

# Chapter 16-409 WAC

## WASHINGTON STANDARDS FOR ASPARAGUS

**WAC**

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- 16-409-110 United States standards for fresh asparagus—Diameter classification. [Order 795, Regulation 5, effective 2/16/60.] Repealed by WSR 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.
- 16-409-120 United States standards for fresh asparagus—Amount of green color. [Order 795, Regulation 6, effective 2/16/60.] Repealed by WSR 85-07-028 (Order 1848), filed 3/15/85. Statutory Authority: Chapter 15.17 RCW.
- 16-409-130 United States standards for fresh asparagus—Stalk length. [Order 795, Regulation 7, effective 2/16/60.] Repealed by WSR 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.
- 16-409-140 United States standards for fresh asparagus—Definition of terms. [Order 795, Regulation 8, effective 2/16/60.] Repealed by WSR 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.

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

- 16-409-001 Promulgation. [Order 795, Promulgation, effective 2/16/60.] Repealed by WSR 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.
- 16-409-010 Washington standards—Variations between lot and individual package tolerances. [Order 795, Regulation 1, effective 2/16/60.] Repealed by WSR 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.
- 16-409-040 Washington standards—Culls. [Order 795, Regulation 2(5), effective 2/16/60.] Repealed by WSR 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.
- 16-409-050 Washington standards—Definition of terms. [Order 795, Regulation 2(6), effective 2/16/60.] Repealed by WSR 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.
- 16-409-060 Washington standards—Size designations. [Statutory Authority: Chapter 15.17 RCW. WSR 97-01-081 (Order 6008), § 16-409-060, filed 12/17/96, effective 1/17/97; WSR 85-07-028 (Order 1848), § 16-409-060, filed 3/15/85; WSR 83-06-049 (Order 1787), § 16-409-060, filed 3/1/83; Order 795, Regulation 2(7), effective 2/16/60.] Repealed by WSR 05-10-092, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.
- 16-409-075 Exemption. [Statutory Authority: Chapter 15.17 RCW. WSR 97-01-081 (Order 6008), § 16-409-075, filed 12/17/96, effective 1/17/97; WSR 85-07-028 (Order 1848), § 16-409-075, filed 3/15/85; WSR 83-06-049 (Order 1787), § 16-409-075, filed 3/1/83.] Repealed by WSR 05-10-092, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.
- 16-409-080 United States standards for fresh asparagus—Authorized U.S. grades—Application of tolerances. [Order 795, Regulation 4(1), (2), effective 2/16/60.] Repealed by WSR 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.
- 16-409-085 Adoption of United States standards as Washington state standards. [Statutory Authority: Chapter 15.17 RCW. WSR 85-07-028 (Order 1848), § 16-409-085, filed 3/15/85; WSR 83-06-049 (Order 1787), § 16-409-085, filed 3/1/83.] Repealed by WSR 05-10-092, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.
- 16-409-090 United States standards for fresh asparagus—U.S. No. 1 grade. [Order 795, Regulation 4(3), (4), (5), (6), effective 2/16/60.] Repealed by WSR 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.
- 16-409-100 United States standards for fresh asparagus—U.S. No. 2 grade. [Order 795, Regulation 4(7), (8), (9), (10), effective 2/16/60.] Repealed by WSR 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.

**WAC 16-409-005 Must all Washington fresh asparagus comply with Washington state standards?** The following table explains which Washington fresh asparagus is exempt from some of the requirements of this chapter:

If an individual shipment of fresh Washington asparagus:	Then the shipment is exempt from the requirements in:
(1) Consists of asparagus for home use and not for resale; <b>and</b>	• WAC 16-409-020 through 16-409-060;
(2) Does not exceed two hundred fifty pounds net weight.	• WAC 16-409-065 (2), (3), (4), (5), and (7); and • WAC 16-409-070.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. WSR 05-10-092, § 16-409-005, filed 5/4/05, effective 6/4/05.]

**WAC 16-409-015 What definitions are important to this chapter?** The following definitions are important to this chapter:

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

**"Clean"** means the asparagus is free from excessive dirt, dust, residue or foreign matter.

**"Damage"** means any defect or combination of defects that materially detract from the appearance, edible quality or marketing quality of the stalk.

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

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

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

**"Fairly uniform in length"** means the stalks within a container must not vary in length more than one and one-half inches.

"Fairly well trimmed" means that:

(1) 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

(2) The butt is not badly stringy or frayed.

"Field container" means an open lug made of wood, plastic, or similar material that is repetitively used for field harvesting.

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

"Fresh asparagus" means asparagus marketed by lot for fresh consumption.

"Green" means the portion of the stalk having green, purplish-green or greenish-purple color with purple at the tip.

"Lot" means any number of containers of fresh asparagus offered as a unit for inspection, sale, or shipment.

"Serious damage" means any defect or combination of defects that seriously detract from the appearance, edible quality or marketing quality of the stalk.

"Shipment" means any number of containers of fresh asparagus transported from the production area by a single conveyance.

"Well trimmed" means that:

(1) 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

(2) The butt is not stringy or frayed.

"White" means the portion of the stalk near the butt that is white or light purple over white in color. The white is measured from the extreme tip of the butt to the point where the green color begins.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. WSR 05-10-092, § 16-409-015, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapter 15.17 RCW. WSR 85-07-028 (Order 1848), § 16-409-015, filed 3/15/85; WSR 83-06-049 (Order 1787), § 16-409-015, filed 3/1/83.]

**WAC 16-409-020 Standards that apply to all asparagus marketed within Washington state.** Any lot of fresh asparagus, including "culls," marketed within Washington state must have no more than ten percent of the stalks that have white in excess of two inches.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. WSR 07-06-047, § 16-409-020, filed 3/1/07, effective 4/1/07; WSR 05-10-092, § 16-409-020, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapter 15.17 RCW. WSR 97-05-054 (Order 6015), § 16-409-020, filed 2/19/97, effective 3/22/97; WSR 97-01-081 (Order 6008), § 16-409-020, filed 12/17/96, effective 1/17/97; WSR 85-07-028 (Order 1848), § 16-409-020, filed 3/15/85; WSR 83-06-049 (Order 1787), § 16-409-020, filed 3/1/83; Order 795, Regulation 2(1), (2), effective 2/16/60.]

**WAC 16-409-022 Asparagus grades.** (1) The following table identifies and describes the asparagus grades used in Washington state:

Washington Asparagus Grades:					
Stalk Characteristics:	"Extra Fancy Grade Asparagus"	"Extra Fancy Grade Asparagus Tips"	"Fancy Grade Asparagus"	"Consumer Pack Asparagus"	"Culls"
Stalks must be:					
(a) Clean;	Yes	Yes	Yes	Yes	No
(b) Fresh;	Yes	Yes	Yes	Yes	No
(c) Fairly uniform in length;	Yes	Yes	Yes	Yes	No
(d) Well trimmed;	Yes	Yes	No	No	No
(e) Fairly well trimmed;	No	No	Yes	Yes	No
(f) Fairly straight;	Yes	Yes	No	Yes	No
(g) Not wilted;	Yes	Yes	Yes	Yes	No
(h) Not badly misshapen;	No	No	Yes	No	No
(i) Free from decay;	Yes	Yes	Yes	Yes	No
(j) Free from damage caused by spreading or broken tips, dirt, disease, insects, or mechanical or other means;	Yes	Yes	See subsection (3) of this section	Yes	No
(k) At least eighty-five percent green in color;	Yes	No	Yes	Yes	No
(l) All green.	No	Yes	No	No	No

(2) "Culls" describes asparagus that:

(a) Is not graded in conformity with Washington extra fancy, Washington extra fancy tips, Washington fancy, Washington consumer pack, or U.S. No. 1, or U.S. No. 2; and

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

(3) "Fancy grade asparagus" is free from serious damage caused by spreading or broken tips, dirt, disease, insects or mechanical or other means.

[Statutory Authority: RCW 15.17.030, 15.17.050, and chapter 34.05 RCW. WSR 15-12-015, § 16-409-022, filed 5/21/15, effective 6/21/15. Statutory Authority: Chapters 15.17 and 34.05 RCW. WSR 07-06-047, § 16-409-022,

filed 3/1/07, effective 4/1/07; WSR 05-10-092, § 16-409-022, filed 5/4/05, effective 6/4/05.]

**WAC 16-409-024 Size requirements for Washington asparagus grades.** The following size designations apply to all grades of asparagus in Washington state.

- (1) Jumbo: Stalks at least 13/16 inch in diameter.
- (2) Extra large: Stalks at least 10/16 inch in diameter.
- (3) Large: Stalks at least 7/16 inch in diameter.
- (4) Standard: Stalks at least 5/16 inch in diameter.
- (5) Small: Stalks at least 3/16 inch in diameter.
- (6) All size designations, as defined in WAC 16-409-024, may be packed in all grades and in all containers.

[Statutory Authority: RCW 15.17.050 and chapter 34.05 RCW. WSR 08-04-108, § 16-409-024, filed 2/6/08, effective 3/8/08. Statutory Authority: Chapters 15.17 and 34.05 RCW. WSR 07-06-047, § 16-409-024, filed 3/1/07, effective 4/1/07; WSR 05-10-092, § 16-409-024, filed 5/4/05, effective 6/4/05.]

**WAC 16-409-026 Adoption of U.S. standards for fresh asparagus as Washington state standards.** (1) In

**WAC 16-409-030 Tolerances.** The following table identifies and explains the tolerances adopted for Washington asparagus:

Washington Asparagus Grades to Which Tolerances Apply	Defect, color and trim tolerances adopted for Washington asparagus	Diameter and length tolerances adopted for Washington asparagus
Washington extra fancy Washington extra fancy tips Washington fancy Washington consumer pack	To allow for variations incident to proper grading and handling, the following tolerances are adopted:	To allow for variations in diameter and length incident to proper sizing, the following tolerances are adopted:
	(1) Ten percent, by count, for stalks failing to meet grade requirements other than for trim and color, including no more than one percent for decayed stalks.	(1) Ten percent, by count, for stalks failing to meet the required minimum and maximum diameter defined in WAC 16-409-015 ("fairly uniform in length").
	(2) An additional ten percent, by count, for stalks having less than the required amount of green color.	(2) Ten percent, by count, for stalks failing to meet the required length as established in WAC 16-409-022.
	(3) An additional ten percent, by count, for stalks not meeting trim requirements.	

[Statutory Authority: Chapters 15.17 and 34.05 RCW. WSR 07-06-047, § 16-409-030, filed 3/1/07, effective 4/1/07; WSR 05-10-092, § 16-409-030, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapter 15.17 RCW. WSR 97-01-081 (Order 6008), § 16-409-030, filed 12/17/96, effective 1/17/97; WSR 85-07-028 (Order 1848), § 16-409-030, filed 3/15/85; WSR 83-06-049 (Order 1787), § 16-409-030, filed 3/1/83; Order 795, Regulation 2(3), (4), effective 2/16/60.]

**WAC 16-409-035 Application of asparagus tolerances during an inspection.** (1) If the averages for an entire lot are within the tolerances specified in WAC 16-409-030, the limitations in this section, based upon sample inspections, apply to the contents of individual containers in the lot.

- (2) Individual containers:
  - (a) May contain one decayed or otherwise defective stalk, one poorly trimmed stalk, one poorly colored, and one off-size stalk.
  - (b) Must have no more than one and one-half times the tolerance specified when a tolerance is ten percent or more.
  - (c) Must have no more than double the tolerance specified when a tolerance is less than ten percent.

(5/21/15)

addition to the Washington state fresh asparagus standards contained in this chapter, the Washington state department of agriculture has adopted, as Washington state standards, modified United States fresh asparagus standards for U.S. grades No. 1 and No. 2 as specified under the United States Department of Agriculture, Agricultural Marketing Service, United States Standards for Grades of Fresh Asparagus, Secs. 51.3720 to 51.3732; effective February 23, 2006.

(2) The department's modifications to the U.S. standards are as follows:

- (a) U.S. No. 1 must meet or exceed Washington extra fancy grade requirements.
- (b) U.S. No. 2 must meet or exceed Washington fancy grade requirements.

[Statutory Authority: RCW 15.17.030, 15.17.050, and chapter 34.05 RCW. WSR 15-12-015, § 16-409-026, filed 5/21/15, effective 6/21/15. Statutory Authority: Chapters 15.17 and 34.05 RCW. WSR 07-06-047, § 16-409-026, filed 3/1/07, effective 4/1/07; WSR 05-10-092, § 16-409-026, filed 5/4/05, effective 6/4/05.]

[Statutory Authority: Chapters 15.17 and 34.05 RCW. WSR 07-06-047, § 16-409-035, filed 3/1/07, effective 4/1/07; WSR 05-10-092, § 16-409-035, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapter 15.17 RCW. WSR 85-07-028 (Order 1848), § 16-409-035, filed 3/15/85; WSR 83-06-049 (Order 1787), § 16-409-035, filed 3/1/83.]

**WAC 16-409-065 Container requirements.** (1) All fresh asparagus must be marketed in containers that are clean and free from dirt, trash, and visible contaminants.

- (2) All fresh asparagus must not be marketed in field containers.
- (3) For testing or trial marketing purposes, the director may allow the use of any experimental container.

(4) Culls must be marketed in wooden pyramid containers with moisture pads.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. WSR 07-06-047, § 16-409-065, filed 3/1/07, effective 4/1/07; WSR 05-10-092, § 16-409-065, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapter 15.17 RCW. WSR 97-01-081 (Order 6008), § 16-409-065, filed 12/17/96, effective 1/17/97; WSR 85-07-028 (Order 1848), § 16-409-065, filed 3/15/85; WSR 83-06-049 (Order 1787), § 16-409-065, filed 3/1/83.]

**WAC 16-409-070 Container marking requirements.**

(1) All required markings must be placed on one end of the container, but may be duplicated on the opposite end.

(2) Containers must be conspicuously and legibly marked with the:

(a) Name and address of the grower, packer, or distributor;

(b) Grade;

(c) Net weight; and

(d) Size designation or diameter size as defined in WAC 16-409-024.

(3) The grade and size designation required in subsection (2) of this section must be marked in letters at least 3/8 inch in height.

(4) The following abbreviations of grade and size designation are acceptable:

(a) Washington as Wash. or WA.

(b) Extra fancy as ex fcy or extra fcy.

(c) Fancy as fcy.

(d) Jumbo as jbo.

(e) Extra large as ex lge.

(f) Large as lge.

(g) Standard as std.

(h) Small as sm.

(5) The use of U.S. No. 1 or U.S. No. 2 grade markings is permissible subject to the requirements in WAC 16-409-026.

(6) If culls are marketed:

The word "culls" must be:

(a) Conspicuously and legibly marked in letters at least one inch in height; and

(b) Predominant in size over any other markings on the container.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. WSR 07-06-047, § 16-409-070, filed 3/1/07, effective 4/1/07; WSR 05-10-092, § 16-409-070, filed 5/4/05, effective 6/4/05. Statutory Authority: Chapter 15.17 RCW. WSR 97-01-081 (Order 6008), § 16-409-070, filed 12/17/96, effective 1/17/97; WSR 85-07-028 (Order 1848), § 16-409-070, filed 3/15/85; WSR 83-06-049 (Order 1787), § 16-409-070, filed 3/1/83; Order 795, Regulation 3, effective 2/16/60.]