



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Washington State Department of Agriculture Permanent Rule Emergency Rule

(1) Date of adoption: October 12, 2000 Expedited Adoption Expedited Repeal

(2) Purpose: To delay the effective date of the rules adopted in WAC 16-143 on May 22, 2000 that:
1) establish a grade and standards for fresh red raspberries that are destined for freezing, puree, juice stock and other processing uses;
2) establish standards for red raspberry puree stock and juice stock red raspberries;
3) establish container marking requirements for red raspberries; and
4) specify how red raspberries may be used, processed and sold
Red raspberries destined for fresh market are exempt.

(3) Citation of existing rules affected by this order: WAC 16-143-010 through 16-143-110
Repealed:
Amended:
Suspended:

(4) Statutory authority for adoption: Chapters 15.17 and 69.04 RCW and RCW 34.05.350

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)
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: See attachment.

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**
 31 days after filing Immediately
 Other (specify) _____ Later (specify) _____
**(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)*

Name (Type or Print)
James M. Jesernig
Signature
[Handwritten Signature]
Title Director **Date** 10/11/00

CODE REVISER USE ONLY
CODE REVISER'S OFFICE STATE OF WASHINGTON FILED
OCT 12 2000
TIME 8:20 AM
WSR 06-21-032 PM

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	Amended	Repealed
Federal rules or standards:	New	Amended	Repealed
Recently enacted state statutes:	New	Amended	Repealed

The number of sections adopted at the request of nongovernmental entity:

New	Amended	Repealed
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The number of sections adopted in the agency's own initiative:

New	Amended	Repealed
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	Amended	Repealed
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The number of sections adopted using:

Negotiated rule making:	New	Amended	Repealed
Pilot rule making:	New	Amended	Repealed
Other alternative rule making:	New	Amended	Repealed

NEW SECTION

WAC 16-143-005 Chapter not effective for 2000 red raspberry harvest season. The rules set forth in WAC 16-143-010 through WAC 16-143-110 do not apply to any red raspberries harvested before June 2001.

**JUSTIFICATION AND CONCISE EXPLANATORY STATEMENT FOR EMERGENCY
RULE DELAYING THE EFFECTIVE DATE OF CHAPTER 16-143 WAC, RED
RASPBERRY GRADES AND STANDARDS**

In May 2000 the Department of Agriculture completed a rulemaking process that resulted in the adoption of WAC 16-143-010 through 16-143-110, Red Raspberry Grades and Standards. The rules, adopted on May 22, 2000, would have gone into effect on June 22, 2000. On June 14, 2000 the Department adopted an emergency rule based on the factors set forth below that delayed the effective date of the permanent rules until October 12, 2000. The emergency rule exempted the 2000 red raspberry harvest from the permanent rules.

Subsequent to the adoption of the permanent rules, on May 30, 2000, the Department received a Petition for Reconsideration and a Petition for Stay of Implementation of the newly enacted rules relating to the red raspberry grades and standards. The Department has also received other questions regarding rule implementation and compliance by persons and entities covered by the rules, and questions concerning rule implementation by the Department.

The Petitions and inquiries identified impacts to existing contracts for the purchase of red raspberries for harvest year 2000, and raised implementation and logistical questions, the extent of which were previously unidentified during the original rulemaking process. The Department determined that additional time and work was required to address these issues.

On September 20, 2000, the Department filed a CR-101 to solicit comment on potential permanent rules regarding implementation of and compliance with the permanent grades and standards rules in WAC 16-143-010 through 16-143-110. The CR-101 also solicits comment on whether and how the permanent rules should apply to red raspberries harvested prior to June 2001. The emergency rule accompanying this filing will continue the status quo (exempting red raspberries harvested in the 2000 harvest season from the provisions of the permanent red raspberry grades and standards rules) during the permanent rulemaking process.

The Department will also use this time to assist those persons and entities that are required to comply with the rules with training and implementation guidance.