



RULE-MAKING ORDER

2-103 (June 2004)
(Implements RCW 34.05.360)

Agency: Department of Agriculture

Permanent Rule
 Emergency Rule

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)

Effective date of rule:

Emergency Rules
 Immediately upon filing.
 Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?
 Yes No If Yes, explain:

Purpose: The purpose of this rule making order is to adopt a rewritten, reformatted and reorganized chapter 16-414 WAC (Cherries) that is easier to understand and use. **No new requirements are included in the rewritten chapter 16-414 WAC.** The rewritten chapter 16-414 WAC is a result of the department's ongoing Executive Order 97-02 rule review effort and the department's effort to comply with the executive order's "clarity criteria".

Citation of existing rules affected by this order:

Repealed: WAC 16-414-015, 030, 040, 050, 060, 070, 080, 095, 100 and 130
Amended: WAC 16-414-010; 020; 085; 090, 110 and 120
Suspended: None

Statutory authority for adoption: Chapter 15.17 RCW and Chapter 34.05 RCW

Other authority :

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 05-07-154 on March 23, 2005.
Describe any changes other than editing from proposed to adopted version: None

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

Name: _____ phone () _____
Address: _____ fax () _____
e-mail _____

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Date adopted: May 25, 2005

NAME (TYPE OR PRINT)
Valoria H. Loveland

SIGNATURE

TITLE
Director Deputy Director

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED
MAY 25 2005
952
TIME _____ AM
WSR 05-11-037 PM

(COMPLETE REVERSE SIDE)

510 05-12-037
BBP 1/11/19

**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	0	Amended	0	Repealed	0
Federal rules or standards:	New	0	Amended	0	Repealed	0
Recently enacted state statutes:	New	0	Amended	0	Repealed	0

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

New	0	Amended	0	Repealed	0
-----	---	---------	---	----------	---

The number of sections adopted in the agency's own initiative:

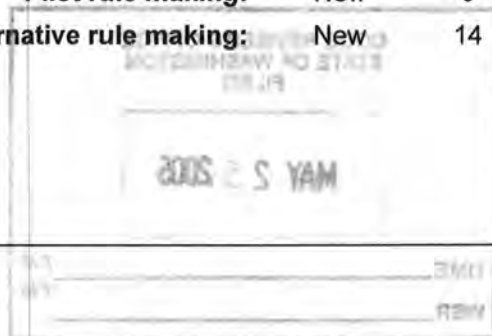
New	14	Amended	6	Repealed	10
-----	----	---------	---	----------	----

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	14	Amended	6	Repealed	10
-----	----	---------	---	----------	----

The number of sections adopted using:

Negotiated rule making:	New	0	Amended	0	Repealed	0
Pilot rule making:	New	0	Amended	0	Repealed	0
Other alternative rule making:	New	14	Amended	6	Repealed	10



Chapter 16-414 WAC

WASHINGTON STANDARDS FOR CHERRIES

Part I
SWEET CHERRIES

NEW SECTION

WAC 16-414-005 What definitions are important to this chapter? "Clean" means cherries are practically free from dirt, dust, spray residue, or other foreign material. For example, clean means the product is practically free from leaves, fruit spurs, bark, twigs, dirt or foreign material.

"Condition defects" means defects that may develop or change during shipment or storage. Condition defects include, but are not limited to, decayed or soft cherries and such other factors as pitting, shriveling, sunken areas, brown discoloration and bruising that, because of its location appears to have occurred after packing.

"Damage" means any injury or specific defect described in WAC 16-414-045 or any equally objectionable variation of those defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible quality or marketing quality of the fruit.

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

"Diameter" means the greatest dimension measured at right angles to a line from the stem to the blossom end of the cherry.

"Director" means the director of the Washington state department of agriculture or the director's designee.

"Face packed" means the cherries in the top layer of any container are placed so the stem ends are pointing downward toward the bottom of the container.

"Fairly well colored" means that at least ninety-five percent of the surface of the cherry shows characteristic color for mature cherries of the variety.

"Firm" means the cherries:

- (1) Possess a firm, fleshy texture;

- (2) Retain their approximate original shape;
- (3) Are not shriveled; and
- (4) Do not show more than slight collapsed areas of flesh.

"Mature" means cherries have reached the stage of growth that will insure the proper completion of the ripening process.

"Permanent defects" means defects that are not subject to change during shipping or storage. Permanent defects include, but are not limited to, factors of shape, scarring, skin breaks, injury caused by hail or insects, and mechanical injury that, because of its location, appears to have occurred before shipment.

"Off-size" means a cherry whose diameter fails to meet a designated size when measured at right angles to a line from its stem to its blossom end.

"Serious damage" means any specific defect described in WAC 16-414-065 or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects that seriously detracts from the appearance, edible quality or marketing quality of cherries.

"Shipping point" means:

- (1) The point of origin of the shipment in the producing area or at the port of loading; or
- (2) The port of entry into the United States in the case of shipments from outside the continental United States.

"Similar varietal characteristics" means the cherries in any container are similar in color and shape.

"Well formed" means a cherry has the normal shape characteristic of the variety. Mature well-developed doubles are considered well formed if the halves are approximately evenly formed with a variation of no more than 2/64 of an inch.

AMENDATORY SECTION (Amending WSR 95-13-038, filed 6/14/95, effective 7/15/95)

WAC 16-414-010 (~~Washington No. 1 grade and tolerances defined.~~) What are Washington No. 1 grade and Northwest No. 1 grade sweet cherries? (~~(1) Washington No. 1 shall consist of sweet cherries which meet the following requirements: Similar varietal characteristics, mature, fairly well colored, well formed and clean, free from decay insect larvae or holes caused by them, soft overripe or shriveled, underdeveloped doubles and sunscald, and free from damage by any other cause.~~

~~(2) Size.~~

~~(a) The minimum diameter of each cherry shall be not less than 54/64 inch. The maximum diameter of the cherries in any lot may be specified in accordance with the facts.~~

~~(b) When containers of cherries are marked with a row count/row size designation, the row count/row size marked shall be one of those shown in column 1 of the following table and shall be~~

of the corresponding minimum diameter size shown in column 2:

Column 1 Row count/Row size	Column 2 Diameter in inches
9	75/64
9-1/2	71/64
10	67/64
10-1/2	64/64
11	61/64
11-1/2	57/64
12	54/64

~~(3) Tolerances. In order to allow for variations incident to proper grading and handling, the following tolerances, by count, are provided as specified:~~

~~(a) For defects at shipping point. Washington No. 1. Eight percent for cherries which fail to meet the requirements for this grade. Provided, That included in this amount not more than four percent shall be allowed for defects causing serious damage, including in this latter amount not more than one-half of one percent for cherries which are affected by decay.~~

~~Note: Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.~~

~~(b) For defects en route or at destination.~~

~~Washington No. 1. Twenty-four percent for cherries in any lot which fail to meet the requirements for this grade. Provided, That included in this amount not more than the following percentages shall be allowed for defects listed:~~

~~(i) Eight percent for cherries which fail to meet the requirements for this grade because of permanent defects; or~~

~~(ii) Six percent for cherries which are seriously damaged, including therein not more than four percent for cherries which are seriously damaged by permanent defects and not more than two percent for cherries which are affected by decay.~~

~~(c) For off-size.~~

~~(i) Not more than ten percent, by count, of cherries in any inspection lot shall measure less than 54/64 inches in diameter.~~

~~(ii) Ten percent, by count, for cherries which fail to meet any specified maximum diameter when such maximum diameter is marked on the container or specified in terms of fractions of inches.~~

~~(iii) When the containers are marked with row count/row size or the lot is specified by row count/row size, not more than ten percent, by count, of the cherries in any inspection lot may fail to meet the corresponding diameter size as defined in subsection (2)(b) of this section.) The following table describes the characteristics of Washington No. 1 grade and Northwest No. 1 grade sweet cherries:~~

<u>Washington No. 1 Grade Sweet Cherries</u>	<u>Northwest No. 1 Grade Sweet Cherries</u>
<u>Washington No. 1 sweet cherries must meet the following requirements:</u>	<u>Northwest No. 1 sweet cherries must meet the:</u>
<u>(1) Similar varietal characteristics:</u>	<u>(1) Quality requirements of Washington No. 1 sweet cherries listed in this table; and</u>
<u>(2) Mature:</u>	<u>(2) Size requirements listed in WAC 16-414-011.</u>
<u>(3) Not soft overripe or shriveled;</u>	
<u>(4) Fairly well colored;</u>	
<u>(5) Well formed;</u>	
<u>(6) No underdeveloped doubles;</u>	
<u>(7) Clean;</u>	
<u>(8) Free from decay, insect larvae or holes caused by them and sunscald; and</u>	
<u>(9) Free from damage by any other cause.</u>	

NEW SECTION

WAC 16-414-011 What size requirements apply to sweet cherries? (1) The minimum diameter of each cherry must be at least 54/64 inch.

(2) The maximum diameter of the cherries in any lot may be specified according to the facts.

(3) When containers of cherries are marked with a row count/row size designation, the row count/row size marked must comply with the corresponding minimum diameter size as shown in the following table:

If containers of cherries are marked with the following row count/row size designations:	Then minimum diameter size of the cherries in inches must be:
8	84/64
8 1/2	79/64
9	75/64
9 1/2	71/64
10	67/64

If containers of cherries are marked with the following row count/row size designations:	Then minimum diameter size of the cherries in inches must be:
10 1/2	64/64
11	61/64
11 1/2	57/64
12	54/64

NEW SECTION

WAC 16-414-012 What tolerances apply to Washington No. 1 and Northwest No. 1 grade sweet cherries at their shipping point and en route or at their destination? To allow for variations incident to proper grading and handling at the shipping point, en route or at their destination, the following tolerances, by count, are established for Washington No. 1 and Northwest No. 1 grade sweet cherries:

Washington No. 1 Grade Sweet Cherries	Northwest No. 1 Grade Sweet Cherries
(1) Tolerances applied at shipping point	(1) Tolerances applied at shipping point
(a) Eight percent for cherries that fail to meet the requirements for Washington No. 1 grade.	(a) Ten percent for cherries in any inspection lot that fail to meet the requirements for Northwest No. 1 grade.
(b) Of the total tolerance of eight percent, no more than four percent is allowed for defects causing serious damage.	(b) Of the total tolerance of ten percent, no more than five percent is allowed for defects causing serious damage.
(c) Of the four percent tolerance for serious damage defects, no more than one-half of one percent is allowed for cherries affected by decay.	(c) Of the five percent tolerance for serious damage defects, no more than one percent is allowed for cherries affected by decay.
	(d) The contents of individual samples or containers in any lot must not be limited to the percentage of grade defects discussed in WAC 16-414-020.
(2) Tolerances applied en route or at destination	(2) Tolerances applied en route or at destination
(a) Twenty-four percent for cherries in any lot that fail to meet the requirements for Washington No. 1 grade.	(a) Twenty-four percent for cherries in any inspection lot that fail to meet the requirements for Northwest No. 1 grade.
(b) Of the total tolerance of twenty-four percent, no more than eight percent is allowed for cherries that fail to meet the requirements for Washington No. 1 grade because of permanent defects.	(b) Of the total tolerance of twenty-four percent, no more than ten percent, by count, is allowed for cherries that fail to meet the requirements for Northwest No. 1 grade because of permanent defects.
(c) Of the total tolerance of twenty-four percent, no more than six percent is allowed for cherries that are seriously damaged, including no more than:	(c) Of the total tolerance of twenty-four percent, no more than seven percent, by count, is allowed for cherries that are seriously damaged, including no more than:
(i) Four percent for cherries seriously damaged by permanent defects; and	(i) Five percent for cherries seriously damaged by permanent defects; and
(ii) Two percent for cherries affected by decay.	(ii) Two percent for cherries affected by decay.

NEW SECTION

WAC 16-414-014 What tolerances apply to sweet cherries that are "off-size"? To allow for variations in size incident to proper grading and handling, the following tolerances, by count, are established for off-size grade sweet cherries:

(1) No more than ten percent of the cherries in any inspection lot must measure less than 54/64 inches in diameter.

(2) Ten percent for cherries that fail to meet any specified maximum diameter when that maximum diameter is marked on the container or specified in terms of fractions of inches.

(3) When containers are marked with row count/row size or a lot is specified by row count/row size, no more than ten percent of the cherries in any inspection lot may fail to meet the corresponding diameter size listed in the table in WAC 16-414-011(3).

(4) When containers are marked with a "minimum diameter," no more than five percent of the cherries in the container may fail to meet the corresponding diameter.

NEW SECTION

WAC 16-414-016 Does Washington state adopt the U.S. standards for grades of sweet cherries? In addition to the standards for sweet cherries contained in this chapter, the Washington state department of agriculture adopts the United States standards for grades of sweet cherries (effective May 7, 1971) as they apply to U.S. No. 1 grade cherries, except the minimum size of cherries and tolerances for undersize cherries must meet the requirements for Washington No. 1 grade.

AMENDATORY SECTION (Amending WSR 95-13-038, filed 6/14/95, effective 7/15/95)

WAC 16-414-020 (~~(Application of tolerances.)~~) How are individual sample tolerances applied to Washington No. 1 and Northwest No. 1 grade sweet cherries? (~~((1) Individual samples shall have not more than double the tolerances specified, except that at least two defective and two off-size specimens may be~~

~~permitted in any sample. Provided, That the averages for the entire lot are within the tolerances specified for the grade.~~

~~(2) When containers are marked with row count/row size or the lot is specified by row count/row size, the individual samples or containers shall not be limited as to the percentage of cherries which are smaller than the diameter corresponding to the particular row count/row size, except that not more than twenty percent, by count, of the cherries in any sample or container shall measure less than 54/64 inches in diameter.)) Tolerances are applied to Washington No. 1 and Northwest No. 1 sweet cherries as follows:~~

(1) Individual samples must have no more than double the tolerances specified. However, if the averages for the entire lot are within the tolerances specified for the grade, at least two defective and two off-size specimens may be allowed in any sample.

(2) When containers are marked with row count/row size or when a lot is specified by row count/row size, the individual samples or containers must not be limited by the percentage of cherries that are smaller than the diameter corresponding to the particular row count/row size. However, no more than twenty percent, by count, of the cherries in any sample or container must measure less than 54/64 inches in diameter.

(3) When marked with minimum size, individual samples may have no more than double the tolerances specified.

NEW SECTION

WAC 16-414-045 What specific defects are considered damage to Washington standards? The defects listed in the following table are considered "damage":

DEFECT	DESCRIPTION
(1) Cracks within the stem cavity	Cracks within the stem cavity are considered damage when: <ul style="list-style-type: none"> ● Deep or not well healed; or ● The cherry's appearance is affected to a greater extent than a cherry that has a superficial well healed crack one-sixteenth inch in width extending one-half the greatest circumference of the stem cavity.
(2) Cracks outside of the stem cavity	Cracks outside of the stem cavity are considered damage when: <ul style="list-style-type: none"> ● Deep or not well healed; or ● The crack has weakened the cherry to the extent that it is likely to split or break in the process of proper grading, packing and handling; or ● Materially affecting the cherry's appearance.
(3) Hail marks	Hail marks are considered damage when: <ul style="list-style-type: none"> ● Deep or not well healed; or ● The aggregate area exceeds the area of a circle three-sixteenths inch in diameter.

DEFECT	DESCRIPTION
(4) Evidence of insects	Evidence of insects is considered damage when: <ul style="list-style-type: none"> ● Scale or more than one scale mark is present; or ● Any insect materially affects the cherry's appearance.
(5) Limb rubs	Limb rubs are considered damage when they affect the cherry's appearance more than the amount of scarring that is permitted.
(6) Pulled stems	Pulled stems are considered damage when the skin or flesh is slightly torn.
(7) Russeting	Russeting is considered damage when affecting the cherry's appearance more than the amount of scarring permitted.
(8) Blemished	Any of the following blemishes are considered damage: <ul style="list-style-type: none"> ● Bird pecks; ● Sunburn; ● Other blemishes or combinations of blemishes that materially affect the appearance of the cherry; or ● Any cherry with flesh that is materially discolored.
(9) Scars	Scars are considered damage when: <ul style="list-style-type: none"> ● Excessively deep or rough or dark colored and the aggregate area exceeds the area of a circle three-sixteenths inch in diameter; or ● Smooth or fairly smooth, light colored and superficial and the aggregate area exceeds the area of a circle one-fourth inch in diameter.
(10) Skin breaks	Skin breaks are considered damage when: <ul style="list-style-type: none"> ● Not well healed; or ● The cherry's appearance is materially affected.
(11) Sutures	Sutures are considered damage when: <ul style="list-style-type: none"> ● Excessively deep; or ● Causing the cherry's shape to be less than well formed.

NEW SECTION

WAC 16-414-065 What specific defects are considered "serious damage" to Washington standards? The defects listed in the following table are considered "serious damage":

DEFECT	DESCRIPTION
(1) Cracks	Cracks are considered serious damage if they are not well healed.
(2) Insect larvae or holes caused by them	The presence of insect larvae or holes caused by insect larvae is considered serious damage.
(3) Pulled stems	Pulled stems are considered serious damage if they cause: <ul style="list-style-type: none"> ● A more than slight tear in the cherry skin or flesh; or

DEFECT	DESCRIPTION
	<ul style="list-style-type: none"> • The cherry to leak.
(4) Skin breaks	Skin breaks are considered serious damage if they are not well healed.
(5) Decay	Any sign of decay is considered serious damage.

AMENDATORY SECTION (Amending WSR 95-13-038, filed 6/14/95, effective 7/15/95)

WAC 16-414-085 ((Container requirements.)) What requirements apply to containers used to ship sweet cherries? ((All sweet cherries except Rainier, Royal Anne, and similar varieties commonly known as "light sweet cherries," shall be placed in containers which meet the following requirements:

(1) The net weight of loose packed (jumble filled) cherries in any container shall be twelve pounds or less, or twenty pounds or more. The net weight of face-packed cherries in any container shall be fifteen pounds, or twelve pounds or less. Provided, That containers with a net weight of twelve pounds or less may be packed together with like containers in a master shipping container.

(2) The director may, upon the recommendation by the Washington state horticultural association's cherry committee, allow the use of containers not specified in subsection (1) of this section, as experimental containers for the purpose of test or trial marketing. Provided, That cherries placed in such containers shall meet the quality requirements of the Washington No. 1, U.S. No. 1, or Northwest No. 1 grade, and that at least ninety percent, by count, of the cherries in any lot of such containers shall measure not less than 54/64 inches in diameter, by requesting a waiver:)) Except for varieties commonly known as "light sweet cherries," all sweet cherries must be placed in containers that meet the following requirements:

(1) The net weight of loose packed (jumble filled) cherries in any container must either be:

- (a) Twelve pounds or less; or
- (b) Twenty pounds or more.

(2) The net weight of face packed cherries in any container must either be:

- (a) Fifteen pounds; or
- (b) Twelve pounds or less.

(3) Containers with a net weight of twelve pounds or less may be packed together with like containers in a master-shipping container.

NEW SECTION

WAC 16-414-086 Can the director grant exemptions to the container requirements listed in WAC 16-414-085? (1) Upon the recommendation of the Washington State Horticultural Association's cherry committee, the director may waive the container requirements in WAC 16-414-085 and allow the use of experimental containers for the purpose of test or trial marketing.

(2) Cherries placed in experimental containers:

(a) Must meet the quality requirements of Washington No. 1, U.S. No. 1, or Northwest No. 1 grade; and

(b) At least ninety percent, by count, must measure at least 54/64 inches in diameter.

AMENDATORY SECTION (Amending WSR 95-13-038, filed 6/14/95, effective 7/15/95)

WAC 16-414-090 (~~(Marking containers.)~~) What marking requirements apply to sweet cherry containers? (~~(Containers shall be conspicuously and legibly stamped with the name and the address of the grower, packer or shipper, the net weight, and shall be marked with the true variety name or "sweet cherries." The containers may be marked with the grade name Washington No. 1, U.S. No. 1, or Northwest No. 1.)~~) (1) Containers must be conspicuously and legibly stamped with the:

(a) Name and the address of the grower, packer or shipper;

(b) Net weight; and

(c) True variety name or "sweet cherries."

(2) The containers may be marked with the grade name Washington No. 1, U.S. No. 1, or Northwest No. 1.

Part II
SULPHURED CHERRIES

NEW SECTION

WAC 16-414-105 What definitions are important to sulphured cherries? "Damage" means any injury or specific defect described in WAC 16-414-145 or any equally objectionable variation of those defects, any other defect, or any combination of defects, which

materially detracts from the appearance, or the edible quality or marketing quality of the fruit.

"Fairly well bleached" means the cherries possess a reasonably uniform color typical of reasonably well bleached sulphured cherries for that variety.

"Pit" means an entire pit or portion of a pit that is attached to a sulphured cherry or located within the pit cavity.

"Properly matured" means that stage of ripeness when a cherry is ready for brining.

"Serious damage" means any injury that seriously affects the appearance or market quality of the product.

"Sulphured cherries" means properly matured whole cherries of similar varietal characteristics packed in a solution of sulphur dioxide of sufficient strength to preserve the cherries without adding hardening agents.

"Sulphured cherries with pits" means whole cherries, with or without stems, from which the pits have not been removed. If:

- (1) Without stems, not more than twenty percent, by weight, of all the cherries may have the stems removed.
- (2) With stems, not more than one-half of one percent, by weight, of all the cherries may have the stems attached.

"Sulphured cherries without pits" means whole cherries with or without stems from which the pits have been removed. If:

- (1) Without stems (cocktail), not more than seven percent, by weight, of all the cherries may have the stems removed.
- (2) With stems, not more than one-half of one percent, by weight, of all the cherries may have the stems attached.

"Unclassified cherries" means sulphured cherries that do not conform to the descriptions of "sulphured cherries with pits" or sulphured cherries without pits.

"Well bleached" means the cherries possess a practically uniform color that is typical of well bleached sulphured cherries for that variety.

NEW SECTION

WAC 16-414-107 What are the Washington state grades for sulphured cherries? The following table lists and describes the various grades of Washington state sulphured cherries:

IF THE GRADE IS:	THEN THE CHERRIES MUST BE:
(1) Washington No. 1 grade sulphured whole cherries	<ul style="list-style-type: none">● Properly matured;● Of similar varietal characteristics;● Clean;● Firm;● Well formed;● Well bleached; and

IF THE GRADE IS:	THEN THE CHERRIES MUST BE:
	<ul style="list-style-type: none"> ● Free from damage caused by mechanical injury, surface discoloration, rain cracks, blemishes or other means.
(2) Washington No. 1 grade sulphured halved cherries	<ul style="list-style-type: none"> ● Portions of sliced cherries with no particle smaller than an estimated one-third or larger than an estimated two-thirds of a whole cherry; ● Properly matured; ● Of similar varietal characteristics; ● Clean; ● Firm; ● Well formed; ● Well bleached; and ● Free from damage caused by mechanical injury, surface discoloration, rain cracks, blemishes or other means.
(3) Washington No. 2 grade sulphured whole cherries	<ul style="list-style-type: none"> ● Properly matured; ● Of similar varietal characteristics; ● Clean; ● Fairly firm; ● Well formed; ● Fairly well bleached; and ● Free from serious damage caused by mechanical injury, surface discoloration, rain cracks, blemishes or other means.
(4) Washington No. 2 grade sulphured halved cherries	<ul style="list-style-type: none"> ● Properly matured cherries; ● Of similar varietal characteristics; ● Clean; ● Fairly firm; ● Well formed; ● Fairly well bleached; and ● Free from serious damage caused by mechanical injury, surface discoloration, rain cracks, blemishes or other means.
(5) Washington combination grade sulphured cherries	<ul style="list-style-type: none"> ● A combination of Washington No. 1 and Washington No. 2 cherries of any style; and ● Unless otherwise specified, packed in a lot that averages at least fifty percent Washington No. 1 quality cherries.
(6) Washington No. 3 grade sulphured cherries	<ul style="list-style-type: none"> ● Cherries that fail to meet the requirements of the above grades; and ● Practically free of stems, leaves, fruit spurs, bark, dirt or foreign material.

NEW SECTION

WAC 16-414-108 What are the tolerances for Washington sulphured cherries? The following table describes the tolerances for various grades of Washington sulphured cherries:

IF THE GRADE IS:	THEN THE TOLERANCES ARE:
(1) Washington No. 1 grade sulphured whole cherries	<ul style="list-style-type: none"> ● At least ninety-five percent of the cherries of any lot must meet the requirements of "firm." ● In addition, not more than ten percent of the cherries of any lot may be below the remaining requirements of this grade, of which not more than one-half or five percent must be allowed for defects classified as serious damage.
(2) Washington No. 1 grade sulphured halved cherries	<ul style="list-style-type: none"> ● At least ninety-five percent of the cherries of any lot must meet the requirements of "firm." ● In addition, not more than ten percent of the cherries of any lot may be below the remaining requirements of this grade, of which not more than one-half or five percent must be allowed for defects classified as serious damage.
(3) Washington No. 2 grade sulphured whole cherries	<ul style="list-style-type: none"> ● At least ninety percent of the cherries of any lot must meet the requirements of "fairly firm." ● In addition, not more than ten percent of the cherries of any lot may be below the remaining requirements of this grade.
(4) Washington No. 2 grade sulphured halved cherries	<ul style="list-style-type: none"> ● At least ninety percent of the cherries of any lot must meet the requirements of "fairly firm." ● In addition, not more than ten percent of the cherries of any lot may be below the remaining requirements of this grade.
(5) Washington combination grade sulphured cherries	<ul style="list-style-type: none"> ● A tolerance of not more than ten percent is allowed for cherries that are below the requirements of Washington No. 2 grade. ● The tolerances for combination grade sulphured cherries are on a container basis. However, individual containers in any lot may vary from the specified tolerances, if the averages for the entire lot, based on sample inspections, are within the specified tolerances. ● For the entire lot, no part of any tolerance must reduce the requirement that fifty percent of cherries in the combination must be of the higher grade. However, individual containers may have at least thirty-five percent of the higher grade or be more than twenty percent below the requirements of Washington No. 2 grade. ● When other combinations are specified, individual containers may not have more than fifteen percent less than the percentage specified of the higher grade or be more than twenty percent below the requirements of Washington No. 2 grade.
(6) Washington No. 3 grade sulphured cherries	There are no applicable tolerances for Washington No. 3 grade sulphured cherries.

AMENDATORY SECTION (Amending Order 1708, filed 6/20/80)

WAC 16-414-110 ((Sizes-)) What are the size requirements for all grades of Washington sulphured whole cherries? ((The following approximate sizes shall be considered as standards for all grades of sulphured cherries except for halved cherries.

- (1) Extra small. 14 mm. to and including 16 mm.
- (2) Small. 16 mm. to and including 18 mm.
- (3) Medium. 18 mm. to and including 20 mm.
- (4) Large. 20 mm. to and including 22 mm.
- (5) Extra large. 22 mm. and over.

A tolerance of five percent for cherries which fail to meet the specified minimum diameter and ten percent for cherries that fail to meet the specified maximum diameter shall be allowed.)) (1) The following table lists the standard sizes for all grades of Washington whole sulphured cherries.

<u>SIZE DESIGNATION</u>	<u>SIZE RANGE</u>
<u>Extra small</u>	<u>14 mm to and including 16 mm</u>
<u>Small</u>	<u>16 mm to and including 18 mm</u>
<u>Medium</u>	<u>18 mm to and including 20 mm</u>
<u>Large</u>	<u>20 mm to and including 22 mm</u>
<u>Extra large</u>	<u>22 mm and over</u>

(2) The following tolerances are allowed:

- (a) Five percent for cherries that fail to meet the specified minimum diameter; and
- (b) Ten percent for cherries that fail to meet the specified maximum diameter.

AMENDATORY SECTION (Amending Order 1708, filed 6/20/80)

WAC 16-414-120 ((Application of tolerances for certification of lots of Washington No. 1 or Washington No. 2 grade sulphured cherries.)) What are the tolerance requirements for the certification of lots of Washington No. 1 and Washington No. 2 grade sulphured cherries? ((1) The tolerances for certification of lots of Washington No. 1 or Washington No. 2 grades of sulphured cherries shall be on a container basis. However, not to exceed one sixth of the individual containers in any lot may vary from the specified tolerances provided the averages for the entire lot, based on sample inspection, are within the tolerances specified. For a tolerance of ten percent or more, individual containers in any lot may contain not more than one and one half times the tolerance specified. For a tolerance of less than ten percent, individual containers in any lot may contain not more than double the tolerance specified.

~~(2) In pitted cherries:~~

~~(a) Of extra small and small sizes there shall not be found in excess of two pits per each forty ounces of cherries.~~

~~(b) Of medium, large or mixed sizes, there shall not be found in excess of one pit per each forty ounces of cherries.~~

~~(c) Of extra large size there shall not be found in excess of one pit per each sixty ounces of cherries.)~~ (1) Tolerances for the certification of lots of Washington No. 1 or Washington No. 2 grades of sulphured cherries must be on a container basis.

(2) At least one-sixth of the individual containers in any lot may vary from the specified tolerances if the averages for the entire lot, based on sample inspection, are within the specified tolerances.

(3) For a tolerance of ten percent or more, individual containers in any lot may contain no more than one and one-half times the specified tolerance.

(4) For a tolerance of less than ten percent, individual containers in any lot may contain no more than double the specified tolerances.

NEW SECTION

WAC 16-414-125 What tolerances apply to sulphured pitted cherries? The following tolerances apply to sulphured pitted cherries:

IF THE CHERRY SIZE IS:	THEN THE TOLERANCE IS:
(1) Extra small and small sizes	No more than two pits per each forty ounces of cherries
(2) Medium, large or mixed sizes	No more than one pit per each forty ounces of cherries
(3) Extra large size	No more than one pit per each sixty ounces of cherries

NEW SECTION

WAC 16-414-145 What specific defects are considered damage to Washington standards for sulphured cherries? The defects listed in the following table are considered "damage":

DEFECT	DESCRIPTION
(1) Mechanical injury	<p>Any of the following mechanical injuries are considered damage:</p> <ul style="list-style-type: none"> ● Open pitter hole; or ● Pitter hole where there is a material loss of flesh; or ● Pitter tear or pitter tears; or ● Other mechanical injuries that materially affect the appearance of the cherry.
(2) Surface discoloration	<p>Surface discoloration for Washington No. 1 whole cherries is considered damage when any:</p> <ul style="list-style-type: none"> ● Light surface discoloration exceeds, in the aggregate, one-eighth of the cherry's surface; or ● Dark surface discoloration exceeds, in the aggregate, the area of a circle three-sixteenths inches in diameter, but does not exceed, in the aggregate, one-eighth of the cherry's surface.
(3) Surface discoloration	<p>Surface discoloration for Washington No. 1 halved cherries is considered damage when any:</p> <ul style="list-style-type: none"> ● Light surface discoloration exceeds, in the aggregate, one-eighth of the cherry's surface; or ● Dark surface discoloration exceeds, in the aggregate, the area of a circle one-sixteenth inch in diameter.
(4) Rain cracks	<p>Rain cracks on Washington No. 1 whole cherries are considered damage if:</p> <ul style="list-style-type: none"> ● In the stem basin and more than one-fourth inch in length; or ● Outside the stem basin and more than three-sixteenths of an inch in length, measured on the circumference.
(5) Rain cracks	<p>Rain cracks on Washington No. 1 halved cherries are considered damage if:</p> <ul style="list-style-type: none"> ● In the stem basin and more than one-eighth inch in length; or ● Outside the stem basin. (Note: No rain cracks are allowed outside the stem basin.)
(6) Blemished	<p>Any of the following blemishes are considered damage:</p> <ul style="list-style-type: none"> ● Insect injury; ● Bird pecks; ● Limb rub; ● Hail marks; ● Sunburn; ● Solution cracks; ● Other blemishes or combinations of blemishes that materially affect the appearance of the cherry; or ● Any cherry with flesh that is materially discolored.

NEW SECTION

WAC 16-414-155 What specific defects are considered serious to Washington standards for sulphured cherries? The defects listed in the following table are considered serious:

DEFECT	DESCRIPTION
(1) Deformed cherry or double cherry	Any deformed sulphured cherry or double sulphured cherry is considered serious damage.
(2) Mechanical injury	Mechanical injury to Washington No. 2 whole cherries is considered serious damage if it causes any: <ul style="list-style-type: none"> ● Open pitter holes; ● Pitter hole where there is a serious loss of flesh; ● Pitter tears; or ● Other mechanical injury that seriously affects the cherry's appearance.
(3) Mechanical injury	Mechanical injury to Washington No. 2 halved cherries is considered serious damage if it causes any: <ul style="list-style-type: none"> ● Open pitter holes; ● Pitter hole where there is a serious loss of flesh; ● Pitter tears; or ● Other mechanical injury that seriously affects the cherry's appearance.
(4) Surface discoloration	Surface discoloration is considered serious damage when any: <ul style="list-style-type: none"> ● Light surface discoloration exceeds, in the aggregate, 1/2 of the cherry's surface; or ● Dark surface discoloration exceeds, in the aggregate, 1/8 of the cherry's surface.
(5) Rain cracks	Rain cracks on Washington No. 2 whole cherries are considered serious damage if: <ul style="list-style-type: none"> ● In the stem basin and more than 1/2 inch in length; or ● Outside the stem basin and more than 3/8 of an inch in length, measured on the circumference.
(6) Rain cracks	Rain cracks on Washington No. 2 halved cherries are considered serious damage if: <ul style="list-style-type: none"> ● In the stem basin and more than 1/4 inch in length; or ● Outside the stem basin more than 3/16 of an inch in length, measured on the circumference.
(7) Blemished	Any blemish or combination of blemishes are considered serious damage if they seriously: <ul style="list-style-type: none"> ● Affect the appearance of the cherry; or ● Discolor the flesh of the cherry.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-414-015	Northwest No. 1 grade and tolerances defined.
WAC 16-414-030	Definitions.
WAC 16-414-040	Damage.
WAC 16-414-050	Diameter.
WAC 16-414-060	Serious damage.
WAC 16-414-070	Permanent defects.
WAC 16-414-080	Condition defects.
WAC 16-414-095	Adoption of United States standards as state standards.
WAC 16-414-100	Grades.
WAC 16-414-130	Definitions.