

TRANSMITTAL OF RULES ADOPTED

FROM: Department of Agriculture
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG (Southwest Corner, Ground Floor)
Olympia 98501

The enclosed Permanent rules , being order No. 1122
Emergency rules

relating to (Name of rules or description of subject matter)

amending WAC 16-461-010 relating to movement of fruits and vegetables from area of production, and authorizing the issuance of certificates of compliance, subject to approval by the department for the release and shipment of apples and pears, and providing for regular surveillance inspection by the department.

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 2364B ^① filed with the code reviser on 7-22-69 ^② were regularly adopted as permanent rules of this agency at Olympia on 8-14-69 and are herewith filed in the office of the code reviser pursuant to chapter 34.04 RCW. The effective date of such rules shall be 9-14-69 ^③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding that the immediate adoption of these rules is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest, were regularly adopted as emergency rules of this agency at _____ on _____ and are herewith filed in _____ the office of the code reviser pursuant to chapter 34.04 RCW.

Dated this fourteenth day of August 1969.

STATE OF WASHINGTON
FILED
AUG 14 1969
CODE REVISER'S OFFICE
KET #2544 FILE #20

Department of Agriculture
(AGENCY)
By Donald W. Moos
Director
Title

- ① NOTICE NUMBER AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE NO. OF LAST NOTICE)
- ② STAMPED DATE AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE DATE OF LAST NOTICE)
- ③ UNLESS A LATER DATE IS SPECIFIED IN THIS ORDER OR IS PRESCRIBED IN ANOTHER STATUTE, RULES ARE EFFECTIVE 30 DAYS AFTER FILING: RCW 34.04.040. LEAVE THIS SPACE BLANK EXCEPT IN SUCH SPECIAL CASES.

Chapter 16-461

MOVEMENT OF FRUITS AND VEGETABLES
FROM AREA OF PRODUCTION

STATE OF WASHINGTON
FILED
AUG 14 1969
CODE REVISER'S OFFICE
KET 7 FILE #

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
OLYMPIA

ORDER NO. 1122
Amending Order No. 1098
Effective September 14, 1969

NEW WAC 16-461-002 PROMULGATION. (This promulgation relates only to WAC 16-461-010).

I, Donald W. Moos, director of agriculture of the state of Washington by virtue of the authority vested in me under Chapter 15.17 RCW and after due notice as provided under Chapters 34.04 and 42.32 RCW and a public hearing held in Ellensburg, Washington on July 31, 1969, do hereby promulgate the following regulations relating to movement of fruits and vegetables from area of production; and amending Order No. 1098 and WAC 16-461-010.

AMD WAC 16-461-010 INSPECTION CERTIFICATE AND/OR PERMIT REQUIRED. (1) No person shall ship or transport or accept for shipment or transportation from the area of production without an inspection and the issuance of a certificate and/or a permit, allowing such shipment or movement by the division of plant industry of the department of agriculture, any of the following agricultural products:

(a) Apricots - in closed or open containers for fresh shipment.

(b) Italian prunes - in closed or open containers for fresh shipment.

(c) Peaches - in closed or open containers for fresh shipment.

(d) Cantaloupes - in closed or open containers, or bulk for fresh shipment.

(e) Potatoes - in closed or open containers, or bulk, for fresh shipment, processing or livestock feed.

(f) Tomatoes - for fresh shipment, in closed containers only.

(g) Cherries - PROVIDED, That no permit shall be issued on cherries infested with live cherry fruit fly larvae.

(h) Apples - Pears (summer, fall and winter) - in closed or open containers, or bulk for fresh shipment or for processing: PROVIDED, That apples and/or pears may be shipped or transported if accompanied by certificates of compliance issued by the shipper or packer of such apples and/or pears, having the approval of the director to issue such certificates of compliance.

(2) (a) Any shipper or packer of apples and/or pears may petition the director for authority to issue certificates of compliance for each season for apples and/or pears. Such authority shall be limited to the issuance of certificates of compliance for apples and/or pears under said applicant's direct control or being handled at said shipper's or packer's facilities.

(b) Such certificate of compliance shall be issued at time of shipment by the shipper or packer authorized to do so: PROVIDED, That the apples and/or pears about to be shipped or transported are in full compliance with the requirements of Chapter 15.17 RCW, regulations adopted thereunder and administrative directives of the director.

(c) The director's approval to issue certificates of compliance shall be revoked for cause, and such cause shall be the shipper's or packer's failure to comply with the requirements of paragraph 2-b of these regulations. The revocation shall be for the current season.

(d) Any shipper or packer whose authority to issue certificates of compliance has been revoked by the director shall be subject to those provisions of Chapter 15.17 RCW and the regulations requiring the issuance of a shipping permit by the

director before apples and/or pears may be shipped or transported.

(e) Certificates of compliance shall be on forms approved and issued by the director of agriculture. Each such certificate of compliance shall be stamped with a number assigned to the authorized shipper or packer.

(f) Any shipper or packer authorized to issue certificates of compliance shall deposit with the director of agriculture at the regular base fee equivalent to that charged by the director for a shipping permit, for each certificate of compliance issued by the authorized shipper or packer. Such base fees shall be deposited with the director of agriculture in the same manner as fees for shipping permits.

I hereby certify that the foregoing is a true and correct copy of the regulations promulgated.



DONALD W. MOOS
Director of Agriculture
State of Washington

Signed at Olympia, Washington

Date: August 14, 1969