

**Chapter 16-439 WAC
PEARS, SUMMER AND FALL**

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| 16-439-001 | Purpose. |
| 16-439-200 | Definitions. |
| 16-439-205 | Adoption of United States standards for summer and fall pears. |
| 16-439-210 | Grades. |
| 16-439-212 | Washington extra fancy. |
| 16-439-213 | Washington fancy. |
| 16-439-214 | Washington C grade. |
| 16-439-215 | Washington combination grade. |
| 16-439-216 | Culls. |
| 16-439-217 | Damage defects. |
| 16-439-218 | Serious damage defects. |
| 16-439-220 | Tolerances. |
| 16-439-225 | Condition after storage or transit. |
| 16-439-240 | Containers, pack, and size requirements. |
| 16-439-270 | Container marking requirements. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 16-439-010 | through 16-439-120. [Order 188, effective 6/30/33; Order 632, effective 8/9/52.] Superseded by Emergency Order 922 and Permanent Order 930. See WAC 16-439-200 et seq. |
| 16-439-230 | Culls. [Order 1033, Regulation 3, filed 10/10/66, effective 11/10/66; Order 930, Regulation 3, filed 8/6/63; Emergency Order 922, filed 6/7/63.] Amended and decodified by WSR 09-01-095, filed 12/16/08, effective 1/16/09. Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. Recodified as § 16-439-216. |
| 16-439-250 | Containers. [Order 1033, Regulation 5, filed 10/10/66, effective 11/10/66; Order 930, Regulation 5, filed 8/6/63; Emergency Order 922, filed 6/7/63.] Repealed by WSR 09-01-095, filed 12/16/08, effective 1/16/09. Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. |
| 16-439-260 | Minimum weight for Bartlett pears. [Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. WSR 09-01-095, § 16-439-260, filed 12/16/08, effective 1/16/09; Order 1033, Regulation 6, filed 10/10/66, effective 11/10/66; Order 930, Regulation 6, filed 8/6/63; Emergency Order 922, filed 6/7/63.] Repealed by WSR 22-10-010, filed 4/22/22, effective 5/23/22. Statutory Authority: RCW 15.17.030 and 15.17.050. |
| 16-439-280 | United States standards for summer and fall pears. [Order 1033, Regulation 8, filed 10/10/66, effective 11/10/66; Order 930, Regulation 8, filed 8/6/63; Emergency Order 922, filed 6/7/63.] Amended and decodified by WSR 09-01-095, filed 12/16/08, effective 1/16/09. Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. Recodified as § 16-439-205. |

WAC 16-439-001 Purpose. This chapter establishes standards for Bartlett and other summer and fall pears that are packed and marketed within the state of Washington.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. WSR 09-01-095, § 16-439-001, filed 12/16/08, effective 1/16/09; Order 1033, Promulgation, filed 10/10/66, effective 11/10/66; Order 930, Promulgation, filed 8/6/63; Emergency Order 922, filed 6/7/63.]

WAC 16-439-200 Definitions. In addition to the definitions found in RCW 15.17.020, the following definitions apply to all varieties and grades under this chapter:

"Aggregate area" means areas under consideration on a pear's surface that may be combined into an area with a diameter equal to the maximum diameter specified.

"Carefully picked" means pears do not show evidence of either rough handling or having been on the ground.

"Clean" means reasonably free from dust, dirt, or honey dew.

"Department" means the Washington state department of agriculture.

"Director" means the director of the department or the director's representative.

"Free from damage" means the fruit is free from any blemish that materially affects the appearance of the fruit.

"Free from serious damage" means the fruit is not seriously deformed or disfigured or the edible or culinary value is not seriously affected by defects. Healed insect depressions or other surface blemishes that do not prevent the cutting of one good half are not considered serious damage.

"Hard end pear" means a pear that shows an abnormally yellow or green color at the blossom end, or an abnormally smooth, rounded base with little or no depression at the calyx, or a pear with an abnormally dry and tough or woody flesh near the calyx. Hard end pears are considered defects of all grades.

"Mature" means pears that have reached a stage of maturity that will ensure proper completion of the ripening process.

"Not seriously misshapen" means the pear must have a shape that permits the cutting of three fairly uniform quarters, is not excessively flattened or elongated for the variety, and is free from excessive creases or folds.

"Rat tail pear" means any rat tail shaped or second bloom pear that is tough or ridged. Rat tail pears are considered defects of all grades.

"Sound" means pears, at the time of packing, are free from visible defects such as decay, breakdown, scald, bitter pit, or from physical injury that affects keeping quality.

"Well formed" means having the shape characteristic of the variety.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. WSR 09-01-095, § 16-439-200, filed 12/16/08, effective 1/16/09; Order 1033, § 1, filed 10/10/66, effective 11/10/66; Order 930, General Regulation, filed 8/6/63; Emergency Order 922, filed 6/7/63.]

WAC 16-439-205 Adoption of United States standards for summer and fall pears. (1) In addition to the standards contained in this chapter for summer and fall pears, the Washington state department of agriculture adopts the United States Department of Agriculture United States Standards for Summer and Fall Pears, 7 C.F.R. § 51.1260 et seq., effective August 20, 1955.

(2) The department maintains a copy of this document for public inspection. The information may be found on the internet at: <http://www.ams.usda.gov/standards/pearsmer.pdf>.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. WSR 09-01-095, amended and recodified as § 16-439-205, filed 12/16/08, effective 1/16/09; Order 1033, Regulation 8, filed 10/10/66, effective 11/10/66; Order 930, Regulation 8, filed 8/6/63; Emergency Order 922, filed 6/7/63.]

WAC 16-439-210 Grades. (1) The following grades apply to summer and fall pears packed and marketed in Washington state:

- (a) Washington extra fancy;
- (b) Washington fancy;
- (c) Washington combination; and
- (d) Washington C grade.

(2) All pears packed and marketed in Washington state that are graded to U.S. grade standards must also meet the requirements of the lowest Washington state grade or better.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. WSR 09-01-095, § 16-439-210, filed 12/16/08, effective 1/16/09; Order 1033, Regulation 1, filed 10/10/66, effective 11/10/66; Order 930, Regulation 1, filed 8/6/63; Emergency Order 922, filed 6/7/63.]

WAC 16-439-212 Washington extra fancy. (1) Washington extra fancy pears are mature, carefully picked, clean, well formed, sound; free from drought spot, cork spot, visible black end, hard end, and rat tail pears; and free from damage caused by broken skin, bruises, limb rubs, sunburn, sprayburn, hail marks, russeting, disease, insects, and damage caused by mechanical or other means.

(2) Bartlett pears must have a characteristic pyriform shape of a length not less than one and one-fourth times the diameter of the pear. Bartlett pears may be slightly irregular as long as the shape does not detract from the general appearance of the pear.

(3) Other varieties shall have shapes characteristic of the varieties or slightly irregular shapes as long as they do not detract from the general appearance of the fruit.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. WSR 09-01-095, § 16-439-212, filed 12/16/08, effective 1/16/09.]

WAC 16-439-213 Washington fancy. Washington fancy pears are mature, carefully picked, clean, not seriously misshapen, sound, and free from cork spot, visible black end, hard end, and rat tail pears; free from damage caused by broken skin; and free from serious damage caused by bruises, limb rubs, sunburn, sprayburn, hail marks, drought spot, russeting, disease, insects, and caused by mechanical or other means.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. WSR 09-01-095, § 16-439-213, filed 12/16/08, effective 1/16/09.]

WAC 16-439-214 Washington C grade. Washington C grade pears are mature, carefully picked, clean, sound and free from hard end or rat tail pears; and free from serious damage caused by broken skin exceeding one-fourth inch in diameter; free from serious damage caused by insects, disease, hail marks, limb rubs, heavy russet, or other means, and are not excessively elongated or flattened as to preclude the cutting of one good half.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. WSR 09-01-095, § 16-439-214, filed 12/16/08, effective 1/16/09.]

WAC 16-439-215 Washington combination grade. Washington combination grade pears consist of more than one grade packed together.

(1) When extra fancy and fancy pears are packed together, the packages may be marked "Washington combination extra fancy and fancy." At least fifty percent of the pears, by count, shall be extra fancy.

(2) When extra fancy, fancy, and C grade pears are packed together, the packages may be marked "Washington combination extra fancy, fancy, and C grade." At least fifty percent of the pears, by count, must be extra fancy.

(3) When extra fancy and C grade pears are packed together, the packages may be marked "Washington combination extra fancy and C grade." At least fifty percent of the pears, by count, must be extra fancy.

(4) When fancy and C grade pears are packed together, the packages may be marked "Washington combination fancy and C grade." At least fifty percent of the pears, by count, must be fancy.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. WSR 09-01-095, § 16-439-215, filed 12/16/08, effective 1/16/09.]

WAC 16-439-216 Culls. (1) Culls are pears that do not conform to the grades and standards of pears in this chapter or contain serious insect damage of not more than five percent.

(2) Infested culls are pears that do not conform to the grades and standards of pears in this chapter and contain at least five percent infestation from codling moth, San Jose scale, or other horticultural pests.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. WSR 09-01-095, amended and recodified as § 16-439-216, filed 12/16/08, effective 1/16/09; Order 1033, Regulation 3, filed 10/10/66, effective 11/10/66; Order 930, Regulation 3, filed 8/6/63; Emergency Order 922, filed 6/7/63.]

WAC 16-439-217 Damage defects. (1) More than the following shall be considered damage:

(a) Slight handling bruises and carton bruises that are incident to proper handling.

(b) Sunburn or sprayburn, if there is no change in the normal color of the fruit, softening of the flesh, or blistering or cracking of the skin.

(c) Russeting at the calyx end of Bartlett pears, as long as the russeting is not visible for more than one-half inch when the pear is placed calyx end down on a flat surface.

(d) Light russeting that is not characteristic of the variety, when the affected area does not exceed an aggregate of fifteen percent of the surface.

(e) Slight pebbling on Bartlett pears that does not materially detract from the appearance.

(2) In addition, a pear may show one or a combination of the following as long as the aggregate area does not exceed three-fourths inch in diameter:

(a) Limb rubs that are light, not soft, and affect an aggregate area not to exceed three-fourths inch in diameter.

(b) Hail marks when the injury is superficial and affects an aggregate area not to exceed one-fourth inch in diameter.

(c) Heavy russeting, such as is characteristic of frost injury, as long as the aggregate area does not exceed one-half inch in diameter.

(d) Two slight, healed depressions that do not materially affect the general appearance of the fruit.

(e) Sooty blotch that affects an aggregate area of ten percent when the blotch is slight or thin, or one-half inch when the blotch is moderate, or three-eighths inch when the blotch is heavy.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. WSR 09-01-095, § 16-439-217, filed 12/16/08, effective 1/16/09.]

WAC 16-439-218 Serious damage defects. (1) More than the following shall be considered serious damage:

(a) Slight handling bruises and carton bruises that are incident to proper handling.

(b) Sunburn or sprayburn, if there is only a slight change to the normal color of the fruit and no softening of the flesh or blistering or cracking of the skin.

(c) Russeting that is characteristic of the variety.

(d) Pebbling on Bartlett pears that does not seriously affect the culinary or edible value of the fruit.

(e) Limb rubs that are light, not soft, and do not affect an aggregate area to exceed ten percent of the surface of the fruit.

(f) Drought spots that affect an aggregate area not to exceed one-fourth inch in diameter.

(2) In addition, a pear may show any one or a combination of the following as long as the aggregate area does not exceed the maximum area specified for each variety mentioned below:

(a) Heavy or dark heavy limb rubs that are not soft and do not affect an aggregate area exceeding three-fourths of an inch in diameter.

(b) Hail marks when they affect an aggregate area exceeding three-fourths inch in diameter.

(c) Frost damage.

(i) Frost rings on Bartlett pears that do not completely encircle the pear and when the surface is only slightly grooved.

(ii) Frost damage on Bartlett pears such as occurs at the calyx end and does not materially detract from the appearance of the pear.

(iii) On other varieties other than Bartlett, heavy russeting by frost that is not soft and affects an aggregate area not to exceed three-fourths inch in diameter.

(d) Scab spot affecting an aggregate area not to exceed one-half inch in diameter.

(e) Shallow healed depressions not seriously affecting the general appearance of the fruit and affecting an aggregate area not to exceed three-fourths of an inch in diameter.

(f) Sooty blotch that affects an aggregate area of not more than fifty percent of the surface when the spots are thin and widely scattered, or not more than one and one-fourth inch in diameter when the blotch is moderate, or not more than three-fourths inch in diameter when the blotch is heavy.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. WSR 09-01-095, § 16-439-218, filed 12/16/08, effective 1/16/09.]

WAC 16-439-220 Tolerances. (1) Tolerances that apply at time of packing:

(a) In order to allow for variations incident to commercial grading and handling, not more than ten percent, by count, of the pears in any lot may be below the requirements of the grade, and not more than one percent, by count, of that amount is allowed for decay or internal breakdown. Slight imperfections that are not discernible in good commercial sorting practice are not considered defects of grade.

(b) In order to allow for variations incident to proper sizing, not more than five percent, by count, of the pears in any lot may be below any specified minimum size and not more than ten percent, by count, of the pears in any lot may be above any specified maximum size.

(c) For a tolerance of ten percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified. For tolerances less than ten percent, individual packages in any lot may contain not more than double the tolerance specified. At least one specimen that does not meet the requirements is allowed in any one package.

(2) Additional tolerance: No more than fifteen percent of the pears in any container may have more than one skin break measuring one-eighth inch to three-sixteenths inch, inclusive, in diameter or depth. Small inconspicuous skin breaks less than one-eighth inch in diameter or depth are not considered damage.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. WSR 09-01-095, § 16-439-220, filed 12/16/08, effective 1/16/09; Order 1033, Regulation 2, filed 10/10/66, effective 11/10/66; Order 930, Regulation 2, filed 8/6/63; Emergency Order 922, filed 6/7/63.]

WAC 16-439-225 Condition after storage or transit. After pears have been placed in storage or in transit, defects that develop or become evident and affect a pear's keeping quality, such as scald, breakdown, decay, bitter pit, or physical injury are defined as applying to condition rather than to grade.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. WSR 09-01-095, § 16-439-225, filed 12/16/08, effective 1/16/09.]

WAC 16-439-240 Containers, pack, and size requirements. The following lists the terms and describes the degrees of uniform sizing required of pears packed in containers. Packing shall conform to industry practices.

(1) A ten percent tolerance for all defects from the standards for uniformity of size, wrapping, and tightness of pack is allowed. To compute the tolerance, the pears considered below standard must be counted, weighed, or measured.

(2) **Uniform:** The container must not contain more than two sizes of pears, and the majority of the pears must be the size that is marked on the container.

(3) **Fairly uniform:** The container contains a range of three sizes or less, and pears are one size larger and/or one size smaller than the size marked on the container.

(4) **Slightly irregular:** No more than ten percent of the pears in the container can exceed the three-size range "fairly uniform" requirement in subsection (3) of this section.

(5) **Irregular:**

(a) More than ten percent of the pears in the container exceed the three-size range mentioned in the fairly uniform requirement.

(b) Packages describing the content size as "irregular" do not comply with Washington state grading and packing regulations and cannot be legally shipped in Washington state.

(6) **Standard carton packs:**

(a) Except when jumbled, all packed pears must be arranged in clean cartons according to industry approved and recognized methods.

(b) Pears in standard carton packs must be tightly packed and all packages must be well filled.

(c) Each wrapped pear must be well wrapped.

(7) **Tray packs:**

(a) All pears packed in tray pack containers must be uniformly sized and arranged according to the approved method for the tray pack.

(b) Pears packed in trays must be properly sized to minimize movement.

(c) Tray packs must be packed with the same size and count of fruit as listed on the container.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. WSR 09-01-095, § 16-439-240, filed 12/16/08, effective 1/16/09; Order 1033, Regulation 4, filed 10/10/66, effective 11/10/66; Order 930, Regulation 4, filed 8/6/63; Emergency Order 922, filed 6/7/63.]

WAC 16-439-270 Container marking requirements. The following information must be printed on the container label or stamped on the end of the container:

(1) Correct name of the variety or marked "variety unknown," or when more than one variety and/or commodity is in the container, the name of each variety and/or commodity;

(2) Name and address of the grower, packer, or shipper;

(3) Grade;

(4) Correct number of pears and the net contents either in terms of dry measure or weight.

(5) Consumer packages and jumbled packs must be marked with minimum diameter. Count may be used if pears can be readily counted.

[Statutory Authority: Chapter 15.17 RCW, RCW 15.17.030, and chapter 34.05 RCW. WSR 09-01-095, § 16-439-270, filed 12/16/08, effective 1/16/09; Order 1033, Regulation 7, filed 10/10/66, effective 11/10/66; Order 930, Regulation 7, filed 8/6/63; Emergency Order 922, filed 6/7/63.]