

State of Washington

DEPARTMENT OF AGRICULTURE

(agency name)

Administrative Order No. 1708

(1) I, Bob J. Mickelson, director of Department of Agriculture

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

the annexed rules relating to:

Establishment of grade for Sulphured Cherries and adopting WAC 16-414-100, 16-414-110, 16-414-120 and 16-414-130.

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

This action is taken pursuant to Notice No. 80-05-109 filed with the code reviser on 5/6/80. Such rules shall take effect:

- KI pursuant to RCW 34.04.040(2).
II 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 the foregoing 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 such emergency is:

Such 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. (1977 c 19 § 2) 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):

- (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 he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.03 RCW).

(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 FILED JUN 20 1980 CODE REVISER'S OFFICE WSR 80-08-010

APPROVED AND ADOPTED June 20, 1980

By [Signature] Deputy Director

Title



RULE PURPOSE STATEMENT

1. Title: Administrative Order No. 1708, Cherries.
Statutory authority RCW 15.17
Supplemental material establishing a uniform grading method for cherries for brining, standards which are already in effect in Oregon.
2. This supplemental material defines grades and tolerances for sulphured cherries in this state.
3. Agency personnel responsible:

C. T. Nielsen, Assistant Director
Washington Department of Agriculture
and Supervisor, Plant Industry Division.
Room 418 General Administration Bldg.
753-5052

A. R. Hurd, Assistant Supervisor
Plant Industry Division
Room 418 General Administration Bldg.
753-5052
4. These changes were requested by the industry.

--Snokist Growers, Yakima
Stadelman Fruit, Yakima
Northwest Cherry Briners Assn., Inc., Corvallis
Stemilt Growers, Inc., Wenatchee
Wenatchee Valley Traffic Assn., Wenatchee
Washington Growers Clearing House, Wenatchee
5. Agency comments: The order will establish, for the first time in Washington, grades and standards for brining cherries.
6. This rule has not become necessary as a result of any federal law or federal or state court action.

Chapter 16-414 WAC

((SWEET)) CHERRIES

NEW SECTION

WAC 16-414-100 GRADES. (1) Washington No. 1 grade sulphured whole cherries shall consist of properly matured cherries of similar varietal characteristics that are clean, firm, well formed and well bleached. The cherries shall be free from damage caused by mechanical injury, surface discoloration, rain cracks, blemishes or other means.

In order to allow for variations incident to proper preparation, grading and handling, at least ninety-five percent of the cherries of any lot must meet the requirements of "firm." In addition, not more than ten percent of the cherries of any lot may be below the remaining requirements of this grade, of which not more than one-half or five percent shall be allowed for defects classified as serious damage.

(2) Washington No. 1 grade sulphured halved cherries shall consist of portions of sliced cherries, no particle of which shall be smaller than an estimated one-third or more than an estimated two-thirds of a whole cherry. The cherries shall be properly matured, of similar varietal characteristics that are clean, firm, well formed and well bleached. The cherries shall be free from damage caused by mechanical injury, surface discoloration, rain cracks, blemishes or other means.

In order to allow for variations incident to proper preparation, grading and handling, at least ninety-five percent of the cherries of any lot must meet the requirements of "firm." In addition, not more than ten percent of the cherries of any lot may be below the remaining requirements of this grade, of which not more than one-half or five percent shall be allowed for defects classified as serious damage.

(3) Washington No. 2 grade sulphured whole cherries shall consist of properly matured cherries of similar varietal characteristics that are clean, fairly firm, well formed, and fairly well bleached. The cherries shall be free from serious damage caused by mechanical injury, surface discoloration, rain cracks, blemishes or other means.

In order to allow for variations incident to proper preparation, grading and handling, at least ninety percent of the cherries of any lot must meet the requirements of "fairly firm." In addition, not more than ten percent of the cherries of any lot may be below the remaining requirements of this grade.

(4) Washington No. 2 grade sulphured halved cherries shall consist of properly matured cherries of similar varietal characteristics that are clean, fairly firm, well formed, and fairly well bleached. The cherries shall be free from serious damage caused by mechanical injury, surface discoloration, rain cracks, blemishes or other means.

In order to allow for variations incident to proper preparation, grading and handling, at least ninety percent of the cherries of any lot must meet the requirements of "fairly firm." In addition, not more than ten percent of the cherries of any lot may be below the remaining requirements of this grade.

(5) Washington combination grade sulphured cherries shall be a combination of Washington No. 1 and Washington No. 2 cherries of any style. When such a combination grade is packed, unless otherwise specified, the lot shall average not less than fifty percent Washington No. 1 quality cherries.

A tolerance of not more than ten percent shall be allowed for cherries which fall below the requirements of Washington No. 2 grade.

The tolerances for the standards are on a container basis. However, individual containers in any lot may vary from the specified tolerances, providing the averages for the entire lot, based on sample inspection, are within the tolerances specified. No part of any tolerance shall be allowed to reduce, for the lot as a whole, the fifty percent of cherries of the higher grade requirement in the combination; but individual containers may not have less than thirty-five percent of the higher grade or more than twenty percent below the requirements of Washington No. 2 grade.

When other combinations are specified, individual containers may not have more than fifteen percent less than the percentage specified

of the higher grade or more than twenty percent below the requirements of Washington No. 2 grade.

(6) Washington No. 3 grade sulphured cherries shall consist of cherries which fail to meet the requirements of the above grades and shall be practically free of stems, leaves, fruit spurs, bark, dirt or foreign material.

NEW SECTION

WAC 16-414-110 SIZES. The following approximate sizes shall be considered as standards for all grades of sulphured cherries except for halved cherries.

- (1) Extra small: 14 mm. to and including 16 mm.
- (2) Small: 16 mm. to and including 18 mm.
- (3) Medium: 18 mm. to and including 20 mm.
- (4) Large: 20 mm. to and including 22 mm.
- (5) Extra large: 22 mm. and over.

A tolerance of five percent for cherries which fail to meet the specified minimum diameter and ten percent for cherries that fail to meet the specified maximum diameter shall be allowed.

NEW SECTION

WAC 16-414-120 APPLICATION OF TOLERANCES FOR CERTIFICATION OF LOTS OF WASHINGTON NO. 1 OR WASHINGTON NO. 2 GRADE SULPHURED CHERRIES.

(1) The tolerances for certification of lots of Washington No. 1 or Washington No. 2 grades of sulphured cherries shall be on a container basis. However, not to exceed one sixth of the individual containers in any lot may vary from the specified tolerances provided the averages for the entire lot, based on sample inspection, are within the tolerances specified. For a tolerance of ten percent or more, individual containers in any lot may contain not more than one and one half times the tolerance specified. For a tolerance of less than ten percent, individual containers in any lot may contain not more than double the tolerance specified.

(2) In pitted cherries:

(a) Of extra small and small sizes there shall not be found in excess of two pits per each forty ounces of cherries.

(b) Of medium, large or mixed sizes, there shall not be found in excess of one pit per each forty ounces of cherries.

(c) Of extra large size there shall not be found in excess of one pit per each sixty ounces of cherries.

NEW SECTION

WAC 16-414-130 DEFINITIONS. (1) "Sulphured cherries" means properly matured whole cherries of similar varietal characteristics packed in a solution of sulphur dioxide of sufficient strength to preserve the cherries with or without the addition of hardening agents.

(2) "Unpitted sulphured cherries" means whole cherries stemmed or unstemmed from which the pits have not been removed. If unstemmed, not more than twenty percent, by weight, of all the cherries may have the stems removed. If stemmed, not more than one-half of one percent, by weight, of all the cherries may have the stems attached.

(3) "Pitted sulphured cherries" means whole cherries with or without stems from which the pits have been removed. If unstemmed (cocktail), not more than seven percent, by weight, of all the cherries may have the stems removed. If stemmed, not more than one-half of one percent, by weight, of all the cherries may have the stems attached.

- (4) "Pit" means an entire pit or portion thereof attached to a sulphured cherry or within the pit cavity.
- (5) "Unclassified cherries" means sulphured cherries which do not conform to any of the styles set forth in subsections (2), (3) or (4) of this section.
- (6) "Properly matured" means that stage of ripeness in which the fruit is fully developed for brining purposes.
- (7) "Clean" means that the product is practically free from leaves, fruit spurs, bark, twigs, dirt or foreign material.
- (8) "Well bleached" means that the cherries possess a practically uniform color typical of well bleached sulphured cherries for the variety.
- (9) "Firm" means that the cherries possess a firm, fleshy texture, retain their approximate original shape, are not shriveled, and do not show more than slight collapsed areas of flesh.
- (10) "Damage" means any injury or defect which materially affects the appearance or market quality of the product. The following shall be considered "damage":
- (a) "Mechanical injury"--any open pitter hole, or open pitter holes measuring more than one-eighth inch across in the aggregate; any pitter hole where there is a material loss of flesh; any pitter tear or pitter tears, or any other mechanical injury which materially affects the appearance of the cherry.
- (b) "Surface discoloration"
- (i) (In case of Washington No. 1 whole cherry)--any light surface discoloration exceeding in the aggregate one-eighth of the surface of the cherry; any dark surface discoloration exceeding in the aggregate the area of a circle three-sixteenths inch in diameter, but not exceeding in the aggregate one-eighth of the surface of the cherry.
- (ii) (In case of Washington No. 1 halved cherries)--any light surface discoloration exceeding in the aggregate one-eighth of the surface of the cherry; any dark surface discoloration exceeding in the aggregate the area of a circle one-sixteenth inch in diameter.
- (c) "Rain cracks"
- (i) (In case of Washington No. 1 whole cherries)--in the stem basin more than one-fourth inch in length; outside the stem basin more than three-sixteenths inch in length measured on the circumference.
- (ii) (In case of Washington No. 1 halved cherries)--in the stem basin more than one-eighth inch in length; outside the stem basin no rain cracks shall be allowed.
- (d) "Blemished"--any insect injury, bird pecks, limb rub, hail marks, sunburn, solution cracks or any other blemish or combination of blemishes which materially affects the appearance of the cherry; also any cherry, the flesh of which is materially discolored.
- (11) "Fairly well bleached" means that the cherries possess a reasonably uniform color typical of reasonably well bleached sulphured cherries for the variety.
- (12) "Fairly firm" means that the cherries possess a reasonably firm texture, may have slightly lost their original shape, may be slightly shriveled or may show moderately collapsed areas of the flesh.
- (13) "Serious damage" means any injury which seriously affects the appearance or market quality of the product. The following shall be considered "serious damage":
- (a) Any deformed or double cherry.
- (b) "Mechanical injury"
- (i) (In case of Washington No. 2 whole cherries)--any open pitter hole, or open pitter holes measuring more than three-sixteenths inch across in the aggregate; any pitter hole where there is a serious loss of flesh; any pitter tear or pitter tears, or any other mechanical injury which seriously affects the appearance of the cherry.
- (ii) (In the case of Washington No. 2 halved cherries)--any open pitter hole, or open pitter holes measuring more than one-eighth inch across in the aggregate; any pitter hole where there is a serious loss of flesh; any pitter tear or pitter tears, or any other mechanical injury which seriously affects the appearance of the cherry.
- (c) "Surface discoloration"--any light surface discoloration exceeding in the aggregate one-half of the surface of the cherry; any dark surface discoloration exceeding in the aggregate one-eighth of the surface of the cherry.
- (d) "Rain cracks"

(i) (In the case of Washington No. 2 whole cherries)--in the stem basin more than one-half inch in length; outside the stem basin more than three-eighths inch in length measured on the circumference.

(ii) (In the case of Washington No. 2 halved cherries)--in the stem basin more than one-fourth inch in length; outside the stem basin more than three-sixteenths inch in length measured on the circumference.

(e) Any blemish or combination of any blemishes which seriously affects the appearance of the cherry; also any cherry the flesh of which is seriously discolored.