

State of Washington

Department of Agriculture (agency name)

Administrative Order No. 1787

(1) I, M. Keith Ellis, director of the Department of Agriculture

do promulgate and adopt at General Administration Building, Olympia, Washington (place)

the annexed rules relating to:

Chapter 16-409 WAC, regarding asparagus and adding new sections to chapter.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. 83-03-059

filed with the code reviser on 1/19/83. These rules shall take effect:

- [X] thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).
[] at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, find that an emergency exists and that this order 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 public interest. A statement of the facts constituting the emergency is:

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b), or (c) as appropriate:

[X] (a) This rule is promulgated pursuant to RCW 15.17 and is intended to administratively implement that statute.

[] (b) This rule is promulgated pursuant to RCW which directs that the

(agency) has authority to implement the provisions of

(name of act or RCW citation)

[] (c) This rule is promulgated under the general rule-making authority of the

(agency)

as authorized in RCW

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this agency, is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

STATE OF WASHINGTON

APPROVED AND ADOPTED March 1 19 83

MAR 1 1983

By M. Keith Ellis Director, Department of Agriculture Title

CODE REVISER'S OFFICE WSR 83-06-049

NEW SECTION

WAC 16-409-015 DEFINITIONS. (1) "Clean" means that the asparagus is free from excessive dirt, dust, residue or foreign matter.

(2) "Fresh" means that the stalk is not limp or flabby.

(3) "Diameter" means the greatest thickness of the stalk measured at a point one inch from the butt.

(4) "Fairly uniform in length" means that stalks within a container shall vary not more than one and one-half inches in length.

(5) "White" means that portion of the stalk near the butt, which is white in color or light purple over white. White is measured from the extreme tip of the butt to the point of beginning of green color.

(6) "Green" means that portion of the stalk having green color, purplish-green or greenish-purple color, and purple at the tip.

(7) "Damage" means any defect, or combination of defects, which materially affects the appearance, or the edible or marketing quality of the stalk.

(8) "Serious damage" means any defect, or combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the stalk.

(9) "Badly misshapen" means the stalk is so badly flattened, crooked or otherwise so badly deformed that its appearance is seriously affected.

(10) "Fresh asparagus" as used in the standards means a lot of asparagus marketed for the purpose of fresh consumption.

(11) "Lot" means any number of containers of fresh asparagus being offered as a unit for the purpose of inspection, sale, or shipment.

(12) "Shipment" means any number of containers of fresh asparagus transported on a single conveyance from the area of production.

(13) "Field container" means an open lug made of wood, plastic, or similar material and used repetitively for field harvesting.

AMENDATORY SECTION (Amending Order 795, Regulation 2 (1), (2), effective 2/16/60)

WAC 16-409-020 WASHINGTON STANDARDS--WASHINGTON NO. 1 GRADE(~~--TOLERANCES FOR DIAMETER--AND--LENGTH~~). (1) (~~(Defined:)~~) Washington no. 1 shall consist of:

(a) ~~Clean, fresh stalks of asparagus, fairly uniform in length, which are not wilted or crooked; which ((do not show broken or spreading tips and which)) are free from damage caused by spreading or broken tips, dirt, disease, insects or mechanical or other means ((and)). Each stalk shall ((not)) show not more than ((4-1/2)) one and one-half inches of white.~~

(b) ~~Each stalk shall have a diameter of not less than ((3/8)) three-eighths of an inch ((measured at a point 1 inch from the butt. In order to allow for variations incident to proper grading and handling, not more than 10 per cent, by count, of any lot may be below the requirements of this grade. An additional 10 per cent may be allowed for white)).~~

(2) (~~(Tolerances for diameter and length. In order to allow for variations in diameter and length incident to proper sizing, not more than a total of 10 per cent, by count, of the stalks in any container may be below the prescribed minimum diameter, and/or any stalks below the minimum length, as defined under "fairly uniform in length".)~~) Washington no. 2 shall consist of:

(a) Clean, fresh stalks of asparagus, fairly uniform in length, which are not wilted and not badly misshapen; which are free from serious damage caused by spreading or broken tips, dirt, disease, insects, mechanical or other means. Stalks shall show not more than two inches of white.

(b) Each stalk shall have a diameter of not less than one-fourth inch.

(3) Washington consumer pack shall consist of:

(a) Clean, fresh stalks of asparagus and may be of random length, which are not wilted or crooked; which are free from damage caused by spreading or broken tips, dirt, disease, insects, mechanical or other means. Stalks shall show not more than two inches of white.

(b) Each stalk shall have a diameter of not less than one-fourth inch.

(4) Culls.

(a) Asparagus which is not graded in conformity with Washington no. 1, Washington no. 2, Washington consumer pack, U.S. no. 1, or U.S. no. 2 shall be designated as "culls."

(b) Culls shall not be marketed if more than ten percent by count of the stalks show white in excess of two inches.

(5) Any lot of fresh asparagus, including "culls" marketed within the state of Washington, shall have not more than ten percent of stalks with white in excess of two inches.

AMENDATORY SECTION (Amending Order 795, Regulation 2 (3), (4), effective 2/16/60)

WAC 16-409-030 ((WASHINGTON STANDARDS--WASHINGTON NO. 2--GRADE--)) TOLERANCES FOR DIAMETER AND LENGTH. (1) ((Defined--Washington no. 2 shall consist of clean, fresh stalks of asparagus, fairly uniform in length, which are not wilted and not badly misshapen; which are free from serious damage caused by spreading or broken tips, dirt, disease, insects, or mechanical or other means, and shall not show more than 2 inches of white and shall not be less than 1/4 inches in diameter at a point approximately 4 inch from the butt.)) In order to allow for variations incident to proper grading and handling ((7 not more than 40 per cent, by count, of any lot may be below the requirements of this grade. An additional 40 per cent may be allowed for white)) in the Washington no. 1, Washington no. 2, and Washington consumer pack grades, the following tolerances are provided as specified:

(a) Ten percent, by count, for stalks failing to meet the requirements of the grade, including therein, not more than one percent for stalks affected by decay.

(b) An additional ten percent, by count, for stalks showing excessive white.

(2) ((Tolerances for diameter and length.)) In order to allow for variations in diameter and length incident to proper sizing ((7 not more than a total of 40 per cent, by count, of the stalks in any container may be below the prescribed)) in the Washington no. 1, Washington no. 2, and Washington consumer pack grades, the following tolerance is provided as specified: Ten percent, by count, for stalks failing to meet the required minimum diameter, and/or ((any stalks below the minimum)) length, as defined under, "fairly uniform in length".

NEW SECTION

WAC 16-409-035 APPLICATION OF TOLERANCES. Individual samples are subject to the following limitations: PROVIDED, That the averages for the entire lot are within the tolerances specified for the grade.

(1) For a tolerance of ten percent or more, individual samples shall contain not more than one and one-half times the tolerance specified.

(2) For a tolerance of less than ten percent, individual samples shall contain not more than double the tolerance specified.

AMENDATORY SECTION (Amending Order 795, Regulation 2(7), effective 2/16/60)

WAC 16-409-060 WASHINGTON STANDARDS--SIZE CLASSIFICATIONS. In addition to the statement of grade, any lot of asparagus may be classified as Washington small (~~($\frac{3}{8}$ -medium)~~) or Washington large, if eighty percent, by count, of the stalks in any lot conform to the following (~~(requirements)~~) diameters for such (~~(sizes-)~~) classifications:

<u>Washington Small</u> (($\frac{3}{8}$-to-$\frac{3}{4}$)) <u>($\frac{4}{16}$) $\frac{1}{4}$ inch</u> <u>diameter and larger</u>	((Medium <u>$\frac{9}{16}$-to-$\frac{3}{4}$-inch</u> <u>inclusive))</u>	<u>Washington Large</u> ((Over-$\frac{3}{4}$)) <u>($\frac{6}{16}$) $\frac{3}{8}$ inch</u> <u>diameter and larger</u>
--	--	---

~~((The--foregoing--table--refers--to--the--maximum--diameter--of--the--stalks measured--at--a--point--approximately--1--inch--from--the--butt-))~~

NEW SECTION

WAC 16-409-065 CONTAINERS. (1) Fresh asparagus shall be marketed in containers which are clean and free from dirt, trash, and visible contaminants.

(2) Fresh asparagus of the Washington no. 1, Washington no. 2, Washington consumer pack, U.S. no. 1, and U.S. no. 2 grades shall be marketed in pyramid type containers with a moisture pad, or in fibre-board of wooden "Western Lug" containers having inside dimensions of approximately seven, by eleven and one-half, by eighteen inches, or capacity of thirteen hundred fifty to fifteen hundred fifty cubic inches. Western lugs shall contain not less than twenty pounds net weight.

(3) Cull shall be marketed in pyramid type containers with moisture pads.

(4) Fresh asparagus in field containers shall not be marketed.

(5) The director may allow the use of containers not specified in subsections (2) and (3) of this section, as experimental containers for the purpose of test or trial marketing.

AMENDATORY SECTION (Amending Order 795, Regulation 3, effective 2/16/60)

WAC 16-409-070 (~~(WASHINGTON---STANDARDS---MARKINGS)~~) MARKING REQUIREMENTS. (1) Open or closed containers shall be conspicuously and legibly (~~(stamped)~~) marked with the name and address of (~~(person, firm--or--association--shipping--the--asparagus)~~) the grower, packer, or distributor, the grade, and net weight.

(2) The grade shall be (~~(legibly-stamped)~~) marked in letters at least (~~($\frac{3}{8}$)~~) three-eighths inch (~~(type)~~) in height.

(3) If culls are marketed, the word "Culls" shall be conspicuously and legibly marked in letters at least one inch in height and shall be predominant in size over other markings.

(4) All required markings shall be placed on one end of the container, and may be duplicated on opposite end of container.

NEW SECTION

WAC 16-409-075 EXEMPTION. Any individual shipment of fresh asparagus shall be exempted from the requirements of WAC 16-409-015 through 16-409-060, 16-409-065(1), (2), (3) and (5); and 16-409-070 when:

- (1) The shipment consists of asparagus for home use and not for resale.
- (2) The shipment does not exceed two hundred fifty pounds net weight.

NEW SECTION

WAC 16-409-085 ADOPTION OF UNITED STATES STANDARDS AS WASHINGTON STATE STANDARDS. In addition to the standards for asparagus as set forth in this chapter the United States standards for grades of fresh asparagus, as they apply to U.S. no. 1 and U.S. no. 2, are hereby adopted as additional standards for the state of Washington for asparagus.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 16-409-001 PROMULGATION.
- (2) WAC 16-409-010 WASHINGTON STANDARDS--VARIATIONS BETWEEN LOT AND INDIVIDUAL PACKAGE TOLERANCES.
- (3) WAC 16-409-040 CULLS.
- (4) WAC 16-409-050 WASHINGTON STANDARDS--DEFINITION OF TERMS.
- (5) WAC 16-409-080 UNITED STATES STANDARDS FOR FRESH ASPARAGUS--AUTHORIZED U.S. GRADES--APPLICATION OF TOLERANCES.
- (6) WAC 16-409-090 UNITED STATES STANDARDS FOR FRESH ASPARAGUS--U.S. NO. 1 GRADE.
- (7) WAC 16-409-100 UNITED STATES STANDARDS FOR FRESH ASPARAGUS--U.S. NO. 2 GRADE.
- (8) WAC 16-409-110 UNITED STATES STANDARDS FOR FRESH ASPARAGUS--DIAMETER CLASSIFICATION.
- (9) WAC 16-409-130 UNITED STATES STANDARDS FOR FRESH ASPARAGUS--STALK LENGTH.
- (10) WAC 16-409-140 UNITED STATES STANDARDS FOR FRESH ASPARAGUS--DEFINITION OF TERMS.