



# RULE-MAKING ORDER

**SR-103 (June 2004)**  
**(Implements RCW 34.05.360)**

Agency: Department of Agriculture

Permanent Rule  
 Emergency Rule

**Effective date of rule:**

**Permanent Rules**

31 days after filing.  
 Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Effective date of rule:**

**Emergency Rules**

Immediately upon filing.  
 Later (specify) \_\_\_\_\_

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

Yes  No If Yes, explain:

**Purpose:** The department recently adopted rewritten apricot standards (Chapter 16-406 WAC Washington standards for apricots). The chapter was rewritten and reformatted so it was easier to understand and use. No requirements were changed. During the rewrite, the following language was inadvertently deleted from Table 1 in WAC 16-406-015: "(2) **Any deformity or injury causing the skin to break** more than 3/8 of an inch in diameter or which seriously affects the apricot's appearance." The purpose of this filing is to add the deleted language to Table 1. This emergency filing is important because the apricot harvest is currently taking place in Washington state and the language that was inadvertently deleted is important to the department's fruit inspectors who are inspecting harvested apricots. The department plans to use the permanent rule adoption process to permanently restore the deleted language to WAC 16-406-015, Table 1.

**Citation of existing rules affected by this order:**

Repealed: None  
Amended: WAC 16-406-015  
Suspended: None

**Statutory authority for adoption:** Chapter 15.17 RCW and chapter 34.05 RCW

**Other authority:**

**PERMANENT RULE ONLY (Including Expedited Rule Making)**

Adopted under notice filed as WSR \_\_\_\_\_ on \_\_\_\_\_ (date).

Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: \_\_\_\_\_ phone ( ) \_\_\_\_\_  
Address: \_\_\_\_\_ fax ( ) \_\_\_\_\_  
e-mail \_\_\_\_\_

**EMERGENCY RULE ONLY**

Under RCW 34.05.350 the agency for good cause finds:

- 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.
- 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: This emergency filing is important because the apricot harvest is currently taking place in Washington state and the language that was inadvertently deleted is important to the department's fruit inspectors who are inspecting harvested apricots.

**Date adopted:**

7-27-05

**NAME (TYPE OR PRINT)**

William Brookreson

**SIGNATURE**

**TITLE**

Deputy Director

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE STATE OF WASHINGTON FILED
JUL 27 2005
TIME <u>9:10</u>
WSR <u>05-16-034</u>
AM 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:**

<b>Federal statute:</b>	New	0	Amended	0	Repealed	0
<b>Federal rules or standards:</b>	New	0	Amended	0	Repealed	0
<b>Recently enacted state statutes:</b>	New	0	Amended	0	Repealed	0

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

New	0	Amended	0	Repealed	0
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**The number of sections adopted in the agency's own initiative:**

New	0	Amended	1	Repealed	0
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	0	Amended	0	Repealed	0
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	0	Amended	0	Repealed	0
<b>Pilot rule making:</b>	New	0	Amended	0	Repealed	0
<b>Other alternative rule making:</b>	New	0	Amended	1	Repealed	0



WAC 16-406-015 What is considered "damage" and "serious damage" to apricots? The following tables explain the differences between "damage" and "serious damage" as applied to apricots:

Table 1  
 "Damage" and "Serious Damage" for All Varieties of Apricots **except** the Riland Variety

Except for the Riland variety, the following are considered <b>damage</b> :	Except for the Riland variety, the following are considered <b>serious damage</b> :
(1) <b>Well-healed growth cracks</b> over 3/8 of an inch in length.	(1) <b>Well-healed growth cracks</b> that are more than 1/2 inch in length.
(2) <b>Punctures</b> over 3/16 of an inch in diameter.	(2) <b>Any deformity or injury causing the skin to break more than 3/8 of an inch in diameter or which seriously affects the apricot's appearance.</b>
(3) <b>Stem pulls</b> over 3/8 of an inch in diameter.	
(4) <b>Smooth shallow limb rubs</b> more than 1/4 of an inch in diameter.	
(5) <b>Russeting</b> affecting more than ten percent of the apricot's surface.	
(6) <b>Bruises</b> exceeding five percent of the apricot's surface.	
(7) <b>Hail marks</b> that are:	((2)) (3) <b>Bruises</b> exceeding ten percent of the surface of the apricot.
(a) Not shallow and superficial; or	((2)) (4) <b>Hail marks</b> that are more than:
(b) More than 3/8 of an inch in diameter in the aggregate; or	(a) 3/16 of an inch deep; or
(c) More than 1/8 inch in diameter when the skin has been broken.	(b) 1/2 of an inch in diameter in the aggregate; or
	(c) 1/2 inch in diameter when the skin has been broken.

Table 2  
 "Damage" and "Serious Damage" for the Riland Variety of Apricots

For the Riland variety, the following are considered <b>damage</b> :	For the Riland variety, the following are considered <b>serious damage</b> :
(1) <b>Growth cracks</b> exceeding 3/8 inches in length.	(1) <b>Growth cracks</b> that are not well healed and are more than 1/2 inch in length.
(2) <b>Punctures</b> exceeding 1/4 of an inch in diameter.	
(3) <b>Stem pulls</b> exceeding 1/2 inch in diameter.	
(4) <b>Smooth shallow limb rubs</b> more than 1/4 of an inch in diameter.	

For the Riland variety, the following are considered <b>damage</b> :	For the Riland variety, the following are considered <b>serious damage</b> :
(5) <b>Russeting</b> affecting more than ten percent of the apricot's surface.	
(6) <b>Bruises</b> exceeding five percent of the apricot's surface.	(2) <b>Bruises</b> exceeding ten percent of the surface of the apricot.
(7) <b>Hail marks</b> that are:	(3) <b>Hail marks</b> that are more than:
(a) Not shallow and superficial; or	(a) 3/16 of an inch deep; or
(b) More than 3/8 of an inch in diameter in the aggregate; or	(b) 1/2 of an inch in diameter in the aggregate; or
(c) More than 1/8 inch in diameter when the skin has been broken.	(c) 1/2 inch in diameter when the skin has been broken.