

FROM: Department of Agriculture
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG (Southwest Corner, Ground Floor)
Olympia 98501

The enclosed Permanent rules , being order No. 1324
Emergency rules
relating to (Name of rules or description of subject matter)

Movement of Fruits and Vegetables from area of Production

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 4010 & ① filed with the code reviser
4/24/73 &
on 7/31/73 ② were regularly adopted as permanent rules of this
(date)
agency at Olympia on 8/3/73 and are herewith
(place) (date)
filed in the office of the code reviser pursuant to chapter 34.04
RCW. The effective date of such rules shall be 9/4/73. ③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding that the immediate adoption of
these rules is necessary for the preservation of the public
health, safety, or general welfare and that observance of the
requirements of notice and opportunity to present views on
the proposed action would be contrary to the public interest,
were regularly adopted as emergency rules of this agency at
_____ on _____ and are herewith filed in
(place) (date)
the office of the code reviser pursuant to chapter 34.04 RCW.

The undersigned hereby certifies that the requirements of chapter
34.04 RCW and of the Open Public Meetings Act of 1971, chapter
42.30 RCW (1971 ex.s. c 250) have been fulfilled.

Dated this third day of August 1973.

STATE OF WASHINGTON
FILED
AUG - 3 1973
CODE REVISER'S OFFICE
DOCKET #510 FILE #26

Department of Agriculture
(AGENCY)
Stewart Bledsoe
By Stewart Bledsoe
Director of Agriculture
Title

- ① NOTICE NUMBER AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY RE-
VISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE NO. OF LAST NOTICE)
- ② STAMPED DATE AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVIS-
ER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE DATE OF LAST NOTICE)
- ③ UNLESS A LATER DATE IS SPECIFIED IN THIS ORDER OR IS PRESCRIBED
IN ANOTHER STATUTE, RULES ARE EFFECTIVE 30 DAYS AFTER FILING:
RCW 34.04.040. LEAVE THIS SPACE BLANK EXCEPT IN SUCH SPECIAL CASES.

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
OLYMPIA

MOVEMENT OF FRUITS AND VEGETABLES FROM AREA OF PRODUCTION
ORDER NO. 1324

(Superseding Order No. 1122 and Emergency Order No. 1316)
Effective September 4, 1973

AMD WAC 16-461-005 PROMULGATION. (This promulgation relates to WAC 16-461-005, WAC 16-461-010 and WAC 16-461-015)

I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in me under Chapter 15.17 RCW, and after due notice and public hearings held in Wenatchee, Washington on May 14, 1973, and in Ellensburg, Washington on May 15, 1973, pursuant to RCW 42.32 and 34.04, do hereby promulgate the following regulations for the movement of fruits and vegetables from area of production, amending WAC 16-461-005, WAC 16-461-010 and WAC 16-461-015 of Order No. 1122 and establish a new order number superseding Emergency Order No. 1316.

AMD WAC 16-461-010 INSPECTION CERTIFICATE AND/OR PERMIT REQUIRED.

(1) No person shall ship or transport or accept for shipment or transportation from the area of production without an inspection and the issuance of a certificate and/or a permit, allowing such shipment or movement by the division of plant industry of the department of agriculture, any of the following agricultural products:

(a) Apricots - in closed or open containers for fresh shipment.

(b) Italian prunes - in closed or open containers for fresh shipment.

(c) Peaches - in closed or open containers for fresh shipment.

(d) Potatoes - in closed or open containers, or bulk, for fresh shipment, or for seed.

(e) Cherries - PROVIDED, That no permit shall be issued on cherries infested with live cherry fruit fly larvae.

(f) Apples - Pears (summer, fall and winter) - in closed or open containers, or bulk for shipment: PROVIDED, That pears for processing entering intrastate commerce will not require a permit for shipment: FURTHER PROVIDED, That apples and/or pears may be shipped or transported if accompanied by certificates of compliance issued by the shipper or packer of such apples and/or pears, having the approval of the director to issue such certificates of compliance.

(2) (a) Any shipper or packer of apples, apricots, cherries, pears, peaches, or prunes may petition the director for authority to issue certificates of compliance for each season. Such authority shall be limited to the issuance of certificates of compliance for apples, apricots, cherries, pears, peaches, and prunes under said applicant's direct control or being handled at said shipper's or packer's facilities.

(b) Such certificate of compliance shall be issued at time of shipment by the shipper or packer authorized to do so: PROVIDED, That the apples and/or pears about to be shipped or transported are in full compliance with the requirements of Chapter 15.17 RCW, regulations adopted thereunder and administrative directives of the director: FURTHER PROVIDED, That apricots, cherries, peaches, or prunes about to be shipped or transported are in full compliance with the federal marketing order requiring quality and condition certification and Washington state lot identification.

(c) The director's approval to issue certificates of compliance shall be revoked for cause, and such cause shall be the

shipper's or packer's failure to comply with the requirements of paragraph 2-b of these regulations. The revocation shall be for the current season.

(d) Any shipper or packer whose authority to issue certificates of compliance has been revoked by the director shall be subject to those provisions of Chapter 15.17 RCW and the regulations requiring the issuance of a shipping permit by the director before apples, apricots, cherries, pears, peaches, and prunes may be shipped or transported.


(e) Certificates of compliance shall be on forms approved and issued by the director of agriculture. Each such certificate of compliance shall be stamped with a number assigned to the authorized shipper or packer.

(f) Any shipper or packer authorized to issue certificates of compliance shall deposit with the director of agriculture at the regular base fee equivalent to that charged by the director for a shipping permit, for each certificate of compliance issued by the authorized shipper or packer. Such base fees shall be deposited with the director of agriculture in the same manner as fees for shipping permits.

AMD

WAC 16-461-015 EFFECTIVE DATE. This order shall become effective on and after September 4, 1973.

I hereby certify that the foregoing is a true and correct copy of the regulations promulgated.


STEWART BLEDSOE
Director of Agriculture
State of Washington

Signed at Olympia, Washington

Date: August 3, 1973