

State of Washington

Department of Agriculture  
(agency name)

Administrative Order No. 1788

(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 16-461 WAC, regarding Movement of Fruits and Vegetables from Area of Production

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

This action is taken pursuant to Notice No. 83-03-060 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

has authority to implement the provisions of (agency) (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 83-06-050

AMENDATORY SECTION (Amending Order 1523, filed 4/20/77)

## 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) Potatoes - in closed or open containers, or bulk, for certified seed.

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

(f) Apples - Pears (summer, fall and winter) - in closed or open containers, or bulk for shipment: PROVIDED, That pears for processing entering intrastate commerce will not require a permit for shipment: ~~((FURTHER))~~ PROVIDED FURTHER, 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))~~ the certificates of compliance.

(g) Asparagus - in closed or open containers for fresh shipment: PROVIDED, That asparagus may be shipped or transported if accompanied by certificates of compliance issued by the shipper or packer of the asparagus, having the approval of the director to issue the certificates of compliance.

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

(b) ~~((Such))~~ The 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 and asparagus 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: ~~((FURTHER))~~ PROVIDED FURTHER, That apricots, cherries, peaches, or prunes about to be shipped or transported are in full compliance with the federal marketing order requiring quality and condition certification and Washington state lot identification.

(c) The director's approval to issue certificates of compliance shall be revoked for cause, and ~~((such))~~ that 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, apricots, cherries, pears, peaches, ~~((and))~~ prunes, and asparagus 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))~~ The base fees shall be deposited with the

director of agriculture in the same manner as fees for shipping permits.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-461-005 PROMULGATION.