

ANALYSIS OF ESSB 6122

House Agriculture & Ecology Committee

February 18, 1998

BACKGROUND:

The Fruit and Vegetable Inspection Program of the Department of Agriculture provides for the orderly marketing of fresh fruits and vegetables by establishing uniform grades and standards. The State government requirements and the needs and business practices of the program's customers have changed over the last 35 years, but the statutes governing horticultural standards and inspecting were last revised in 1963. The program currently provides inspection services to more than 350 growers and/or shippers, processors and handlers throughout the state of Washington. The department provides onsite inspections which include sampling of commodities such as apples, pears, cherries, potatoes, onions and asparagus to determine compliance with grade, quality, size, labeling and sanitary requirements. The program ensures that all growers and shippers selling fresh fruits and vegetables meet either state or federal standards.

Sanitary certificates issued by the department's program are required by most foreign countries for the importation of fresh fruits and vegetables from Washington State. The program is headquartered in Olympia and has district offices in Yakima, Wenatchee and Moses Lake, with 13 field offices located throughout the state. The program is self supported and has a fee for service provision with an annual expenditure of approximately \$9 million.

SUMMARY:

Statutes pertaining to uniform grades and standards for fruits and vegetables are updated to better reflect the Department of Agriculture's existing inspection program and to provide modern language. The intent of the original statutes is maintained.

Many existing definitions are deleted, a few are kept, and a few are added. New definitions are provided for the following terms: "compliance agreement," "district manager," "handler," "sell," and "standards." A compliance agreement means an agreement entered into between the department and a shipper or packer that authorizes the shipper to issue certificates of compliance for fruits and vegetables. Certificate means an official document certifying compliance with the requirements of this chapter.

The director of the department of agriculture is required to adopt rules that do two things:

- provide standards for grading sweet cherries and asparagus, in addition to certain other fruits and vegetables; and
- provide for the mandatory inspection of these same fruits and vegetables, except when sold by the grower directly to the consumer in amounts of 500 pounds or less.

Late fees of one and a half percent per month on the unpaid balance of any amount due for

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services may be charged. The director may refuse to perform inspection or certification services for any person who has failed to pay assessments required by law to any agricultural commission.

A new chapter is created to organize and consolidate requirements pertaining to the collection, cultivation, and sale of American ginseng. The director may adopt rules establishing certification requirements and the registration of ginseng growers and dealers who purchase and/or sell American ginseng in the export market. The director is required to adopt rules to establish fees to pay for the implementation of this chapter. The director is authorized to inspect any facility and records pertaining to ginseng processing and sales, and is provided other enforcement powers. Certain information pertaining to transactions by individual ginseng growers and dealers is exempt from public disclosure requirements. Rules adopted to implement provisions pertaining to fruits and vegetables also apply to ginseng.

Sections of chapter 15.04 [General Provisions] pertaining to inspection and certification of horticultural products are repealed, and most of chapter 15.17 is repealed. Except for obsolete provisions, the substance of the repealed language has been retained and updated.

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