



RULE-MAKING ORDER
(RCW 34.05.360)

2026-2

CR-103 (10/1/89)

- Permanent Rule
 Emergency Rule

Agency: Department of Agriculture

(1) Date of adoption: January 15, 1990

(2) Purpose: To increase minimum firmness of Red Delicious and Golden Delicious varieties of apples shipped from Washington State for fresh market. The revised rule will raise the pressure test requirement by approximately one pound.

(3) Citation of existing rules affected by this order:

- Repealed:
Amended: 16-403-142; 16-403-190 WAC
Suspended:

(4) Authority for adoption:

- Statute: 15.17 RCW
Other Authority:

(5.1) **PERMANENT RULE ONLY**

Pursuant to notice filed as WSR _____ on _____ (date).
Describe any changes other than editing from proposed to adopted version:

(5.2) **EMERGENCY RULE ONLY**

Pursuant to 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:

See attached.

(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) 1/15/90

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JAN 12 1990

TIME 1:01
WSR 90-03-035

NAME (TYPE OR PRINT)

C. Alan Pettibone

SIGNATURE

C. Alan Pettibone

TITLE

Director

DATE

1-12-90

Agency: Department of Agriculture

Emergency Order: To increase minimum firmness of Red Delicious and Golden Delicious varieties of apples shipped from Washington State to fresh market.

One of the purposes of 15.17 RCW is to assure the welfare of the industry by protecting the reputation of horticultural products grown and shipped from the state. This reputation is protected by having grades that assure a high quality product which, in turn, translates into consumer demand for Washington products over similar products produced in other places. Increased consumer demand will be necessary to market the large 1989 apple crop successfully.

This rule will result in improved quality and demand. Emergency action is necessary to achieve immediate impact upon marketing of the remaining 1989 apple crop and to coincide with the January introduction of controlled atmosphere storage apples into the market place.

While apples are a storable commodity their perishability does limit storage life and forces the industry to keep the flow going to the market place throughout the season. Improving demand immediately will reduce the level of unsaleable inventory remaining at the end of the marketing season.

AMENDATORY SECTION (Amending Order 2012, filed 6/28/89, effective 9/1/89)

WAC 16-403-142 RED DELICIOUS, DELICIOUS, AND GOLDEN DELICIOUS--MINIMUM FIRMNESS. At the time of shipment, Red Delicious, (~~Delicious~~) and (~~Golden~~) Delicious (~~apples-of-all-grades-shall-not-be-further-advanced-in-maturity-than-firm-ripe~~) varieties shall pressure test not less than twelve pounds: PROVIDED, That those apples failing to pressure test twelve pounds may be considered as meeting the requirements of this section when the individual apple exhibits edible qualities and texture of flesh comparable to other apples of the same variety which pressure test twelve pounds or more.

At the time of shipment, Golden Delicious variety shall pressure test not less than ten pounds: PROVIDED, That those apples failing to pressure test ten pounds may be considered as meeting the requirements of this section when the individual apple exhibits edible qualities and texture of flesh comparable to other apples of the same variety which pressure test ten pounds or more.

AMENDATORY SECTION (Amending Order 2012, filed 6/28/89, effective 9/1/89)

WAC 16-403-190 TOLERANCES. In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

(1) Defects: Washington extra fancy, Washington fancy and Washington C grade.

Ten percent of the apples in any lot may fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for apples which are seriously damaged, including therein not more than one percent for apples affected by decay or internal breakdown.

(2) When applying the foregoing tolerances to combination grades, no part of any tolerance shall be allowed to reduce, for the lot as a whole, the percent of apples of the higher grade required in the combination.

Combinations requiring 80 percent of the higher grade for the lot shall have not less than 65 percent of the higher grade in individual samples.

Combinations requiring 50 percent of the higher grade for the lot shall have not less than 40 percent of the higher grade in individual samples.

(3) Size. When size is designated by the numerical count for a container, not more than 5 percent of the apples in the lot may vary more than 1/4 inch in diameter. When size is designated by minimum or maximum diameter, not more than 5 percent of the apples in any lot may be smaller than the designated minimum and not more than 10 percent may be larger than the designated maximum.

(4) Firmness. Not more than ~~(5)~~ ten percent of the apples in any lot of Red Delicious, Delicious, and Golden Delicious varieties shall (~~be-further-advanced-in-maturity-than-firm-ripe~~) fail to meet the firmness requirements as defined in WAC 16-403-142.