

State of Washington

DEPARTMENT OF AGRICULTURE

(agency name)

Administrative Order No. 1760

(1) I, M. Keith Ellis, director of agriculture

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

Amending Chapter 16-461 WAC, movement of fruits and vegetables from the area of production.

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

This action is taken pursuant to Notice No. filed with the code reviser on. Such rules shall take effect:

- [] 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, M. Keith Ellis, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare...

These emergency rules are necessary in order to be in effect when this year's harvest of asparagus begins, approximately April 12, 1982. The asparagus industry has requested compulsory inspection of all asparagus marketed in order to insure quality produce within the state and exported from the state and to reduce illegal shipments.

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

(3) Pursuant to the requirements of RCW 34.04.026 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 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 34.08 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.

APPROVED AND ADOPTED April 9 1982

STATE OF WASHINGTON FILED

By

M. Keith Ellis (signature)

Director

Title

CODE REVISER'S OFFICE WSR 89-09-007

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, 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 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 such asparagus, having the approval of the director to issue such 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 authority shall be limited to the issuance of certificates of compliance for apples, apricots, cherries, pears, peaches, ~~((and))~~ prunes, or asparagus under said applicant's direct control or being handled at said shipper's or packer's facilities.

(b) Such 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, 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 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, or 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 base fees shall be deposited with the director of agriculture in the same manner as fees for shipping permits.



STATE OF WASHINGTON

DEPARTMENT OF AGRICULTURE

418 General Administration Bldg. AX-41 • Olympia, Washington 98504 • (206) 753-5052

For purposes of legislative review of agency rules, the following statement is submitted:

- (a) Movement of fruits and vegetables from the area of production, WAC 16-461-010.
Purpose is to amend this WAC to include inspection of asparagus.
Statutory Authority: RCW 15.17
- (b) This rule governs the inspection of fruits and vegetables before entrance into commercial channels. This action amends the rule to include compulsory inspection of asparagus.
- (c) Department of Agriculture
Division of Plant Industry
Arthur R. Hurd
Acting Assistant Director and Supervisor
418 General Administration Bldg.
Olympia, WA 98504
753-5052
- (d) The Department of Agriculture is proposing this order at the request of the Washington asparagus industry.
- (e) The Department is in favor of this request.
- (f) This order is not made necessary as the result of federal law or federal or state court action.