



RULE-MAKING ORDER
(RCW 34.05.360)

m. Order 6012

CR-103 (4/25/96)

Agency: Department of Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Repeal

(1) Date of adoption: January 13, 1997

(2) Purpose: Allow for re-sealing of controlled atmosphere storage facilities containing standard or red delicious apples due to damage caused by inclement weather conditons, and whereby the seal of the faciltiy is inadvertently opened or broken after December 15.

(3) Citation of existing rules affected by this order:

Repealed:
 Amended: x Chapter 16-459-010 Controlled Atmosphere Storage
 Suspended:

(4) Statutory authority for adoption: Chapter 15.17 RCW, Standards of Grades and Packs
Other Authority:

PERMANENT RULE ONLY

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: Due to damage caused to controlled atmosphere facilities by inclement weather conditions experienced during the latter part of December, and whereby the seal of the facility was inadvertently opened or broken after December 15, the immediate adoption of this emergency rule is necessary to allow the apple industry to reseal controlled atmosphere facilities containing standard and red delicious apples.

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 | Emergency Rules |
| <input type="checkbox"/> 31 days after filing | <input checked="" type="checkbox"/> Immediately |
| <input type="checkbox"/> Other (specify) _____* | <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)

CODE REVISER USE ONLY

CODE REVISIONS OFFICE
OFFICE OF THE CLERK

JAN 13 1997

TIME 11:44
FILE 97-03-063

Name (Type or Print)

Jim Jesernig

Signature

Director

Title

Date

January 13, 1997

AMENDATORY SECTION (Amending Order 1486, filed 9/15/76)

WAC 16-459-010 Requirements--General. (1) Controlled atmosphere storage operators and/or lessees are required to submit an application for license prior to August 31 of any year. This form will be entitled application for a controlled atmosphere storage license and will be form Agri 060-6074: *Provided*, Late license renewal will be in accordance with RCW 15.30.070.

(2) Controlled atmosphere storage operators are required to separately report to the district manager the date of sealing the storage and

(a) The quantity of loose fruit by variety and owner.

(b) The quantity of packed fruit by variety and owner.

This information will be submitted to the district manager on form Agri-060-6075 and signed by the operator.

(3) Each controlled atmosphere operator must keep daily determinations of air components as to percentages of carbon dioxide, oxygen, and temperature at least once each day as prescribed in RCW 15.30.120. This information is subject to audit by the inspection service and the various audits will be reported for each storage on form Agri-060-6076 by department personnel.

(4) In addition to the above general requirements, standard and red delicious apple varieties must be in a sealed controlled atmosphere storage on or before *December 15 each year* in order to qualify and be identified as Washington controlled atmosphere storage apples.

The forms mentioned above are department of agriculture forms which will be furnished by the plant industry division.

All license holders are required to notify the local inspection office on or before opening any controlled atmosphere storage rooms.

(5) In the event inclement weather conditions cause damage to a "controlled atmosphere storage" facility containing standard or red delicious apples, and whereby the seal of the facility is inadvertently opened or broken after December 15, the department may, upon receipt of a written request from an apple industry organization or individual facilities to the director, allow standard and red delicious apples to be resealed in a controlled atmosphere storage facility. Such apples may be identified and marketed as having been exposed to a controlled atmosphere storage, only after they have completed treatment for a minimum of ninety continuous days.