

Order No. 831 is amended by Order 838,
filed 3/27/61. See File 12, Docket 223.

also amended by 870, + 791

Amends Order No. 791 in File 6.

(these emergency regulations were sent in
with a pamphlet of Order 791 which was
filed in File 6.)

*(This note was on the original
copy filed 1/19/61.)*

On March 7, 1961 the Dept. of Agriculture
exchanged with us this copy of the ruling
that had been originally filed 1/19/61 due to
the fact that an order number had not been
placed on the former.

(The Order No. given this rule is ⁸³¹~~188~~)
(The docket no. of this rule is 195.)

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE

Olympia

ORDER NUMBER 831

(Amending Order No. 791, Effective September 15, 1959)

EFFECTIVE JANUARY 19, 1961.

EMERGENCY REGULATIONS RELATING TO THE ESTABLISHMENT OF STANDARDS FOR WASHINGTON APPLES (Effective for all apples marketed within the state)

The adoption of the following EMERGENCY REGULATIONS amending Order No. 791, concerning Washington Standards for Apples is necessary for the immediate preservation of the public health, safety, and general welfare; that as a result of court actions to determine the validity of the law under which these regulations are issued, including a petition to the United States Supreme Court, the Department has been unable to issue prior regulations and it now becomes necessary, after a determination by the courts that the law is valid, to adopt emergency regulations so that they may become effective as the court decision becomes final.

I, Joe Dwyer, Director of Agriculture of the State of Washington, by virtue of the authority vested in me under chapter 15.16, Revised Code of Washington, concerning the adoption of standards of apples, and acting pursuant to chapter 34.04, Revised Code of Washington, dealing with the adoption of emergency regulations, do establish the following Washington Standards for Apples by amending Order No. 791 as follows:

EMERGENCY REGULATION NO. 1

Section 3, Regulation 1 of Order No. 791 is hereby amended by the entire deletion of section 3.

~~((Section 3, Washington C-Grade or Hail-Grade shall consist of apples of one variety which are mature, hand-picked, clean, not badly misshapen, sound, and free from serious damage caused by hail or punctures.~~

~~Caution:---Punctured apples do not meet the requirements of the Export-Apple and Pear Act and cannot be certified on an export form certificate.~~

~~Each apple shall have the amount of color hereinafter specified for apples in this grade.~~

~~Apples at time of shipment shall not be overripe.---(See Tolerances Which Apply at Time of Shipment.)~~

~~1.---"Mature" means having reached the state of maturity which will~~

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insure the proper completion of the ripening process. Firmness of the flesh shall be considered only in connection with other factors to determine the degree of maturity.

2.---"Overripe" means apples which are dead-ripe, with flesh very mealy or soft, and past commercial utility.

3.---"Hand-picked" means that the apples do not show evidence of rough handling or of having been on the ground.

4.---"Clean" means free from excessive dirt, or other foreign material.

5.---"Not badly misshapen" means that an apple may be more irregularly shaped than "Fairly well-formed" as defined above, but shall not be deformed to the extent of materially affecting its culinary value or its general appearance.

6.---"Sound" means apples that at time of packing are free from visible defects, such as decay, breakdown, scald, bitter-pit, or physical injury affecting quality.

7.---"Serious damage": The following shall not be considered as serious damage:--Apples which meet the requirements for Fancy Grade (in the Red or Partial-Red Varieties) but have punctures not exceeding 1/4 inch in diameter and/or hail-marks, drowth-spots or other depressions or scars, when the injury is slight, and the depressions do not exceed an aggregate area of 10% of the surface and/or healed hail-marks affecting not more than an aggregate area of 1/4 inch.

EMERGENCY REGULATION NO. 2

Section 4, Regulation 1 of Order No. 791 is hereby amended by deletion of certain portions, as follows:

Section ((4.)) 3. Color Requirements. Apples shall be admitted to the grade subject to the following color specifications:

1. Red Varieties: For the red varieties the percentage of color refers to the aggregate color areas of the surface which must be covered by a good shade or shades or stripes of red characteristic of the variety.

	Extra Fancy	Fancy	((C)) ((Grade))
Arkansas Black	50%	20%	((15%))
Spitzenburg (Espopus)	50%	20%	((15%))
Winesap	50%	25%	((15%))
King David	50%	20%	((15%))
Red Sport Varieties*	65%	25%	((15%))

*When sport varieties are marked as such, they shall meet the color requirements of red sport varieties, and the boxes must also bear the name of the parent variety.

2. Partial Red Varieties: For the striped red varieties the

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percentage of color rollers to the aggregate area of the surface in which the stripes of a good shade of red shall predominate over stripes of lighter red, green or yellow.

	Extra Fancy	Fancy	((<u>e</u>)) ((Grade))
Delicious	50%	25%	((±5%))
Stayman Winesap	35%	15%	((±0%))
Vanderpool	35%	15%	((10%))
Black Twig	35%	15%	((±0%))
Jonathan	35%	15%	((±0%))
McIntosh	35%	15%	((±0%))
Rome	35%	15%	((0%))

3. Red Cheeked or Blushed Varieties.

	Extra Fancy	Fancy	C Grade
Winter Banana	Same Color	0%	0%

EMERGENCY REGULATION NO. 3

Section 2, Regulation 3 of Order No. 791 is hereby amended by the entire deletion of section 2.

~~((Section 2,--Combination-Extra-Fancy,--Fancy-and-C-Grade,--When-Extra-Fancy,--Fancy-and-C-Grade-apples-are-packed-together,--the-boxes-may-be-marked-"Combination-Extra-Fancy,--Fancy-and-C-Grade"--and-shall-contain-at-least-80%-Extra-Fancy-apples,--except-Newtowns,--which-shall-contain-at-least-25%-Extra-Fancy-apples.))~~

EMERGENCY REGULATION NO. 4

Section 3, Regulation 3 of Order No. 791 is hereby amended by the entire deletion of section 3.

~~((Section 3,--Combination-Extra-Fancy-and-C-Grade,--When-Extra-Fancy-and-C-Grade-apples-are-packed-together,--the-boxes-may-be-marked-"Combination-Extra-Fancy-and-C-Grade"--and-shall-contain-at-least-80%-Extra-Fancy-apples,--except-Newtowns,--which-shall-contain-at-least-25%-Extra-Fancy-apples.))~~

EMERGENCY REGULATION NO. 5

Section 4, Regulation 3 of Order No. 791 is hereby amended by the entire deletion of section 4.

~~((Section 4,--Combination-Fancy-and-C-Grade,--When-Fancy-and-C-Grade-apples-are-packed-together,--the-boxes-be-marked-"Combination-Fancy-and-C-Grade"--but-shall-contain-at-least-80%-Fancy-apples,--except-Newtowns,--which-shall-contain-at-least-25%-Fancy-apples.))~~

EMERGENCY REGULATION NO. 6

Section 5, Regulation 3 of Order No. 791 is hereby amended as

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This copy differed from the original one filed 1/19/61 in that " (U.S.No.1 grade may not be used for common delicious.) " was completely hyphenated out instead of being underscored. Correction was made by this office on advice of bearer of copy from Agriculture (as shown by initialed ok on page 4).

follow :

Section ((5.)) 2. Jumble Pack: The larger size of the above grades may be removed and the rest packed and marked "Jumble" or "Face and Fill" in addition to the grade mark.

EMERGENCY REGULATION NO. 7

Paragraph 1 of Regulation 10 of Order No. 791 is hereby amended as follows:

The following U. S. Grades ONLY may be used for apples: U. S. Extra Fancy, U. S. Fancy, U. S. No. 1, and Combination U. S. Extra Fancy and U. S. Fancy, as promulgated in the U. S. Standards for Apples and adopted effective September 19, 1958. (U.S. No. 1 grade may not be used for common delicious.)

EMERGENCY REGULATION NO. 8

Section 2, Table I, Regulation 10 of Order No. 791 is hereby amended by deleting U. S. No. 1 grade for common delicious, as follows:

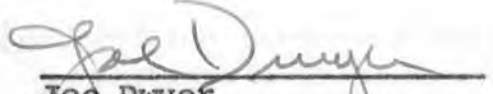
Table I--Color Requirements for Specified U. S. Grades of Apples, by Varieties (sec.).

Variety	U.S. Extra Fancy Percent	U.S. Fancy Percent	U.S. No. 1 Percent
Solid Red:			
Black Ben-----	75	50	25
Gano-----	75	50	25
Winesap-----	75	50	25
Other Similar Varieties (1)----	75	50	25
Red Sport Varieties (2)-----	75	50	25
Striped or partially red:			
Johnathan-----	66	33	25
Cortland-----	66	33	25
McIntosh-----	66	33	25
Other Similar Varieties (3)----	66	33	25
Baldwin-----	50	25	15
Ben Davis-----	50	25	15
<u>Delicious (U.S. No. 1 grade may not be used for common delicious)</u> -----	50	25	((15))
Mammoth Black Twig-----	50	25	15
Northern Spy-----	50	25	15
Rome Beauty-----	50	25	15
Stayman-----	50	25	15
Turley-----	50	25	15
Wagener-----	50	25	15
Wealthy-----	50	25	15
Willow Twig-----	50	25	15
York Imperial-----	50	25	15
Other Similar Varieties (4)----	50	25	15
Hubbardston-----	50	15	10
Stark-----	50	15	10
Other Similar Varieties-----	50	15	10
Red June-----	50	15	(5)
Williams-----	50	15	(5)
Other Similar Varieties (sec)----	50	15	(5)
Gravenstein-----	25	10	(5)
Other Similar Varieties (6)----	25	10	(5)
Red Cheeked or Blushed:			
Maiden Blush-----	(7)	(5)	(8)
Twenty Ounce-----	(7)	(5)	(8)
Winter Banana-----	(7)	(5)	(8)
Other Similar Varieties-----	(7)	(5)	(8)

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Green varieties----- (9) (9) (9)
Yellow varieties----- (9) (9) (9)
Golden Delicious----- (10) (10) (10)

- (1) Arkansas Black, Beacon, Detroit Red, Esopus, Spitzenber, King David, Lowery, Minjon.
- (2) When Red Sport varieties are specified as such they shall meet the color requirements specified for Red Sport varieties.
- (3) Haralson, Kendall, Macoun, Melba, Snow (Fameuse).
- (4) Bonum, Early McIntosh, Limbertwig, Milton, Nero, Paragon.
- (5) Tinge of color.
- (6) Duchess Red Astrachan, Smokehouse, Summer Rambo.
- (7) Blush cheek.
- (8) None.
- (9) Characteristic ground color.
- (10) 75 percent characteristic color. NOTE: "Characteristic Color", when the white around the lenticels predominates over the green color, creating a mottling effect on the surface of the apple, it shall be considered as the minimum characteristic color.



Joe Dwyer
Director of Agriculture
State of Washington

Signed at Olympia, Washington
January 19, 1961