

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Agriculture (agency name)

Administrative Order No. 1848

(1) I, C. Alan Pettibone, director of

the Department of Agriculture

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

WAC 16-409 Standards for Asparagus

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. WSR 85-03-090 filed with the code reviser on 1/21/85. These rules shall take effect: [X] thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2). [] at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, find that an emergency exists and that this order 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 public interest. A statement of the facts constituting the emergency is:

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b), or (c) as appropriate:

[X] (a) This rule is promulgated pursuant to RCW 15.17 and is intended to administratively implement that statute.

[] (b) This rule is promulgated pursuant to RCW which directs that the

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

[] (c) This rule is promulgated under the general rule-making authority of the

(agency)

as authorized in RCW

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this agency, is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED March 15 19 85

FILED

MAR 15 1985

By [Signature]

Deputy Director

Title

CODE REVISER'S OFFICE WSR 85-07-028

Chapter 16-409 WAC

STANDARDS FOR ASPARAGUS

WAC

16-409-015	Definitions.
16-409-020	Washington standards--((Washington-No.-4)) <u>Grades</u> .
16-409-030	Tolerances for <u>defects</u> , <u>color</u> , diameter and ((length)) <u>trim</u> .
16-409-035	Application of tolerances.
16-409-060	Washington standards--Size ((classifications)) <u>designations</u> .
16-409-065	Containers.
16-409-070	Marking requirements.
16-409-075	Exemption.
16-409-085	Adoption of United States standards as Washington state standards.

AMENDATORY SECTION (Amending Order 1787, filed 3/1/83)

WAC 16-409-015 DEFINITIONS. (1) "Clean" means that the asparagus is free from excessive dirt, dust, residue or foreign matter.

((2)) (2) "Fresh" means that the stalk is not limp or flabby.

((3)) (3) "Well trimmed" means that at least two-thirds of the butt of the stalk is smoothly trimmed in a plane approximately parallel to the bottom of the container and that the butt is not stringy or frayed.

((4)) (4) "Fairly well trimmed" means that at least one-third of the butt of the stalk is smoothly trimmed in a plane approximately parallel to the bottom of the container and that the butt is not badly stringy or frayed.

((5)) (5) "Diameter" means the greatest thickness of the stalk measured at a point approximately one inch from the butt.

((6)) (6) "Fairly uniform in length" means that stalks within a container shall vary not more than one and one-half inches in length.

((7)) (7) "White" means that portion of the stalk near the butt, which is white in color or light purple over white. White is measured from the extreme tip of the butt to the point of beginning of green color.

((8)) (8) "Green" means that portion of the stalk having green color, purplish-green or greenish-purple color, and purple at the tip.

((9)) (9) "Damage" means any defect, or combination of defects, which materially ((affects)) detracts from the appearance, or the edible or marketing quality of the stalk.

((10)) (10) "Serious damage" means any defect, or combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the stalk.

((11)) (11) "Badly misshapen" means the stalk is so badly flattened, crooked or otherwise so badly deformed that its appearance is seriously affected.

((12)) (12) "Fresh asparagus" as used in the standards means a lot of asparagus marketed for the purpose of fresh consumption.

((13)) (13) "Lot" means any number of containers of fresh asparagus being offered as a unit for the purpose of inspection, sale, or shipment.

((14)) (14) "Shipment" means any number of containers of fresh asparagus transported on a single conveyance from the area of production.

((15)) (15) "Field container" means an open lug made of wood, plastic, or similar material and used repetitively for field harvesting.

AMENDATORY SECTION (Amending Order 1787, filed 3/1/83)

WAC 16-409-020 WASHINGTON STANDARDS-- ((WASHINGTON---NO:---4)) GRADES. (1) Washington ((No:--4)) extra fancy shall consist of:

(a) Clean, fresh stalks of asparagus, fairly uniform in length, ((which-are-not)) well trimmed, fairly straight, not wilted ((or crooked;)), and which are free from decay and damage caused by spreading or broken tips, dirt, disease, insects, or mechanical or other means. ((Each)) Stalks shall ((show-not-more-than--one--and--one-half inches-of-white)) have at least eighty-five percent green color.

(b) ((Each--stalk--shall-have-a-diameter-of-not-less-than-three-eighths-of-an-inch)) Stalks within individual containers shall meet one of the following designated sizes: Jumbo, large, or standard.

(2) Washington ((No:-2)) fancy shall consist of:

(a) Clean, fresh stalks of asparagus, fairly uniform in length, ((which-are)) fairly well trimmed, not wilted and not badly misshapen((;)), and which are free from decay and serious damage caused by spreading or broken tips, dirt, disease, insects, mechanical or other means. Stalks shall ((show-not-more-than-two-inches-of-white)) have at least eighty-five percent green color.

(b) Each stalk shall have a diameter of not less than ((one-fourth)) four-sixteenths inch.

(3) Washington consumer pack shall consist of:

(a) Clean, fresh stalks of asparagus and may be of random length, which are fairly straight, not wilted ((or-crooked;)) and which are free from decay and damage caused by spreading or broken tips, dirt, disease, insects, mechanical or other means. Stalks shall show not more than ((two)) one and one-half inches of white.

(b) Each stalk shall have a diameter of not less than ((one-fourth)) four-sixteenths inch.

(4) Culls.

(a) Asparagus which is not graded in conformity with Washington ((No:-4)) extra fancy, Washington ((No:-2)) fancy, Washington consumer pack, or U.S. No. 1, or U.S. No. 2 shall be designated as "culls."

(b) Culls shall not be marketed if more than ten percent by count of the stalks show white in excess of two inches.

(5) Any lot of fresh asparagus, including "culls" marketed within the state of Washington, shall have not more than ten percent of stalks with white in excess of two inches, nor more than ten percent of stalks which are less than four-sixteenths inch in diameter.

AMENDATORY SECTION (Amending Order 1787, filed 3/1/83)

WAC 16-409-030 TOLERANCES FOR DEFECTS, COLOR, DIAMETER AND ((LENGTH)) TRIM. (1) In order to allow for variations incident to proper grading and handling in the Washington ((No:-4)) extra fancy, Washington ((No:-2)) fancy, and Washington consumer pack grades, the following tolerances are provided as specified:

(a) Ten percent, by count, for stalks failing to meet the requirements of the grade other than for trim and color requirements, including therein, not more than one percent for stalks affected by decay.

(b) An additional ten percent, by count, for stalks ((showing excessive-white)) having less than the specified amount of green color.

(c) An additional ten percent, by count, for stalks not meeting trim requirements.

(2) In order to allow for variations in diameter and length incident to proper sizing in the Washington ((No:-4)) extra fancy, Washington ((No:-2)) fancy, and Washington consumer pack grades, the following tolerance is provided as specified: Ten percent, by count, for stalks failing to meet the required minimum and maximum diameter,

and/or length, as defined under, "fairly uniform in length" and "size designations."

AMENDATORY SECTION (Amending Order 1787, filed 3/1/83)

WAC 16-409-035 APPLICATION OF TOLERANCES. Individual samples are subject to the following limitations: PROVIDED, That the averages for the entire lot are within the tolerances specified for the grade.

(1) For a tolerance of ten percent or more, individual samples shall contain not more than one and one-half times the tolerance specified.

(2) For a tolerance of less than ten percent, individual samples shall contain not more than double the tolerance specified.

(3) One decayed or otherwise defective stalk, one poorly trimmed stalk, one poorly colored, and one off-size stalk shall be permitted in any sample.

AMENDATORY SECTION (Amending Order 1787, filed 3/1/83)

WAC 16-409-060 WASHINGTON STANDARDS--SIZE ((CLASSIFICATIONS)) DESIGNATIONS. In addition to the statement of grade ((~~any lot of asparagus may be classified as Washington small or Washington large, if eighty percent, by count, of the stalks in any lot conform to the following diameters for such classifications:~~

Washington Small-----Washington Large
~~(4/16)-1/4-inch------(6/16)-3/8-inch~~
~~diameter-and-larger-----diameter-and-larger)):~~

(1) Washington extra fancy grade lots shall be designated as Washington extra fancy jumbo or Washington jumbo, Washington extra fancy large or Washington large, or Washington extra fancy standard or Washington standard. Ninety percent, by count, of the stalks in any lot shall conform to the following diameters for such designations:

(a) Washington extra fancy jumbo or Washington jumbo shall be stalks thirteen-sixteenths inch in diameter or larger.

(b) Washington extra fancy large or Washington large shall be stalks seven-sixteenths inch in diameter or larger.

(c) Washington extra fancy standard or Washington standard shall be stalks six-sixteenths inch in diameter or larger.

(2) Washington fancy grade lots shall be designated by minimum diameter: PROVIDED, That when at least ninety percent, by count, of the stalks in any lot are four-sixteenths inch in diameter or larger, the lot may be designated as Washington fancy small or Washington small.

(3) Washington consumer pack grade lots shall be designated by minimum diameter. Stalks shall be four-sixteenths inch in diameter or larger.

(4) U.S. No. 1 grade lots shall be designated as Washington jumbo, Washington large, or Washington standard, or may be designated by minimum diameter.

(5) U.S. No. 2 grade lots shall be designated as Washington small or may be designated by minimum diameter.

AMENDATORY SECTION (Amending Order 1787, filed 3/1/83)

WAC 16-409-065 CONTAINERS. (1) Fresh asparagus shall be marketed in containers which are clean and free from dirt, trash, and visible contaminants.

(2) Fresh asparagus of the Washington ~~((No--4))~~ extra fancy, Washington ~~((No-2))~~ fancy, ~~((Washington-consumer-pack7))~~ U.S. No. 1, and U.S. No. 2 grades shall be marketed in pyramid type containers with ~~((a))~~ moisture ~~((pad-or))~~ pads.

~~(3)~~ Fresh asparagus of the Washington consumer pack grade shall be marketed in pyramid type containers with moisture pads, or in fibre-board ~~((of))~~ or wooden "western lug" containers having inside dimensions of approximately seven, by eleven and one-half, by eighteen inches, or capacity of thirteen hundred fifty to fifteen hundred fifty cubic inches.

~~(4)~~ Pyramid type containers shall contain thirty pounds, fifteen pounds, or six kilograms net weight.

~~(5)~~ Western lugs shall contain not less ~~((that))~~ than twenty pounds net weight.

~~((3))~~ (6) Culls shall be marketed in wooden pyramid ~~((type))~~ containers with moisture pads.

~~((4))~~ (7) Fresh asparagus in field containers shall not be marketed.

~~((5))~~ (8) The director may allow the use of containers not specified in subsections (2) ~~((and))~~, (3), (4), (5), and (6) of this section, as experimental containers for the purpose of test or trial marketing.

AMENDATORY SECTION (Amending Order 1787, filed 3/1/83)

WAC 16-409-070 MARKING REQUIREMENTS. (1) ~~((Open--or-closed))~~ Containers shall be conspicuously and legibly marked with the name and address of the grower, packer, or distributor, the grade, and net weight, and a size designation or diameter size as defined in WAC 16-409-060 (1), (2), (3), (4), and (5).

(2) The grade and size designation shall be marked in letters at least three-eighths inch in height.

(3) The following abbreviations of grade and size designation shall be acceptable: Washington may be abbreviated as Wash. or WA. Extra fancy may be abbreviated as ex fcy or extra fcy. Fancy may be abbreviated as fcy. Large may be abbreviated as lge. Standard may be abbreviated as std.

(4) The use of U.S. No. 1 or U.S. No. 2 grade markings shall be permitted subject to WAC 16-409-085.

(5) If culls are marketed, the word "culls" shall be conspicuously and legibly marked in letters at least one inch in height and shall be predominant in size over other markings.

~~((4))~~ (6) All required markings shall be placed on one end of the container, and may be duplicated on opposite end of container.

AMENDATORY SECTION (Amending Order 1787, filed 3/1/83)

WAC 16-409-075 EXEMPTION. Any individual shipment of fresh asparagus shall be exempted from the requirements of WAC ~~((16-409-045))~~ 16-409-020 through 16-409-060, 16-409-065 ~~((477))~~ (2), (3) ~~((and))~~, (4), (5), (6), and (8); and 16-409-070 when:

(1) The shipment consists of asparagus for home use and not for resale.

(2) The shipment does not exceed two hundred fifty pounds net weight.

AMENDATORY SECTION (Amending Order 1787, filed 3/1/83)

WAC 16-409-085 ADOPTION OF UNITED STATES STANDARDS AS WASHINGTON STATE STANDARDS. In addition to the standards for asparagus as set forth in this chapter the United States standards for grades of fresh asparagus, as they apply to U.S. No. 1 and U.S. No. 2, are hereby adopted as additional standards for the state of Washington for asparagus: PROVIDED, That U.S. No. 1 shall be not less than six-sixteenths inch in diameter and shall meet or exceed Washington extra fancy grade and U.S. No. 2 shall be not less than four-sixteenths inch in diameter and shall meet or exceed Washington fancy grade.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-409-120 UNITED STATES STANDARDS FOR FRESH ASPARAGUS--AMOUNT OF GREEN COLOR.