



RULE-MAKING ORDER

CR-103 (7/10/97)

(RCW 34.05.360)

Agency: Washington State Department of Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of adoption: June 14, 2000

(2) Purpose: To delay the effective date of the rules adopted in WAC 16-143 on May 22, 2000 that

- (1) establish a grade and standards for fresh red raspberries that are destined for freezing, puree, juice stock and other processing uses;
- (2) establish standards for red raspberry puree stock and juice stock red raspberries;
- (3) establish container marking requirements for red raspberries; and
- (4) specify how red raspberries may be used, processed and sold.

Red raspberries destined for fresh market are exempt

(3) Citation of existing rules affected by this order: WAC 16-143-010 through 16-143-110

- Repealed:
- Amended:
- Suspended:

(4) Statutory authority for adoption: Chapters 15.17 and 69.04 RCW and RCW 34.05.350

Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR ___ on ___ (date).
Describe any changes other than editing from proposed to adopted version:

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

(a) 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.

(b) 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: See attached justification.

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR ___ on ___ (date)

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

- Yes
- No
- If Yes, explain:

(6) Effective date of rule:

- | | |
|---|--|
| Permanent Rules
or Expedited Repeal <ul style="list-style-type: none"> <input type="checkbox"/> 31 days after filing <input type="checkbox"/> Other (specify) ___* | Emergency Rules <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Immediately <input type="checkbox"/> Later (specify) ___ |
|---|--|

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print)

Jim Jesernig

Signature

Title
Director

Date
June 14, 2000

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JUN 14 2000

TIME 4:50 AM PM

WSR 00-13-055

**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 nongovernmental entity:

New	Amended	Repealed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

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

New	Amended	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

**JUSTIFICATION AND CONCISE EXPLANATORY STATEMENT FOR EMERGENCY
RULE DELAYING THE EFFECTIVE DATE OF CHAPTER 16-143 WAC, RED
RASPBERRY GRADES AND STANDARDS**

The Department of Agriculture recently completed a rulemaking process that resulted in the adoption of WAC 16-143, Red Raspberry Grades and Standards. The rules were adopted on May 22, 2000 and are not yet in effect, but are set to take effect on June 22, 2000.

Subsequent to the adoption of the rules, the Department received a Petition for Reconsideration and a Petition for Stay of Implementation of the newly enacted rules relating to the red raspberry grades and standards. Both documents were dated May 30, 2000. The Department has also received other questions regarding rule implementation and compliance by persons and entities covered by the rules, and questions concerning rule implementation by the department.

The Petitions and inquiries identified impacts to existing contracts for the purchase of red raspberries for harvest year 2000, and raised implementation and logistical questions, the extent of which were previously unidentified during the original rulemaking process. The Department has determined that additional time and work is required to address these issues.

In order to address potential economic loss and any other disruptions to the 2000 red raspberry harvest that will begin on or about July 1, 2000, the Department has determined the best course of action is to postpone the effective date of the red raspberry grades and standards rules. Therefore, the red raspberry grades and standards rules, WAC 16-143-010 through 16-143-110, will not be in effect during harvest season 2000.

The Department will use the additional time provided to address the issues raised in the Petitions and inquiries and to assist those persons and entities that are required to comply with the rules with training and implementation guidance.

NEW SECTION

WAC 16-143-005 Chapter not effective for 2000 red raspberry harvest season. The rules set forth in WAC 16-143-010 through WAC 16-143-110 do not apply to red raspberries harvested during the 2000 red raspberry season.