

Chapter 16-461 WAC

INSPECTION REQUIREMENTS FOR FRUITS AND VEGETABLES

WAC

16-461-006 Definitions.
 16-461-010 Inspection certificate and/or permit required.
 16-461-015 Effective date.

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

16-461-001 Promulgation. [Order 1098, Promulgation, § 16-461-001, filed 8/30/68, effective 9/30/68; Order 968, filed 3/26/65.] Superseded by WAC 16-461-002.
 16-461-002 Promulgation. [Order 1122, filed 8/14/69, effective 9/14/69.] Superseded by WAC 16-461-003.
 16-461-003 Promulgation. [Order 1122, filed 5/29/70, effective 7/1/70; Order 1122, filed 8/14/69, effective 9/14/69.] Superseded by WAC 16-461-004.
 16-461-004 Promulgation. [Order 1122, filed 8/23/71; Order 1122, filed 5/29/70, effective 7/1/70; Order 1122, filed 8/14/69, effective 9/14/69.] Superseded by WAC 16-461-005.
 16-461-005 Promulgation. [Order 1324, § 16-461-005, filed 8/3/73; Order 1122, § 16-461-005, filed 5/5/72, effective 6/5/72.] Repealed by 83-06-050 (Order 1788), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.

WAC 16-461-006 Definitions. (1) Commercial lot shall mean any number of any type of containers or any quantity in bulk of agricultural products listed in WAC 16-461-010, which are sold or bartered: Provided, That quantities of less than five hundred pounds net weight, when sold by any producer where grown by the producer and sold directly to the ultimate consumer, shall not be considered as a commercial lot.

(2) Fruit/produce stands, as used in this chapter, shall mean any facilities from which the predominance of the edible commodity sales to the public are of seasonal fresh fruits and/or vegetables produced within the state of Washington, and shall include roadside stands, farmer's markets, trucks or other conveyances from which sales of commodities are made, and temporary open air parking lot stands other than those owned or operated by retail grocery stores. Such facilities may or may not be owned, leased, or otherwise operated by the producer of fruits and/or vegetables.

(3) Zone of production shall be defined as one of two geographical areas: Zone 1: All counties west of the Cascade Mountain Range; Zone 2: The counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Skamania, Spokane, Stevens, Walla Walla, Whitman, and Yakima.

[Statutory Authority: Chapter 15.17 RCW. 92-18-103, § 16-461-006, filed 9/2/92, effective 10/3/92; 92-06-085, § 16-461-006, filed 3/4/92, effective 4/4/92.]

WAC 16-461-010 Inspection certificate and/or permit required. (1) No person shall ship, transport, accept for shipment, or accept delivery of, any commercial lot of the following agricultural products without an inspection and the

issuance of a certificate and/or a permit by the commodity inspection division of the department of agriculture allowing such shipment, movement or delivery:

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

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

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

(d) Cherries in closed or open containers for fresh market. No permit will be issued on cherries infested with live cherry fruit fly larvae.

(e) Apples in closed or open containers for fresh market.

(f) Apples may be shipped or transported if accompanied by a certificate of compliance issued by the shipper or packer of apples having the approval of the director to issue the certificates of compliance.

(g) Pears in closed or open containers for fresh market. Pears may be shipped or transported if accompanied by a certificate of compliance issued by the shipper or packer of pears having the approval of the director to issue the certificates of compliance.

(h) Asparagus in closed or open containers for fresh market. Asparagus may be shipped or transported if accompanied by a certificate of compliance issued by the shipper or packer of the asparagus having the approval of the director to issue the certificates of compliance.

(i) Apples in containers or bulk, for processing.

(i) Apples for processing may be shipped or transported if accompanied by a certificate of compliance issued by the shipper of apples having the approval of the director to issue the certificates of compliance.

(ii) Apples for processing entering in-state commerce do not require a permit.

(j) Pears in containers or bulk, for processing.

(i) Pears for processing may be shipped or transported if accompanied by a certificate of compliance issued by the shipper of pears having the approval of the director to issue the certificates of compliance.

(ii) Pears for processing entering in-state commerce do not require a permit.

(2) Fruits and vegetables listed in WAC 16-461-010 are exempted from requirements for inspection and issuance of a certificate or permit:

(a) When the product is being transported from the premises where grown or produced to a horticultural facility other than wholesale or retail for the purpose of storing, grading, packing, packaging, labeling, or processing prior to entering commercial channels for resale.

(b) When sold or transported to a fruit/produce stand within the zone of production, not to exceed daily quantities of two thousand pounds net weight of a single commodity nor six thousand pounds net weight of any combination of com-

modities other than cherries, listed in subsection (1) of this section, when on a single conveyance. Exempt sales by the producer within a farmer's market shall not be restricted to the zone of production.

(c) When daily quantities do not exceed one hundred pounds net weight of dark or light sweet varieties of sweet cherries sold for home use and not for resale, and the containers are marked "not for resale" in letters at least one-half inch in height.

(3)(a) Any shipper or packer of apples, apricots, cherries, pears, peaches, prunes, or asparagus may petition the director for authority to issue certificates of compliance for each season. The director may issue certificate of compliance agreements, granting authority, on terms and conditions that the director deems appropriate. The authority shall be limited to the issuance of certificates of compliance for apples, apricots, cherries, pears, peaches, prunes, and asparagus under the applicant's direct control or being handled at the shipper's or packer's facilities.

(b) The certificate of compliance shall be issued at time of shipment by the shipper or packer authorized to do so.

(i) Apples, pears, cherries, and asparagus about to be shipped or transported must be in full compliance with the requirements of chapter 15.17 RCW, Standards of grades and packs, rules adopted under chapter 15.17 RCW, and administrative directives of the director.

(ii) Apricots, cherries, peaches, prunes, or pears about to be shipped or transported must be in full compliance with an existing federal marketing order requiring quality and condition certification and Washington state lot identification or federal-state lot identification.

(iii) Cherries of the dark sweet varieties must be certified as to quality, condition, and size and shall meet all of the requirements of chapter 16-414 WAC, Washington standards for cherries. Cherries of the Rainier variety or other varieties of "light colored sweet cherries" must meet only the requirements of WAC 16-414-005 "mature" and WAC 16-414-011 (3) size requirement.

(c) The director's approval to issue certificates of compliance may be suspended, revoked, or denied for cause, subject to RCW 34.05.422(3). Cause shall be the shipper's or packer's failure to comply with the requirements of subsection (3)(b) of this section, or for the shipper's or packer's actions which impede the department's abilities to ascertain full compliance with requirements of chapter 15.17 RCW, Standards of grades and packs, or rules adopted under chapter 15.17 RCW, or for violation of the terms of the certificate of compliance agreement. The period of any suspension will be determined by the director and will be commensurate with the seriousness of the violation.

(d) Any shipper or packer whose authority to issue certificates of compliance has been suspended, revoked, or denied by the director will 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, prunes, and asparagus may be shipped or transported.

(e) Certificates of compliance must be on forms approved and issued by the director of agriculture.

(f) Any shipper or packer authorized to issue certificates of compliance shall deposit with the director of agriculture

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. The base fees shall be deposited with the director of agriculture in the same manner as fees for shipping permits.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. 09-10-047, § 16-461-010, filed 5/1/09, effective 6/1/09. Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-23-088, § 16-461-010, filed 11/20/07, effective 12/21/07; 06-12-116, § 16-461-010, filed 6/7/06, effective 7/8/06. Statutory Authority: Chapter 15.17 RCW. 99-14-036, § 16-461-010, filed 6/29/99, effective 7/30/99; 95-13-038, § 16-461-010, filed 6/14/95, effective 7/15/95; 92-18-103, § 16-461-010, filed 9/2/92, effective 10/3/92; 92-06-085, § 16-461-010, filed 3/4/92, effective 4/4/92; 83-06-050 (Order 1788), § 16-461-010, filed 3/1/83; Order 1523, § 16-461-010, filed 4/20/77; Order 1324, § 16-461-010, filed 8/3/73; Order 1122, § 16-461-010, filed 5/5/72, effective 6/5/72; Order 1122, § 16-461-010, filed 8/23/71; Order 1122, § 16-461-010, filed 5/29/70, effective 7/1/70; Order 1122, § 16-461-010, filed 8/14/69, effective 9/14/69; Order 1098, § 16-461-010, filed 8/30/68, effective 9/30/68; Order 968, filed 3/26/65.]

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

[Order 1324, § 16-461-015, filed 8/3/73; Order 1122, § 16-461-015, filed 5/5/72, effective 6/5/72.]