



# RULE-MAKING ORDER

CR-103 (12/31/00)

(RCW 34.05.360)

Agency: Department of Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Repeal

(1) Date of adoption: June 1, 2001

(2) Purpose: WAC 16-403-141, to establish a permanent general harvest release date for Golden Delicious varieties of apples; WAC 16-403-143, to establish a permanent general harvest release date for Granny Smith variety of apples; WAC 16-403-220, to establish a crop year marking requirement on all apple cartons.

(3) Citation of existing rules affected by this order: Chapter 16-403 WAC STANDARDS FOR APPLES MARKETED WITHIN THE STATE OF WASHINGTON.

Repealed:

Amended: 16-403-141, 16-403-143, 16-403-220

Suspended:

(4) Statutory authority for adoption: Chapter 15.17 RCW

Other authority:

### PERMANENT RULE ONLY

Adopted under notice filed as WSR 01-08-068 on April 18, 2001 (date). *y 3 dh*

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:

### 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

- 31 days after filing
- Other (specify) \_\_\_\_\_ \*

#### Emergency Rules

- Immediately
- 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)

Jim Jesernig

SIGNATURE

TITLE

Director

DATE

6/1/01

CODE REVISER USE ONLY

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

JUN 5 2001

1259

TIME \_\_\_\_\_

WSR 01-12-079

(PW)

**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:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	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:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	<u>3</u>	Repealed	_____

Chapter 16-403 WAC

STANDARDS FOR APPLES MARKETED WITHIN THE STATE OF WASHINGTON

AMENDATORY SECTION (Amending WSR 99-14-036, filed 6/29/99, effective 7/30/99)

**WAC 16-403-141 Red Delicious, Delicious, Golden Delicious--Minimum soluble solids.** For harvest of the crop of the current growing season, apples of the Red Delicious and Delicious varieties cannot be shipped prior to October 1, unless they have at least ten percent soluble solids as determined by refractometer. Apples of the Golden Delicious varieties, cannot be shipped prior to ~~((the general release as established by the Delicious maturity committee of the Washington state horticultural association))~~ September 20 unless they have at least ten and one-half percent soluble solids as determined by refractometer.

AMENDATORY SECTION (Amending WSR 92-15-056, filed 7/13/92, effective 8/13/92)

**WAC 16-403-143 Granny Smith--Starch-iodine requirements.** ~~((Prior to the general release date))~~ For harvest of the crop of the current growing season, ~~((as established by the Delicious maturity committee of the Washington state horticultural association, shipment shall not be allowed of))~~ apples of the Granny Smith variety ~~((which fail to))~~ cannot be shipped prior to October 10 unless they meet the stage of maturity as indicated by starch-iodine rating of 1.2 on the Cascade Analytical Inc. chart: Provided, That any such lot of apples may be shipped if not more than ten percent of the apples tested fail to meet the 1.2 rating.

AMENDATORY SECTION (Amending Order 5005, filed 8/30/93, effective 9/30/93)

**WAC 16-403-220 Marking requirements--Open or closed containers.**

(1) The containers shall bear the correct name of the variety or "variety unknown," the name of the grower, packer, or distributor, and his address, the grade, the numerical count or the minimum diameter of apples packed in a closed container, and the net contents either in terms of dry measure or weight. The minimum weight of individual apples within the container may be stated in lieu of, in combination with, or in addition to, minimum diameter as a declaration of size. All open containers and consumer packages must bear statement of net weight or volume.

(a) When the numerical count is not shown, the minimum diameter or minimum weight of individual apples shall be plainly stamped, stenciled, or otherwise marked on the container in terms of whole inches, or whole inches and not less than eight inch fractions thereof or in terms of whole grams.

(b) When used in combination with minimum diameter as a size designation, the following minimum fruit weights shall be used:

Red Delicious	Golden Delicious
2 1/8 in. or 65 grams	63 grams
2 1/4 in. or 75 grams	70 grams
2 3/8 in. or 84 grams	82 grams
2 1/2 in. or 100 grams	95 grams
2 5/8 in. or 115 grams	109 grams
2 3/4 in. or 139 grams	134 grams

(c) The word "minimum," or its abbreviation, when following a diameter size or weight size marking, means that the apples are of the size marked or larger.

(2) Over-wrapped consumer units may be marked with count, if all specimens can be counted.

(3) Any of these marks may be placed on either the end or side of the container. (California requires end markings.)

(4) When containers are marked as to number, each container shall contain the correct number of apples designated by the markings.

(5) Grade markings on consumer-type packages must be at least one-fourth inch in height.

(6) Apples which were produced outside of the state of Washington and which are graded, packed, or repacked in the state of Washington, shall be correctly labeled as to the state or country of origin, e.g., "Product of Oregon," "Grown in Oregon," "Produced in Canada."

Such marking shall be placed on the same end or side panel of the container as other markings related to grade, variety, net contents, and name and address of the grower, packer, or distributor, and shall be of similar print size. Consumer type packages shall not be required to bear a statement as to origin when such marking has been placed on the master shipping container.

(7) Containers shall be marked with the harvest year beginning on October 1 of each year and be applied only to apples harvested in the previous year; that this marking shall occur at the time of shipment; and be displayed on the principal display panel with letters of a minimum of one-half inch in height.