	Licensing Requirement?
32.	Adequate records maintained as required - Noncritical.	1	No
33.	No contaminating material used, stored, or transported with supplies, ingredients or processed foods.	1-2	No
34.	Packing material properly handled and stored.	1	No
35.	Cleaning operations - conducted to minimize contamination.	1-3	No
36.	Maple syrup products misbranded. Labels do not have producer name, address, and other required label components.	1-5	Yes

NEW SECTION

WAC 16-175-150 Maple syrup processing establishment inspection rating system—Inspection score. (1) A maple syrup processing establishment is rated as follows at the completion of an inspection conducted by the department:

(a) A maple syrup processing establishment will be debited the point value assigned to the inspection item listed in WAC 16-175-140 for each violation found during an inspection.

(b) The sum of the points debited for an inspection are subtracted from the maximum point value of 100. The remaining sum is the establishment's score for that inspection.

(c) When the department identifies a critical violation during an inspection, the establishment is considered to not be in substantial compliance and automatically fails the inspection regardless of points debited due to any other violations, unless the critical violation is satisfactorily corrected during the inspection.

(2) An establishment is considered in substantial compliance with the inspection criteria if:

(a) No critical violations are found, or if critical violations are found and corrected prior to completion of the inspection; and

(b) The establishment's inspection score is 90 points or above.

WAC 16-165-120 Food establishments—Definitions. (1) Definitions for terms used in this chapter may be found in chapters 69.07, 69.10, and 15.130 RCW, and Title 21 C.F.R. as adopted, unless otherwise provided in this chapter.

(2) For the purposes of this chapter, the following definitions apply:

(a) "Adequate" means that which is needed to accomplish the intended purpose in keeping with good public health practice.

(b) "Critical violation" means a violation of the inspection criteria that is a direct violation of RCW 15.130.200 with respect to adulterated food or a violation that results in food adulteration that could cause injury or illness in consumers, or that has the potential to contribute to conditions resulting in such adulteration.

(c) "Department" means the department of agriculture of the state of Washington (WSDA).

(d) "Director" means the director of agriculture.

(e) "Establishment or food establishment" means any premise, plant, building, room, area, sugar shack, or facility which processes, prepares, handles or stores food or food products for sale in intra-state commerce including food processors, food storage warehouses, custom slaughter operations, refrigerated lockers, maple syrup processors, and dairy manufacturing plants.

(f) "Grade standards" means the standards prescribed in Section 52.5962 of the United States Standards for Grades of Maple Syrup (March 2, 2015).

(g) "Labeling" and "finished product labeling" means labeling to follow the U.S. Food and Drug Administration (FDA) labeling requirements for packaged food in 21 C.F.R. Part 101, 21 U.S.C. 321, and Section 52.5962 of the United States Standards for Grades of Maple Syrup.

(h) "Licensing criteria violation" means any violation of the inspection criteria required to be in compliance prior to the issuance of a food processor's license under chapter 69.07 RCW.

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

(j) "Maple syrup" means the liquid food derived by concentrating and heat-treating sap from the maple tree (Acer) as defined in the U.S. Food and Drug Administration (FDA) Standards of Identity for Maple Sirup (21 C.F.R. 168.140) issued under the federal Food, Drug, and Cosmetic Act. The solids content of the finished maple syrup shall not be less 66 percent by weight (Brix).

(k) "Sanitize" means to adequately treat food contact surfaces by a process that is effective in destroying vegetative cells of microorganisms of public health significance, and in substantially reducing numbers of other undesirable microorganisms, but without adversely affecting the product or its safety for the consumer.

~~((h))~~ (l) "Maple syrup processing establishment" means any premise, plant, building, room, area, or facility which processes, prepares, handles, or stores maple syrup for sale in intrastate commerce.

(m) "Maple syrup processing operation" means a person or business that produces maple syrup for sale, and includes the collection of ma-

ple tree sap, the processing of maple sap into maple syrup, and all related facilities, equipment, and employees.

(n) "Significant violation" means any violation of the inspection criteria not deemed to be a critical violation as defined in WAC 16-165-140(2).

(o) "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.

AMENDATORY SECTION (Amending WSR 20-17-020, filed 8/6/20, effective 9/6/20)

WAC 16-165-130 Food establishments—Inspection criteria definitions—Interpretations. WSDA will use the definitions and interpretations in this section to determine if a food establishment inspection complies with the inspection criteria.

(1) **"Clean and adequate protective clothing and hair restraints"** means the clothing or the outside layer of clothing, which can occasionally or incidentally contact food, either directly or indirectly, is:

(a) Clean at the start of the work shift; and

(b) Changed when the clothing becomes so soiled during the course of the work shift that contamination of food, food packaging, or food contact surfaces becomes imminent; and

(c) Suitable to the specific food processing operation for protection against the contamination of food, food packaging, and food contact surfaces.

Clean and effective hair restraints, such as hairnets, or beard nets if appropriate, are worn for the protection of food from contamination. Hats, caps, scarves or other head cover are acceptable if the hair is properly contained to protect food from contamination. Hair spray and/or tying back the hair in ponytails, etc., are not considered effective hair restraints.

(2) **"Adequate washing and sanitizing of hands as necessary"** means washing and sanitizing hands thoroughly to protect against contamination of food from undesirable microorganisms in an adequate handwash facility by:

(a) Using proper handwashing methods which consist of:

(i) Applying soap to hands;

(ii) Using warm water;

(iii) Scrubbing hands thoroughly;

(iv) Rinsing and drying hands using methods that prevent food contamination;

(b) Washing hands before beginning work, after each absence from the work station, and any time hands become soiled or contaminated; and

(c) Sanitizing hands when appropriate in addition to, but not in place of, the proper handwashing methods.

(3) **"Garments and personal belongings stored appropriately; not a source of contamination"** means personal belongings and garments, either personal or plant supplied, are stored or kept separately from

food processing, handling and storage operations such as in an area, locker, cupboard, or other closeable unit that is dedicated to the storing or hanging of personal belongings and clothing so not to become a source of contamination to food, food packaging, or food contact surfaces; and

No food, packaging materials, utensils, or equipment used in the food processing operation are kept, stored, or commingled with personal belongings or garments.

(4) **"Processes separated as required"** means there is a separation of processes for the purpose of reducing potential contamination in food processing operations where contamination is likely to occur. One or more of the following means may accomplish this:

- (a) Location;
- (b) Time;
- (c) Partition;
- (d) Air flow;
- (e) Enclosed systems; or
- (f) Other effective method.

(5) **"Adequate light"** means a minimum of 25 foot candles at the working surfaces of food processing areas and a minimum of 10 foot candles at the floor level in all other food processing areas.

(6) **"Detergents, sanitizers, and toxic materials properly identified"** means:

- (a) Labeling any container containing detergent, sanitizer, or toxic material with the:
 - (i) Product name;
 - (ii) Chemical description;
 - (iii) Directions for use;
 - (iv) Any required precautionary and warning statements;
 - (v) First-aid instructions;
 - (vi) Name and address of the manufacturer or distributor; and
 - (vii) Any other additional information required by the federal Environmental Protection Agency or other laws or rules; or
- (b) Small transport or use containers for detergents, sanitizers, or toxic materials are used only under the following conditions:
 - (i) The contents are properly identified on the container. Labeling the container with the common name is acceptable if the original storage container is on hand and properly identified;
 - (ii) No food container is used as a container for detergents, sanitizers, or toxic materials;
 - (iii) No container used for detergents, sanitizers, or toxic materials((7)) is used as a food container.

(7) **"Product contact surfaces clean and maintained in a sanitary condition, cleaned, and sanitized prior to each use or as essential"** means:

- (a) Product contact surfaces of equipment, utensils, containers, and other articles used in the processing of food, when its continued use is apparent, are not soiled with any residue or contaminant that could adulterate food products as defined in RCW 15.130.200; and
- (b) Food residues are removed from food product contact surfaces frequently enough to prevent residues from becoming unwholesome or unfit for food, decomposed, filthy, putrid, or injurious to health; and
- (c) The food product contact surfaces are sanitized prior to use and after cleaning.

(8) **"Product contact surfaces clean and maintained in a sanitary condition, cleaned and sanitized prior to each use or as essential: Critical violation"** means it is a critical violation if a food product

contact surface comes into contact with potentially hazardous food and the surface is not sanitized after cleaning or prior to use.

Product contact surfaces that become contaminated, but are cleaned and sanitized prior to use are not considered a critical violation.

(9) **"Nonproduct contact surfaces of equipment cleaned and maintained in a sanitary condition"** means nonproduct contact surfaces of equipment used in the processing of food are kept reasonably free from dirt, old food residues, foreign material, dust, mold, mildew, slime, and other accumulations that occur because of day-to-day food processing operations.

(10) **"In-use food contact equipment and utensils appropriately stored: Protected from contamination between uses"** means the utensils used in the processing of foods, such as knives, scrapers, scoops, shovels, cutters, and other hand tools and equipment, are placed or stored in a manner to prevent food contact surfaces from being contaminated with filth. Filth includes, but is not limited to, microorganisms, unsuitable toxic chemicals, and microscopic physical contaminants.

Storage and placement of utensils or equipment in the following manner is considered inappropriate storage:

(a) In contact with the floor, dirty equipment frames, other insanitary nonfood contact surfaces;

(b) In contact with containers of nonpotable water (other than sterilizing solutions); and

(c) In contact with other contaminants.

(11) **"In-use food contact equipment and utensils appropriately stored: Protected from contamination between uses: Critical violation"** means that it is a critical violation when a utensil or piece of equipment is or has been stored in such a manner that it becomes obviously contaminated with filth and its continued use is apparent.

Utensils and equipment that become contaminated are not considered a critical violation if the utensils and equipment are cleaned and sanitized prior to the next use.

(12) **"Maple syrup processed at adequate temperatures"** means maple syrup is processed and bottled between 180 and 200 degrees Fahrenheit.

(13) **"USDA grade included on product labeling"** must meet the requirements of that standard as prescribed in Section 52.5962 of the United States Standards for Grades of Maple Syrup.

(14) **"Water supply((—)) - Safe and of sanitary quality"** means the water supply used in the processing of food is potable from an approved source and is monitored in accordance with applicable laws and rules. Water from an approved source and monitored in accordance with applicable laws and rules means:

(a) Food processors who produce bottled water meet the requirements of 21 C.F.R., Part 129 and comply with the state department of health, division of drinking water requirements for a group A water system (chapter 246-290 WAC).

(b) Food processors who produce ice comply with the state department of health, division of drinking water requirements for a group A water system (chapter 246-290 WAC).

(c) Food processors with (~~((twenty-five))~~) 25 or more employees and operating (~~((sixty))~~) 60 days or more annually comply with the state department of health, division of drinking water requirements for a group A water system (chapter 246-290 WAC).

(d) Processors with less than (~~(twenty-five)~~) 25 employees or operating less than (~~(sixty)~~) 60 days annually, except single-family residences employing only household members, comply with the state department of health, division of drinking water requirements for a group B water system (chapter 246-291 WAC).

(e) Processors that operate from single-family residences on private water supplies meet the department of health, division of drinking water requirements for a group B water system (chapter 246-291 WAC) with respect to monitoring for bacteriological, chemical, and physical properties. Processors that do not use water as an ingredient or incorporate water into their product need only meet the bacteriological testing requirements.

(f) Water used for certain purposes within the food processing operation (such as circulated water used in the washing of soil from raw agricultural commodities or fluming) is acceptable if:

(i) The water does not impart harmful or deleterious substances or additives to food products; and

(ii) The food products in contact with the water undergo a final potable water wash/rinse; and

(iii) The water meets the requirements of the good manufacturing practices under 21 C.F.R., Part 117.

(~~(13)~~) (15) **"Current satisfactory water test"** means analysis verifying the bacteriological, physical and chemical safety of the water has been conducted according to appropriate group A or B water system monitoring schedules or, in the case of bottled water operations, according to the requirements of Title 21 C.F.R., Part 129 and that reports of such analysis are on file at the processing facility and available for review by WSDA during routine facility inspection.

(~~(14)~~) (16) **"Ice from an approved source"** means:

(a) Ice is manufactured on the premises of a food establishment with water that is safe and of sanitary quality; or

(b) Ice is supplied by an establishment that is under license and inspection of a federal, state, or local government agency, and proof of the water's potability is on file with the food processing plant using the ice.

(~~(15)~~) (17) **"Ice properly handled"** means ice is processed, handled and held according to sanitary practices provided in 21 C.F.R., Part 117, and ice used in the processing of food is protected from contamination by taking the necessary precautions during its manufacture, storage, transport and use. Necessary precautions include, but are not limited to:

(a) Storage bins and containers of water are covered;

(b) All storage and packaging containers, including ice house or storage room contact surfaces, are sanitary, readily cleanable, and do not impart deleterious materials to the ice. Wooden totes are not to be used for the transporting or holding of ice;

(c) Scoops, shovels, and other utensils used in the handling of ice are in a sanitary condition, properly stored, readily cleanable, and do not impart deleterious materials to the ice;

(d) The ice does not come into contact with floor areas where foot traffic is possible; and

(e) Equipment used to manufacture ice is in a sanitary condition, readily cleanable, and does not impart any deleterious or other foreign substances to the ice.

(~~(16)~~) (18) **"No cross connections, no back siphonage"** means there is no backflow from or cross connection between piping systems that discharge waste water sewage and piping systems that carry water

for food manufacturing. This includes any cross connection between a potable water system and:

- (a) A system in which the water contains boiler additives; or
- (b) A CIP (clean in place) system; or
- (c) A recirculating system used to wash or flume food products, such as raw fruits or vegetables.

~~((17))~~ (19) **"Adequate floor drains and plumbing to convey wastes and sewage from the plant, into approved sewage disposal system"** means:

- (a) Plumbing is designed, sized, installed, and maintained in accordance with applicable state and local plumbing codes so that sewage and liquid disposable waste is readily conveyed from the plant;
- (b) Floor drainage is sufficient to prevent excessive pooling of water or other disposable waste;
- (c) Plumbing and drains do not provide a source of contamination to food, potable water, food contact surfaces, or food packaging material or create any insanitary condition; and
- (d) Sewage is disposed into a municipal sewer system or other system approved by a federal, state or local agency having jurisdiction.

~~((18))~~ (20) **"Adequate, readily accessible toilet facilities"** means:

- (a) A food establishment provides its employees with toilet facilities that are located within a reasonable distance to the work area, and the toilet facilities are maintained in accordance with 21 C.F.R., Part 117, and:

- (i) Toilet facilities are located on the premises of a licensed food establishment; or

- (ii) If the food establishment shares space in a multiple building complex, toilet facilities are located within the complex and within a reasonable distance from the work area; or

- (iii) A domestic toilet facility is sufficient if the food processing operation is a family operation where only family members are employed and if the domestic toilet facility meets applicable requirements provided in 21 C.F.R., Part 117.

- (b) Outhouses, chemical toilets, or other nonflush toilets may not be used in a food establishment.

~~((19))~~ (21) **"Toilets clean, in good repair, not opening directly into process areas, self-closing doors"** means toilet rooms are kept clean, free of trash and litter, in good repair, and all toilet room doors are self-closing and do not open directly into a food processing area.

~~((20))~~ (22) **"Handwash facilities adequate and convenient, with hot and cold or tempered water"** means food handlers in a food establishment have access to one or more handwashing facilities with hot, cold, or tempered running water, and:

- (a) There is at least one handwash facility located in the food processing area in a location convenient to each food handling area when hands come into contact with or manipulate unwrapped or unpackaged ready to eat food. (Hand sanitizing stations may be required if appropriate); or

- (b) Handwash facilities are located in rest rooms or other areas in operations where food is not manipulated by hand and hands do not contact the food; or

- (c) Handwash facilities are located in rest rooms or other areas and hand sanitizing stations are located in food processing areas in operations where food would normally undergo further preparation (for

example washing, cleaning, cooking or other processing) either in the plant or by the consumer that would adequately eliminate physical, chemical, and microbiological contaminants introduced by handling.

((+21+)) (23) **"Hand dips provided as necessary"** means hand sanitizing stations are provided, and properly positioned and maintained in all food operations as provided in subsection ((+20+)) (22)(c) of this section.

(a) For the purposes of this subsection, "properly positioned" means:

(i) Food handlers have ready access to hand sanitizing stations when returning from the toilet, handwash stations, lunch and breaks and whenever necessary while working; and

(ii) At least one hand sanitizing station is inside the process room entryways on each side of the processing table, lines and equipment where food is manipulated by hand, and at least one hand sanitizing station for every ((+ten+)) 10 food handlers at processing tables, lines, and equipment.

(b) For the purposes of this subsection, "properly maintained" means sanitizing solutions are checked and recharged to a strength equal to 10 PPM chlorine or 25 PPM iodine, and changed every four hours while in use.

(c) Hand sanitizing stations are recommended for all food operations provided for in subsection ((+20+)) (22)(c) of this section.

((+22+)) (24) **"Food protected from contamination in storage"** means food is stored under conditions that protect food against physical, chemical and microbial contamination, as well as against deterioration of the food and the container.

((+23+)) (25) **"Food protected from contamination in storage: Critical violation"** means it is a critical violation when:

(a) A storage situation allows potential contamination of products. This includes, but is not limited to, the storing of raw materials in such a fashion that they cross-contaminate finished food products, particularly ready to eat food. For example, the storage of raw fish and seafood, meat, poultry, and other food which inherently contains pathogenic and spoilage microorganisms, as well as soil and other foreign material, is in direct contact with other food in the same container or in any other cross-contaminating circumstance with finished food products; or

(b) Raw materials or food products from unapproved or uncertified sources are used that are inherently associated with food-borne illnesses. Raw products include, but are not limited to:

(i) Unpasteurized milk and dairy products;

(ii) Unpasteurized eggs used in products which are not heated to pasteurization temperatures during processing;

(iii) Home canned low-acid foods;

(iv) Raw uncertified shellfish; and

(v) Uninspected meat products.

((+24+)) (26) **"Adequate records maintained as required"** means all records are maintained as provided under Title 21 C.F.R., Part 113 Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers; Part 114, Acidified Foods; Part 129, Processing and Bottling of Bottled Drinking Water; and any other law or rule requiring recordkeeping, EXCEPT that water tests under Part 129 are covered under subsection ((+13+)) (15) of this section, "Current satisfactory water test."

((+25+)) (27) **"Adequate records maintained as required: Critical violation"** means it is a critical violation when a record is not main-

tained on any food process and/or controls as provided for in subsection ~~((+24+))~~ (26) of this section, or so poorly maintained that the information intended to be conveyed by the record is lacking or cannot be determined.

~~((+26+))~~ (28) **"Products coded as required"** means all products are coded as provided under Title 21 C.F.R., Part 113, Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers; Part 114, Acidified Foods; Part 129, Processing and Bottling of Bottled Drinking Water; and any other law or rule requiring that products be coded.

~~((+27+))~~ (29) **"Products coded as required: Critical violation"** means it is a critical violation when a product is not coded as required in subsection ~~((+26+))~~ (28) of this section, or so inadequately coded with respect to the food product, the plant where manufactured, the date manufactured, time or batch manufactured, cannot be readily identified.

~~((+28+))~~ (30) **"Packaging material properly handled and stored"** means:

A food contact surface of food packaging material is protected from potential sources of contamination during handling and storage. This includes, but is not limited to:

(a) Boxes, liners, and other primary containers are stored off floors or other insanitary surfaces;

(b) Top containers in a nested stack of lined or primary containers are inverted or otherwise protected;

(c) All single service containers, caps, roll stock, liner jars, bottles, jugs, and other preformed containers are stored in closed sanitary tubes, wrappings, boxes, or cartons prior to use;

(d) The forming, make-up, or other package assembly is conducted in a manner that precludes contamination; and

(e) The handling of packaging material and containers prior to filling or wrapping is conducted so not to expose them to contamination by dust, foreign material, or other contaminants.

~~((+29+))~~ (31) **"Potentially hazardous food"** means any food, whole or in part, capable of supporting the germination, growth, and/or toxin production by infectious or toxic microorganisms is at temperatures between 38°F and 145°F, and/or food is otherwise harmful to health.