



# RULE-MAKING ORDER

## CR-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:** Chapter 16-414 WAC, Washington standards for cherries, establishes the requirements and standards for Washington grown fresh sweet cherries and sulphured cherries. The following housekeeping changes are made to chapter 16-414 WAC: 1) Clarifying section titles for ease of use; and 2) Replacing tables with standard text format in WAC 16-414-010, WAC 16-414-012, WAC 16-414-045, WAC 16-414-065, WAC 16-414-107, WAC 16-414-108, WAC 16-414-125, WAC 16-414-145, and WAC 16-414-155. There are no substantive changes to chapter 16-414 WAC. Replacing the tables with standard text is necessary because the table format makes the rules nearly unreadable and unusable when the WAC is accessed using the Internet.

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

Repealed:  
Amended: WAC sections 16-414-010; 16-414-012; 16-414-045; 16-414-065; 16-414-107; 16-414-108; 16-414-125; 16-414-145; 16-414-155  
Suspended:

**Statutory authority for adoption:** Chapters 15.17 and 34.05 RCW

**Other authority :**

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

Adopted under notice filed as WSR 07-08-113 on April 4, 2007.  
Describe any changes other than editing from proposed to adopted version: None.  
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:

**Date adopted:**  
June 5, 2007

**NAME (TYPE OR PRINT)**

Valoria Loveland

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

Stamp area with handwritten text: JUN 6 2007, 1017, 07-12-076

**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 a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____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

New	_____	Amended	<u>9</u>	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>9</u>	Repealed	_____

AMENDATORY SECTION (Amending WSR 06-12-116, filed 6/7/06, effective 7/8/06)

WAC 16-414-005 (~~What~~) Definitions (~~(are important to this chapter?)~~). "Clean" means cherries are practically free from dirt, dust, spray residue, or other foreign material. For example, clean means the product is practically free from leaves, fruit spurs, bark, twigs, dirt or foreign material.

"Condition defects" means defects that may develop or change during shipment or storage. Condition defects include, but are not limited to, decayed or soft cherries and such other factors as pitting, shriveling, sunken areas, brown discoloration and bruising that, because of its location appears to have occurred after packing.

"Damage" means any injury or specific defect described in WAC 16-414-045 or any equally objectionable variation of those defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible quality or marketing quality of the fruit.

"Department" means the Washington state department of agriculture (WSDA).

"Diameter" means the greatest dimension measured at right angles to a line from the stem to the blossom end of the cherry.

"Director" means the director of the Washington state department of agriculture or the director's designee.

"Face packed" means the cherries in the top layer of any container are placed so the stem ends are pointing downward toward the bottom of the container.

"Fairly well colored" means that at least ninety-five percent of the surface of the cherry shows characteristic color for mature cherries of the variety.

"Firm" means the cherries:

- (1) Possess a firm, fleshy texture;
- (2) Retain their approximate original shape;
- (3) Are not shriveled; and
- (4) Do not show more than slight collapsed areas of flesh.

"Mature" means cherries have reached the stage of growth that will insure the proper completion of the ripening process. Rainier cherries or other varieties of "light colored sweet cherries" shall meet a minimum of seventeen percent soluble solids as determined from a composite sample by refractometer prior to packing, at time of packing, or at time of shipment; provided that individual lots shall not be combined with other lots to meet soluble solids requirements.

"Permanent defects" means defects that are not subject to change during shipping or storage. Permanent defects include, but are not limited to, factors of shape, scarring, skin breaks, injury

caused by hail or insects, and mechanical injury that, because of its location, appears to have occurred before shipment.

"Off-size" means a cherry whose diameter fails to meet a designated size when measured at right angles to a line from its stem to its blossom end.

"Serious damage" means any specific defect described in WAC 16-414-065 or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects that seriously detracts from the appearance, edible quality or marketing quality of cherries.

"Shipping point" means:

- (1) The point of origin of the shipment in the producing area or at the port of loading; or
- (2) The port of entry into the United States in the case of shipments from outside the continental United States.

"Similar varietal characteristics" means the cherries in any container are similar in color and shape.

"Well formed" means a cherry has the normal shape characteristic of the variety. Mature well-developed doubles are considered well formed if the halves are approximately evenly formed with a variation of no more than 2/64 of an inch.

AMENDATORY SECTION (Amending WSR 05-12-037, filed 5/25/05, effective 6/25/05)

WAC 16-414-010 ((What are)) Washington No. 1 grade and Northwest No. 1 grade sweet ((cherries?)) cherry requirements. ((The following table describes the characteristics of Washington No. 1 grade and Northwest No. 1 grade sweet cherries:

Washington No. 1 Grade Sweet Cherries	Northwest No. 1 Grade Sweet Cherries
Washington No. 1 sweet cherries must meet the following requirements:	Northwest No. 1 sweet cherries must meet the:
(1) Similar varietal characteristics;	(1) Quality requirements of Washington No. 1 sweet cherries listed in this table; and
(2) Mature;	(2) Size requirements listed in WAC 16-414-011.
(3) Not soft overripe or shriveled;	
(4) Fairly well colored;	
(5) Well formed;	
(6) No underdeveloped doubles;	

Washington No. 1-Grade Sweet Cherries	Northwest No. 1-Grade Sweet Cherries
(7) Clean;	
(8) Free from decay, insect larvae or holes caused by them and sunscald; and	
(9) Free from damage by any other cause;))	

(1) Washington No. 1 grade and Northwest No. 1 grade sweet cherries are cherries with similar varietal characteristics that are:

- (a) Mature;
- (b) Not soft, overripe or shriveled;
- (c) Fairly well colored;
- (d) Well formed;
- (e) Clean;
- (f) Free from underdeveloped doubles, decay, or sunscald;
- (g) Free from insect larvae or insect holes; and
- (h) Free from damage by any other cause.

(2) Northwest No. 1 grade sweet cherries must meet the size requirements listed in WAC 16-414-011.

AMENDATORY SECTION (Amending WSR 06-12-116, filed 6/7/06, effective 7/8/06)

**WAC 16-414-011 ((What)) Size requirements ((apply to)) --Sweet cherries((?)).** (1) The minimum diameter of each cherry must be at least 54/64 inch.

(2) The maximum diameter of the cherries in any lot may be specified according to the facts.

(3) For the Rainier variety and similar varieties commonly referred to as "light colored sweet cherries," at least ninety percent, by count, of the cherries in any lot shall measure not less than 61/64 inch in diameter and not more than five percent, by count, may be less than 57/64 inch in diameter.

(4) When containers of cherries are marked with a row count/row size designation, the row count/row size marked must comply with the corresponding minimum diameter size as shown in the following table:

<b>(((If containers of cherries are marked with the following row count/row size designations:)) <u>Row count/Row size</u></b>	<b>(((Then minimum diameter size of the cherries in inches must be:)) <u>Minimum diameter in inches</u></b>
8	84/64
8 1/2	79/64
9	75/64

<del>((If containers of cherries are marked with the following row count/row size designations:))</del> <u>Row count/Row size</u>	<del>((Then minimum diameter size of the cherries in inches must be:))</del> <u>Minimum diameter in inches</u>
9 1/2	71/64
10	67/64
10 1/2	64/64
11	61/64
11 1/2	57/64
12	54/64

AMENDATORY SECTION (Amending WSR 05-12-037, filed 5/25/05, effective 6/25/05)

WAC 16-414-012 ~~((What tolerances apply to Washington No. 1 and Northwest No. 1 grade sweet cherries at their shipping point and en route or at their destination?))~~ Tolerances for Washington No. 1 and Northwest No. 1 grade sweet cherries. (1) Washington No. 1:

(a) To allow for variations incident to proper grading and handling at the shipping point, ~~((en route or at their destination,))~~ the following tolerances, by count, are established ~~((for Washington No. 1 and Northwest No. 1 grade sweet cherries)):~~

<del>((Washington No. 1 Grade Sweet Cherries</del>	<del>Northwest No. 1 Grade Sweet Cherries</del>
<del>(1) Tolerances applied at shipping point</del>	<del>(1) Tolerances applied at shipping point</del>
<del>(a) Eight percent for cherries that fail to meet the requirements for Washington No. 1 grade.</del>	<del>(a) Ten percent for cherries in any inspection lot that fail to meet the requirements for Northwest No. 1 grade.</del>
<del>(b) Of the total tolerance of eight percent, no more than four percent is allowed for defects causing serious damage.</del>	<del>(b) Of the total tolerance of ten percent, no more than five percent is allowed for defects causing serious damage.</del>
<del>(c) Of the four percent tolerance for serious damage defects, no more than one-half of one percent is allowed for cherries affected by decay.</del>	<del>(c) Of the five percent tolerance for serious damage defects, no more than one percent is allowed for cherries affected by decay.</del>

(Washington No. 1 Grade Sweet Cherries	Northwest No. 1 Grade Sweet Cherries
	(d) The contents of individual samples or containers in any lot must not be limited to the percentage of grade defects discussed in WAC 16-414-020.
<b>(2) Tolerances applied en route or at destination</b>	<b>(2) Tolerances applied en route or at destination</b>
(a) Twenty-four percent for cherries in any lot that fail to meet the requirements for Washington No. 1 grade.	(a) Twenty-four percent for cherries in any inspection lot that fail to meet the requirements for Northwest No. 1 grade.
(b) Of the total tolerance of twenty-four percent, no more than eight percent is allowed for cherries that fail to meet the requirements for Washington No. 1 grade because of permanent defects:	(b) Of the total tolerance of twenty-four percent, no more than ten percent, by count, is allowed for cherries that fail to meet the requirements for Northwest No. 1 grade because of permanent defects:
(c) Of the total tolerance of twenty-four percent, no more than six percent is allowed for cherries that are seriously damaged, including no more than:	(c) Of the total tolerance of twenty-four percent, no more than seven percent, by count, is allowed for cherries that are seriously damaged, including no more than:
(i) Four percent for cherries seriously damaged by permanent defects; and (ii) Two percent for cherries affected by decay.	(i) Five percent for cherries seriously damaged by permanent defects; and (ii) Two percent for cherries affected by decay.))

(i) Eight percent of cherries that fail to meet the requirements of the grade are allowed.

(ii) Of the total tolerance of eight percent, no more than four percent is allowed for defects causing serious damage.

(iii) Of the four percent tolerance for serious damage defects, no more than one-half of one percent is allowed for cherries affected by decay.

(b) To allow for variations incident to proper grading and handling en route or at destination, the following tolerances, by count, are established:

(i) Twenty-four percent of cherries in any lot may fail to meet the requirements of the grade.

(ii) Of the total tolerance of twenty-four percent, no more than eight percent is allowed for cherries that fail to meet the grade requirements because of permanent defects.

(iii) Of the total tolerance of twenty-four percent, no more than six percent is allowed for cherries that are seriously damaged, including no more than four percent of cherries seriously damaged by permanent defects and two percent for cherries affected by decay.

(2) Northwest No. 1:

(a) To allow for variations incident to proper grading and handling at the shipping point, the following tolerances are established:

(i) Ten percent of cherries in any inspection lot that fail to meet the requirements of the grade are allowed.

(ii) Of the total tolerance of ten percent, no more than five percent is allowed for defects causing serious damage.

(iii) Of the five percent tolerance for serious damage defects, no more than one percent is allowed for cherries affected by decay.

(iv) The contents of individual samples or containers in any lot must not be limited to the percentage of grade defects discussed in WAC 16-414-020.

(b) To allow for variations incident to proper grading and handling en route or at destination, the following tolerances, by count, are established:

(i) Twenty-four percent of cherries in any lot may fail to meet the requirements of the grade.

(ii) Of the total tolerance of twenty-four percent, no more than ten percent, by count, is allowed for cherries that fail to meet the grade requirements because of permanent defects.

(iii) Of the total tolerance of twenty-four percent, no more than seven percent, by count, is allowed for cherries that are seriously damaged, including no more than five percent for cherries seriously damaged by permanent defects and two percent for cherries affected by decay.

AMENDATORY SECTION (Amending WSR 05-12-037, filed 5/25/05, effective 6/25/05)

WAC 16-414-014 ((What)) Tolerances ((apply to)) for "off-size" sweet cherries ((that are "off-size"?)). To allow for variations in size incident to proper grading and handling, the following tolerances, by count, are established for off-size grade sweet cherries:

(1) No more than ten percent of the cherries in any inspection lot must measure less than 54/64 inches in diameter.

(2) Ten percent for cherries that fail to meet any specified maximum diameter when that maximum diameter is marked on the



container or specified in terms of fractions of inches.

(3) When containers are marked with row count/row size or a lot is specified by row count/row size, no more than ten percent of the cherries in any inspection lot may fail to meet the corresponding diameter size listed in the table in WAC 16-414-011(3).

(4) When containers are marked with a "minimum diameter," no more than five percent of the cherries in the container may fail to meet the corresponding diameter.

AMENDATORY SECTION (Amending WSR 05-12-037, filed 5/25/05, effective 6/25/05)

**WAC 16-414-016 ((Does)) Washington state adopts the U.S. standards for grades of sweet cherries((?)).** In addition to the standards for sweet cherries contained in this chapter, the Washington state department of agriculture adopts the United States standards for grades of sweet cherries (effective May 7, 1971) as they apply to U.S. No. 1 grade cherries, except the minimum size of cherries and tolerances for undersize cherries must meet the requirements for Washington No. 1 grade.

AMENDATORY SECTION (Amending WSR 05-12-037, filed 5/25/05, effective 6/25/05)

**WAC 16-414-020 ((How are individual sample tolerances applied to)) Washington No. 1 and Northwest No. 1 grade sweet cherries((?))--Individual sample tolerances.** Tolerances are applied to Washington No. 1 and Northwest No. 1 sweet cherries as follows:

(1) Individual samples must have no more than double the tolerances specified. However, if the averages for the entire lot are within the tolerances specified for the grade, at least two defective and two off-size specimens may be allowed in any sample.

(2) When containers are marked with row count/row size or when a lot is specified by row count/row size, the individual samples or containers must not be limited by the percentage of cherries that are smaller than the diameter corresponding to the particular row count/row size. However, no more than twenty percent, by count, of the cherries in any sample or container must measure less than 54/64 inches in diameter.

(3) When marked with minimum size, individual samples may have no more than double the tolerances specified.

WAC 16-414-045 ((What)) Damage to fresh, sweet cherries--  
Specific defects ((are considered damage to Washington  
standards?)). ((The defects listed in the following table are  
 considered "damage":

DEFECT	DESCRIPTION
(1) <del>Cracks within the stem cavity</del>	Cracks within the stem cavity are considered damage when: <ul style="list-style-type: none"> <li>• Deep or not well healed; or</li> <li>• The cherry's appearance is affected to a greater extent than a cherry that has a superficial well healed crack one-sixteenth inch in width extending one-half the greatest circumference of the stem cavity:</li> </ul>
(2) <del>Cracks outside of the stem cavity</del>	Cracks outside of the stem cavity are considered damage when: <ul style="list-style-type: none"> <li>• Deep or not well healed; or</li> <li>• The crack has weakened the cherry to the extent that it is likely to split or break in the process of proper grading, packing and handling; or</li> <li>• Materially affecting the cherry's appearance:</li> </ul>
(3) <del>Hail marks</del>	Hail marks are considered damage when: <ul style="list-style-type: none"> <li>• Deep or not well healed; or</li> <li>• The aggregate area exceeds the area of a circle three-sixteenths inch in diameter:</li> </ul>
(4) <del>Evidence of insects</del>	Evidence of insects is considered damage when: <ul style="list-style-type: none"> <li>• Scale or more than one scale mark is present; or</li> <li>• Any insect materially affects the cherry's appearance:</li> </ul>
(5) <del>Limb rubs</del>	Limb rubs are considered damage when they affect the cherry's appearance more than the amount of scarring that is permitted:
(6) <del>Pulled stems</del>	Pulled stems are considered damage when the skin or flesh is slightly torn:

DEFECT	DESCRIPTION
(7) <b>Russetting</b>	Russetting is considered damage when affecting the cherry's appearance more than the amount of scarring permitted.
(8) <b>Blemished</b>	Any of the following blemishes are considered damage: <ul style="list-style-type: none"> <li>◆ Bird pecks;</li> <li>◆ Sunburn;</li> <li>◆ Other blemishes or combinations of blemishes that materially affect the appearance of the cherry; or</li> <li>◆ Any cherry with flesh that is materially discolored.</li> </ul>
(9) <b>Scars</b>	Scars are considered damage when: <ul style="list-style-type: none"> <li>◆ Excessively deep or rough or dark colored and the aggregate area exceeds the area of a circle three-sixteenths inch in diameter; or</li> <li>◆ Smooth or fairly smooth, light colored and superficial and the aggregate area exceeds the area of a circle one-fourth inch in diameter.</li> </ul>
(10) <b>Skin breaks</b>	Skin breaks are considered damage when: <ul style="list-style-type: none"> <li>◆ Not well healed; or</li> <li>◆ The cherry's appearance is materially affected.</li> </ul>
(11) <b>Sutures</b>	Sutures are considered damage when: <ul style="list-style-type: none"> <li>◆ Excessively deep; or</li> <li>◆ Causing the cherry's shape to be less than well formed.))</li> </ul>

The following defects are considered damage to fresh, sweet cherries:

(1) Cracks within the stem cavity when they are deep or not well healed, or when the cherry's appearance is affected to a greater extent than a cherry that has a superficial well healed crack 1/16 inch in width and extending one-half the greatest circumference of the stem cavity.

(2) Cracks outside the stem cavity when they are deep or not well healed, or when they materially affect the cherry's appearance, or when the crack has weakened the cherry to the extent that it is likely to split or break in the process of proper grading, packing and handling.

(3) Hail marks when they are deep or not well healed, or when the aggregate area exceeds 3/16 inch in diameter.

(4) Evidence of insects when scale is present, or when any

insect materially affects the cherry's appearance.

(5) Limb rubs when they affect the cherry's appearance more than the amount of scarring that is allowed.

(6) Pulled stems when the skin or flesh is slightly torn.

(7) Russeting when it affects the cherry's appearance more than the amount of scarring that is allowed.

(8) Blemishes including bird pecks, sunburn, other blemishes or combinations of blemishes that materially affect the appearance of the cherry, or any materially discolored flesh.

(9) Scars when excessively deep or rough or dark colored and when the aggregate area exceeds 3/16 inch in diameter, or when smooth or fairly smooth, light colored, superficial, and the aggregate area exceeds 1/4 inch in diameter.

(10) Skin breaks when they are not well healed, or when the cherry's appearance is materially affected.

(11) Sutures when they are excessively deep or cause the cherry's shape to be less than well formed.

AMENDATORY SECTION (Amending WSR 05-12-037, filed 5/25/05, effective 6/25/05)

WAC 16-414-065 ((What)) Serious damage to fresh, sweet cherries--Specific defects ((are considered "serious damage" to Washington standards?)). ((The defects listed in the following table are considered "serious damage":

<u>DEFECT</u>	<u>DESCRIPTION</u>
<u>(1) Cracks</u>	Cracks are considered serious damage if they are not well healed.
<u>(2) Insect larvae or holes caused by them</u>	The presence of insect larvae or holes caused by insect larvae is considered serious damage.
<u>(3) Pulled stems</u>	Pulled stems are considered serious damage if they cause: <ul style="list-style-type: none"><li>• A more than slight tear in the cherry skin or flesh; or</li><li>• The cherry to leak.</li></ul>
<u>(4) Skin breaks</u>	Skin breaks are considered serious damage if they are not well healed.
<u>(5) Decay</u>	Any sign of decay is considered serious damage.))

The following defects are considered serious damage to fresh, sweet cherries:

(1) Cracks when they are not well healed;

(2) Insect larvae or insect holes;

(3) Pulled stems if they cause more than a slight tear in the cherry skin or flesh, or when they cause the cherry to leak;

- (4) Skin breaks when they are not well healed; and
- (5) Decay.

AMENDATORY SECTION (Amending WSR 05-12-037, filed 5/25/05, effective 6/25/05)

WAC 16-414-090 (~~(What marking requirements apply to)~~) Sweet cherry container((s?)) marking requirements. (1) Containers must be conspicuously and legibly stamped with the:

- (a) Name and the address of the grower, packer or shipper;
- (b) Net weight; and
- (c) True variety name or "sweet cherries."

(2) The containers may be marked with the grade name Washington No. 1, U.S. No. 1, or Northwest No. 1.

AMENDATORY SECTION (Amending WSR 05-12-037, filed 5/25/05, effective 6/25/05)

WAC 16-414-105 (~~(What)~~) Definitions ((are important to))-- Sulphured cherries((?)). "Damage" means any injury or specific defect described in WAC 16-414-145 or any equally objectionable variation of those defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible quality or marketing quality of the fruit.

"Fairly well bleached" means the cherries possess a reasonably uniform color typical of reasonably well bleached sulphured cherries for that variety.

"Pit" means an entire pit or portion of a pit that is attached to a sulphured cherry or located within the pit cavity.

"Properly matured" means that stage of ripeness when a cherry is ready for brining.

"Serious damage" means any injury that seriously affects the appearance or market quality of the product.

"Sulphured cherries" means properly matured whole cherries of similar varietal characteristics packed in a solution of sulphur dioxide of sufficient strength to preserve the cherries without adding hardening agents.

"Sulphured cherries with pits" means whole cherries, with or without stems, from which the pits have not been removed. If:

(1) Without stems, not more than twenty percent, by weight, of all the cherries may have the stems removed.

(2) With stems, not more than one-half of one percent, by weight, of all the cherries may have the stems attached.

"Sulphured cherries without pits" means whole cherries with or

without stems from which the pits have been removed. If:

(1) Without stems (cocktail), not more than seven percent, by weight, of all the cherries may have the stems removed.

(2) With stems, not more than one-half of one percent, by weight, of all the cherries may have the stems attached.

**"Unclassified cherries"** means sulphured cherries that do not conform to the descriptions of "sulphured cherries with pits" or sulphured cherries without pits.

**"Well bleached"** means the cherries possess a practically uniform color that is typical of well bleached sulphured cherries for that variety.

AMENDATORY SECTION (Amending WSR 05-12-037, filed 5/25/05, effective 6/25/05)

WAC 16-414-107 (~~(What are the)~~) Washington state grades for sulphured cherries(~~(?)~~). (~~The following table lists and describes the various grades of Washington state sulphured cherries:~~

IF THE GRADE IS:	THEN THE CHERRIES MUST BE:
<p>(1) Washington No. 1-grade sulphured whole cherries</p>	<ul style="list-style-type: none"> <li>◆ Properly matured;</li> <li>◆ Of similar varietal characteristics;</li> <li>◆ Clean;</li> <li>◆ Firm;</li> <li>◆ Well formed;</li> <li>◆ Well bleached; and</li> <li>◆ Free from damage caused by mechanical injury; surface discoloration; rain cracks; blemishes or other means.</li> </ul>
<p>(2) Washington No. 1-grade sulphured halved cherries</p>	<ul style="list-style-type: none"> <li>◆ Portions of sliced cherries with no particle smaller than an estimated one-third or larger than an estimated two-thirds of a whole cherry;</li> <li>◆ Properly matured;</li> <li>◆ Of similar varietal characteristics;</li> </ul>

IF THE GRADE IS:	THEN THE CHERRIES MUST BE:
	<ul style="list-style-type: none"> <li>◆ Clean;</li> <li>◆ Firm;</li> <li>◆ Well formed;</li> <li>◆ Well bleached; and</li> <li>◆ Free from damage caused by mechanical injury; surface discoloration; rain cracks; blemishes or other means:</li> </ul>
<b>(3) Washington No. 2 grade sulphured whole cherries</b>	<ul style="list-style-type: none"> <li>◆ Properly matured;</li> <li>◆ Of similar varietal characteristics;</li> <li>◆ Clean;</li> <li>◆ Fairly firm;</li> <li>◆ Well formed;</li> <li>◆ Fairly well bleached; and</li> <li>◆ Free from serious damage caused by mechanical injury; surface discoloration; rain cracks; blemishes or other means:</li> </ul>
<b>(4) Washington No. 2 grade sulphured halved cherries</b>	<ul style="list-style-type: none"> <li>◆ Properly matured cherries;</li> <li>◆ Of similar varietal characteristics;</li> <li>◆ Clean;</li> <li>◆ Fairly firm;</li> <li>◆ Well formed;</li> <li>◆ Fairly well bleached; and</li> <li>◆ Free from serious damage caused by mechanical injury; surface discoloration; rain cracks; blemishes or other means:</li> </ul>
<b>(5) Washington combination grade sulphured cherries</b>	<ul style="list-style-type: none"> <li>◆ A combination of Washington No. 1 and Washington No. 2 cherries of any style; and</li> </ul>

IF THE GRADE IS:	THEN THE CHERRIES MUST BE:
	<ul style="list-style-type: none"> <li>◆ Unless otherwise specified, packed in a lot that averages at least fifty percent Washington No. 1 quality cherries.</li> </ul>
(6) Washington No. 3 grade sulphured cherries	<ul style="list-style-type: none"> <li>◆ Cherries that fail to meet the requirements of the above grades; and</li> <li>◆ Practically free of stems, leaves, fruit spurs, bark, dirt or foreign material:))</li> </ul>

(1) Washington No. 1 grade sulphured whole cherries are cherries of similar varietal characteristics that are:

- (a) Properly matured;
- (b) Clean;
- (c) Firm;
- (d) Well formed;
- (e) Well bleached; and
- (f) Free from damage caused by mechanical injury, surface discoloration, rain cracks, blemishes, or other means.

(2) Washington No. 1 grade sulphured halved cherries are portions of sliced cherries of similar varietal characteristics where no particle is smaller than an estimated one-third or larger than an estimated two-thirds of a whole cherry and are:

- (a) Properly matured;
- (b) Clean;
- (c) Firm;
- (d) Well formed;
- (e) Well bleached; and
- (f) Free from damage caused by mechanical injury, surface discoloration, rain cracks, blemishes, or other means.

(3) Washington No. 2 grade sulphured whole cherries are cherries of similar varietal characteristics that are:

- (a) Properly matured;
- (b) Clean;
- (c) Fairly firm;
- (d) Well formed;
- (e) Fairly well bleached; and
- (f) Free from serious damage caused by mechanical injury, surface discoloration, rain cracks, blemishes, or other means.

(4) Washington No. 2 grade sulphured halved cherries are portions of sliced cherries of similar varietal characteristics that are:

- (a) Properly matured;
- (b) Fairly firm;
- (c) Well formed;
- (d) Fairly well bleached; and
- (e) Free from serious damage caused by mechanical injury, surface discoloration, rain cracks, blemishes, or other means.

(5) Washington combination grade sulphured cherries are a



combination of Washington No. 1 and Washington No. 2 cherries of any style that are, unless otherwise specified, packed in a lot that averages at least fifty percent Washington No. 1 quality cherries.

(6) Washington No. 3 grade sulphured cherries are cherries that fail to meet the requirements of the above grades and are practically free of stems, leaves, fruit spurs, bark, dirt, or foreign material.

AMENDATORY SECTION (Amending WSR 05-12-037, filed 5/25/05, effective 6/25/05)

~~WAC 16-414-108 ((What are the)) Tolerances for Washington sulphured cherries((?)). ((The following table describes the tolerances for various grades of Washington sulphured cherries:~~

IF THE GRADE IS:	THEN THE TOLERANCES ARE:
(1) Washington No. 1 grade sulphured whole cherries	<ul style="list-style-type: none"> <li>• At least ninety-five percent of the cherries of any lot must meet the requirements of "firm."</li> <li>• In addition, not more than ten percent of the cherries of any lot may be below the remaining requirements of this grade, of which not more than one-half or five percent must be allowed for defects classified as serious damage.</li> </ul>
(2) Washington No. 1 grade sulphured halved cherries	<ul style="list-style-type: none"> <li>• At least ninety-five percent of the cherries of any lot must meet the requirements of "firm."</li> <li>• In addition, not more than ten percent of the cherries of any lot may be below the remaining requirements of this grade, of which not more than one-half or five percent must be allowed for defects classified as serious damage.</li> </ul>
(3) Washington No. 2 grade sulphured whole cherries	<ul style="list-style-type: none"> <li>• At least ninety percent of the cherries of any lot must meet the requirements of "fairly firm."</li> <li>• In addition, not more than ten percent of the cherries of any lot may be below the remaining requirements of this grade.</li> </ul>

IF THE GRADE IS:	THEN THE TOLERANCES ARE:
(4) Washington No. 2 grade sulphured halved cherries	<ul style="list-style-type: none"> <li>• At least ninety percent of the cherries of any lot must meet the requirements of "fairly firm."</li> <li>• In addition, not more than ten percent of the cherries of any lot may be below the remaining requirements of this grade.</li> </ul>
(5) Washington combination grade sulphured cherries	<ul style="list-style-type: none"> <li>• A tolerance of not more than ten percent is allowed for cherries that are below the requirements of Washington No. 2 grade.</li> <li>• The tolerances for combination grade sulphured cherries are on a container basis. However, individual containers in any lot may vary from the specified tolerances; if the averages for the entire lot, based on sample inspections, are within the specified tolerances.</li> <li>• For the entire lot, no part of any tolerance must reduce the requirement that fifty percent of cherries in the combination must be of the higher grade. However, individual containers may have at least thirty-five percent of the higher grade or be more than twenty percent below the requirements of Washington No. 2 grade.</li> <li>• When other combinations are specified, individual containers may not have more than fifteen percent less than the percentage specified of the higher grade or be more than twenty percent below the requirements of Washington No. 2 grade.</li> </ul>
(6) Washington No. 3 grade sulphured cherries	There are no applicable tolerances for Washington No. 3 grade sulphured cherries.))

(1) Washington No. 1 grade sulphured whole cherries:

(a) At least ninety-five percent of the cherries in any lot must meet the requirements of "firm."

(b) Not more than ten percent of the cherries in any lot may be below the remaining requirements of this grade, of which not more than one-half or five percent must be allowed for defects classified as serious damage.

(2) Washington No. 1 grade sulphured halved cherries:

(a) At least ninety-five percent of the cherries of any lot must meet the requirements of "firm."

(b) Not more than ten percent of the cherries in any lot may be below the remaining requirements of this grade, of which not more than one-half or five percent must be allowed for defects classified as serious damage.

(3) Washington No. 2 grade sulphured whole cherries:

(a) At least ninety-five percent of the cherries of any lot must meet the requirements of "fairly firm."

(b) Not more than ten percent of the cherries in any lot may be below the remaining requirements of this grade.

(4) Washington No. 2 grade sulphured halved cherries:

(a) At least ninety percent of the cherries in any lot must meet the requirements of "fairly firm."

(b) Not more than ten percent of the cherries of any lot may be below the remaining requirements of this grade.

(5) Washington combination grade sulphured cherries:

(a) A tolerance of not more than ten percent is allowed for cherries that are below the requirements of Washington No. 2 grade.

(b) The tolerances for combination grade sulphured cherries are on a container basis. However, individual containers in any lot may vary from the specified tolerances if the averages for the entire lot, based on sample inspections, are within the specified tolerances.

(c) For the entire lot, no part of any tolerance must reduce the requirement that fifty percent of cherries in the combination must be of the higher grade. However, individual containers may have at least thirty-five percent of the higher grade or be more than twenty percent below the requirements of Washington No. 2 grade.

(d) When other combinations are specified, individual containers may not have more than fifteen percent less than the percentage specified of the higher grade or be more than twenty percent below the requirements of Washington No. 2 grade.

(6) Washington No. 3 grade sulphured cherries: There are no applicable tolerances for Washington No. 3 grade sulphured cherries.

AMENDATORY SECTION (Amending WSR 05-12-037, filed 5/25/05, effective 6/25/05)

WAC 16-414-110 (~~What are the~~) Size requirements for all grades of Washington sulphured whole cherries(?). (1) The

following table lists the standard sizes for all grades of Washington whole sulphured cherries.

SIZE DESIGNATION	SIZE RANGE
Extra small	14 mm to and including 16 mm
Small	16 mm to and including 18 mm
Medium	18 mm to and including 20 mm
Large	20 mm to and including 22 mm
Extra large	22 mm and over

(2) The following tolerances are allowed:

(a) Five percent for cherries that fail to meet the specified minimum diameter; and

(b) Ten percent for cherries that fail to meet the specified maximum diameter.

AMENDATORY SECTION (Amending WSR 05-12-037, filed 5/25/05, effective 6/25/05)

**WAC 16-414-120** (~~What are the~~) Tolerance requirements for the certification of lots of Washington No. 1 and Washington No. 2 grade sulphured cherries(?). (1) Tolerances for the certification of lots of Washington No. 1 or Washington No. 2 grades of sulphured cherries must be on a container basis.

(2) At least one-sixth of the individual containers in any lot may vary from the specified tolerances if the averages for the entire lot, based on sample inspection, are within the specified tolerances.

(3) For a tolerance of ten percent or more, individual containers in any lot may contain no more than one and one-half times the specified tolerance.

(4) For a tolerance of less than ten percent, individual containers in any lot may contain no more than double the specified tolerances.

AMENDATORY SECTION (Amending WSR 05-12-037, filed 5/25/05, effective 6/25/05)

**WAC 16-414-125** (~~What~~) Tolerances ((apply to)) for sulphured pitted cherries(?). The following tolerances apply to sulphured pitted cherries:

<del>((IF THE CHERRY SIZE IS:</del>	<del>THEN THE TOLERANCE IS:</del>
<del>(1) Extra small and small sizes</del>	<del>No more than two pits per each forty ounces of cherries</del>
<del>(2) Medium, large or mixed sizes</del>	<del>No more than one pit per each forty ounces of cherries</del>
<del>(3) Extra large size</del>	<del>No more than one pit per each sixty ounces of cherries))</del>

(1) For extra small and small sized cherries, the tolerance is no more than two pits per each forty ounces of cherries.

(2) For medium, large, or mixed size cherries, the tolerance is no more than one pit per each forty ounces of cherries.

(3) For extra large size cherries, the tolerance is no more than one pit per each sixty ounces of cherries.

AMENDATORY SECTION (Amending WSR 05-12-037, filed 5/25/05, effective 6/25/05)

WAC 16-414-145 ~~((What specific defects are considered))~~

Damage to ((Washington standards for)) sulphured cherries((?))-- Specific defects. The following defects ((listed in the following table)) are considered ((“damage”)) damage for sulphured cherries:

<del>((DEFECT</del>	<del>DESCRIPTION</del>
<del>(1) Mechanical injury</del>	<del>Any of the following mechanical injuries are considered damage: <ul style="list-style-type: none"> <li>◆ Open pitter hole; or</li> <li>◆ Pitter hole where there is a material loss of flesh; or</li> <li>◆ Pitter tear or pitter tears; or</li> <li>◆ Other mechanical injuries that materially affect the appearance of the cherry:</li> </ul> </del>
<del>(2) Surface discoloration</del>	<del>Surface discoloration for Washington No. 1 whole cherries is considered damage when any: <ul style="list-style-type: none"> <li>◆ Light surface discoloration exceeds, in the aggregate, one-eighth of the cherry's surface; or</li> <li>◆ Dark surface discoloration exceeds, in the aggregate, the area of a circle three-sixteenths inches in diameter, but does not exceed, in the aggregate, one-eighth of the cherry's surface:</li> </ul> </del>

((DEFECT	DESCRIPTION
(3) <b>Surface discoloration</b>	Surface discoloration for <b>Washington No. 1 halved cherries</b> is considered damage when any: <ul style="list-style-type: none"> <li>◆ Light surface discoloration exceeds, in the aggregate, one-eighth of the cherry's surface; or</li> <li>◆ Dark surface discoloration exceeds, in the aggregate, the area of a circle one-sixteenth inch in diameter.</li> </ul>
(4) <b>Rain cracks</b>	Rain cracks on <b>Washington No. 1 whole cherries</b> are considered damage if: <ul style="list-style-type: none"> <li>◆ In the stem basin and more than one-fourth inch in length; or</li> <li>◆ Outside the stem basin and more than three-sixteenths of an inch in length, measured on the circumference.</li> </ul>
(5) <b>Rain cracks</b>	Rain cracks on <b>Washington No. 1 halved cherries</b> are considered damage if: <ul style="list-style-type: none"> <li>◆ In the stem basin and more than one-eighth inch in length; or</li> <li>◆ Outside the stem basin. (Note: No rain cracks are allowed outside the stem basin.)</li> </ul>
(6) <b>Blemished</b>	Any of the following blemishes are considered damage: <ul style="list-style-type: none"> <li>◆ Insect injury;</li> <li>◆ Bird pecks;</li> <li>◆ Limb rub;</li> <li>◆ Hail marks;</li> <li>◆ Sunburn;</li> <li>◆ Solution cracks;</li> <li>◆ Other blemishes or combinations of blemishes that materially affect the appearance of the cherry; or</li> <li>◆ Any cherry with flesh that is materially discolored.)</li> </ul>

(1) Mechanical injury. Any of the following mechanical injuries are considered damage:

(a) Open pitter hole;

(b) Pitter hole where there is a material loss of flesh;

(c) One or more pitter tears; or

(d) Other mechanical injuries that materially affect the appearance of the cherry.

(2) Surface discoloration of Washington No. 1 whole cherries when:

(a) Light surface discoloration exceeds, in the aggregate, one-eighth of the cherry's surface; or

(b) Dark surface discoloration exceeds, in the aggregate, an area 3/16 inch in diameter, but does not exceed one-eighth of the cherry's surface.

(3) Surface discoloration of Washington No. 1 halved cherries when:

(a) Light surface discoloration exceeds, in the aggregate, one-eighth of the cherry's surface; or

(b) Dark surface discoloration exceeds, in the aggregate, an area 1/16 inch in diameter.

(4) Rain cracks on Washington No. 1 whole cherries if they are in the stem basin and more than 1/4 inch in length, or if they are outside the stem basin and are more than 3/16 inch in length, measured on the circumference.

(5) Rain cracks on Washington No. 1 halved cherries if they are in the stem basin and more than 1/8 inch in length. No rain cracks are allowed outside the stem basin.

(6) Blemishes including insect injury, bird pecks, limb rub, hail marks, sunburn, solution cracks, other blemishes or combinations of blemishes that materially affect the appearance of the cherry, or any materially discolored flesh.

AMENDATORY SECTION (Amending WSR 05-20-075, filed 10/4/05, effective 11/4/05)

WAC 16-414-155 ((~~What specific defects are considered~~))  
~~Serious damage to ((Washington standards for)) sulphured cherries((?))--Specific defects.~~ The following defects ((listed in the following table)) are considered serious damage for sulphured cherries:

<del>((DEFECT</del>	<del>DESCRIPTION</del>
<del>(1) Deformed cherry or double cherry</del>	Any deformed sulphured cherry or double sulphured cherry is considered serious damage:
<del>(2) Mechanical injury</del>	Mechanical injury to <del>Washington No. 2 whole cherries</del> is considered serious damage if it causes any: <ul style="list-style-type: none"><li>• Open pitter holes;</li><li>• Pitter hole where there is a serious loss of flesh;</li><li>• Pitter tears; or</li></ul>

((DEFECT	DESCRIPTION
	<ul style="list-style-type: none"> <li>◆ Other mechanical injury that seriously affects the cherry's appearance.</li> </ul>
<b>(3) Mechanical injury</b>	<p>Mechanical injury to <b>Washington No. 2 halved cherries</b> is considered serious damage if it causes any:</p> <ul style="list-style-type: none"> <li>◆ Open pitter holes;</li> <li>◆ Pitter hole where there is a serious loss of flesh;</li> <li>◆ Pitter tears; or</li> <li>◆ Other mechanical injury that seriously affects the cherry's appearance.</li> </ul>
<b>(4) Surface discoloration</b>	<p>Surface discoloration is considered serious damage when any:</p> <ul style="list-style-type: none"> <li>◆ Light surface discoloration exceeds, in the aggregate, 1/2 of the cherry's surface; or</li> <li>◆ Dark surface discoloration exceeds, in the aggregate, 1/8 of the cherry's surface.</li> </ul>
<b>(5) Rain cracks</b>	<p>Rain cracks on <b>Washington No. 2 whole cherries</b> are considered serious damage if:</p> <ul style="list-style-type: none"> <li>◆ In the stem basin and more than 1/2 inch in length; or</li> <li>◆ Outside the stem basin and more than 3/8 of an inch in length, measured on the circumference.</li> </ul>
<b>(6) Rain cracks</b>	<p>Rain cracks on <b>Washington No. 2 halved cherries</b> are considered serious damage if:</p> <ul style="list-style-type: none"> <li>◆ In the stem basin and more than 1/4 inch in length; or</li> <li>◆ Outside the stem basin more than 3/16 of an inch in length, measured on the circumference.</li> </ul>
<b>(7) Blemished</b>	<p>Any blemish or combination of blemishes are considered serious damage if they seriously:</p> <ul style="list-style-type: none"> <li>◆ Affect the appearance of the cherry; or</li> <li>◆ Discolor the flesh of the cherry.))</li> </ul>

(1) Any deformed or double sulphured cherry.

(2) Mechanical injury to Washington No. 2 whole and No. 2 halved cherries if it causes:



(a) Open pitter holes;  
(b) Pitter hole with a serious loss of flesh;  
(c) Pitter tears; or  
(d) Other mechanical injury that seriously affects the cherry's appearance.

(3) Surface discoloration when:

(a) Light surface discoloration exceeds, in the aggregate, one-half of the cherry's surface; or

(b) Dark surface discoloration exceeds, in the aggregate, one-eighth of the cherry's surface.

(4) Rain cracks on Washington No. 2 whole cherries if they are in the stem basin and more than 1/2 inch in length, or are outside the stem basin and more than 3/8 inch in length, measured on the circumference.

(5) Rain cracks on Washington No. 2 halved cherries if they are in the stem basin and more than 1/4 inch in length, or are outside the stem basin and more than 3/16 inch in length, measured on the circumference.

(6) Blemishes when they affect the appearance of the cherry or discolor the cherry's flesh.