



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

| | |
|---|---|
| Agency: Department of Agriculture | <input checked="" type="checkbox"/> Permanent Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Expedited Adoption <input type="checkbox"/> Expedited Repeal |
| (1) Date of adoption: May 22, 2000 | |

(2) Purpose: To (1) establish a grade and standards for fresh red raspberries that are destined for freezing, puree, juice stock and other processing uses; (2) establish standards for red raspberry puree stock and juice stock red raspberries; (3) establish container marking requirements for red raspberries; and (4) specify how red raspberries may be used, processed and sold. Red raspberries destined for fresh market are exempt from this rule.

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 Repealed: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

(4) Statutory authority for adoption: Chapters 15.17 and 69.04 RCW
 Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)
 Adopted under notice filed as WSR 00-11-112 on 5/19/00 (date).
 Describe any changes other than editing from proposed to adopted version: Deleted definition "damage"; in 16-143-030 after the word washed, added "or cleaned as necessary,"; 16-143-030(3) added "seriously" before damaged; 16-143-030(5) deleted "of the ten percent" after the words two percent. These changes will benefit those affected.

EMERGENCY RULE ONLY
 Under 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:

EXPEDITED REPEAL ONLY
 Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date)

(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 or Expedited Repeal | Emergency Rules |
| <input checked="" type="checkbox"/> 31 days after filing <input type="checkbox"/> Other (specify) _____* | <input type="checkbox"/> Immediately <input type="checkbox"/> Later (specify) _____ |

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

| | |
|--|-----------------------------|
| Name (Type or Print) James M. Jesernig | |
| Signature | |
| Title Director | Date May 22, 2000 |

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
RLD

MAY 22 2000

TIME 2:38 AM
 WSR 00-11-123 (PK)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

| | | | | | | |
|---|-----|-------|---------|-------|----------|-------|
| Federal statute: | New | ----- | Amended | ----- | Repealed | ----- |
| Federal rules or standards: | New | ----- | Amended | ----- | Repealed | ----- |
| Recently enacted state statutes: | New | ----- | Amended | ----- | Repealed | ----- |

The number of sections adopted at the request of nongovernmental entity:

| | | | | | | |
|--|-----|--|---------|-------|----------|-------|
| | New | | Amended | ----- | Repealed | ----- |
|--|-----|--|---------|-------|----------|-------|

The number of sections adopted in the agency's own initiative:

| | | | | | | |
|--|-----|-------|---------|-------|----------|-------|
| | New | ----- | Amended | ----- | Repealed | ----- |
|--|-----|-------|---------|-------|----------|-------|

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

| | | | | | | |
|--|-----|-------|---------|-------|----------|-------|
| | New | ----- | Amended | ----- | Repealed | ----- |
|--|-----|-------|---------|-------|----------|-------|

The number of sections adopted using:

| | | | | | | |
|---------------------------------------|-----|-------|---------|-------|----------|-------|
| Negotiated rule making: | New | ----- | Amended | ----- | Repealed | ----- |
| Pilot rule making: | New | ----- | Amended | ----- | Repealed | ----- |
| Other alternative rule making: | New | | Amended | ----- | Repealed | ----- |

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| Other alternative rule making: | New | | Amended | ----- | Repealed | ----- |

Chapter 16-143 WAC

RED RASPBERRY GRADES AND STANDARDS

NEW SECTION

WAC 16-143-010 What is the purpose of this chapter? The purpose of this chapter is to:

(1) Establish a grade and standards for fresh red raspberries that are destined for freezing, puree, juice stock and other processing uses;

(2) Establish standards for red raspberry puree stock and juice stock red raspberries;

(3) Establish container marking requirements for red raspberries; and

(4) Specify how red raspberries may be used, processed and sold.

Red raspberries destined for fresh market are exempt from this rule.

NEW SECTION

WAC 16-143-020 What definitions apply to this chapter? The following definitions apply to this chapter:

(1) "**Containers**" includes pails, trays, barrels, drums, tanks, transport vessels, or other bulk containers used to store or contain red raspberries intended for further processing.

(2) "**Graded**" means red raspberries that have been visually inspected and determined to meet the standards set forth in WAC 16-143-030.

(3) "**Juice stock red raspberries**" means any red raspberries destined for the production of red raspberry juice, red raspberry juice concentrate, or any other product listed in WAC 16-143-080. Washington No. 1 processing grade red raspberries as defined in this chapter or unclassified red raspberries may be used for juice stock.

(4) "**Pasteurized**" means the product has been subjected to heat or other approved treatment sufficient to kill harmful microorganisms.

(5) **"Serious damage"** means any defect, or any combination of defects, which seriously detract from the appearance, or the edible or marketing quality of the red raspberry. Red raspberries which are badly deformed, leaky, moldy, decayed, or from which the core has not been removed shall be considered seriously damaged.

(6) **"Ultra-filtration"** means filtering to a very high level sufficient to remove foreign material including microorganisms and mold from the product.

(7) **"Washington No. 1 processing grade red raspberries"** are defined in WAC 16-143-030.

(8) **"Well-colored"** means that the whole surface of the red raspberry shows a color characteristic of a mature red raspberry.

(9) **"Well-developed"** means that the red raspberry is not misshapen because of anthracnose injury, frost injury, lack of pollination, insect injury, or other causes.

NEW SECTION

WAC 16-143-030 What are the Washington No. 1 processing grade standards for red raspberries? To qualify for the Washington No. 1 processing grade, red raspberries must be washed, or cleaned as necessary, sorted and graded at a licensed food processing facility and must meet the following standards:

(1) The red raspberries must be well-colored and well-developed;

(2) The red raspberries must be free from cores, mold, decay, dirt, leaves, or other foreign material;

(3) The red raspberries must not be seriously damaged by shriveling, moisture, disease, or insects;

(4) The red raspberries must not have more than eight of twenty-five fields with mold hyphae as determined by the Howard Mold Count or equivalent analysis.

(5) Not more than ten percent by volume of the red raspberries in any lot may fail to meet the requirements for Washington No. 1 processing grade because of serious damage by any cause, and not more than two percent may be affected by mold or decay. Individual samples may contain not more than one and one-half times this tolerance, even if the average of all the samples from the lot are within this specified tolerance.

NEW SECTION

WAC 16-143-040 When are red raspberries considered "unclassified"? Red raspberries that:

- (1) Fail to meet the Washington No. 1 processing grade standards; or
 - (2) Are not graded; or
 - (3) Are in unmarked containers, are considered "unclassified."
- The term "unclassified" means no grade has been applied to the lot.

NEW SECTION

WAC 16-143-050 What type of markings will be acceptable on each container? Marking requirements for red raspberry containers are:

- (1) Washington No. 1 processing grade red raspberry containers may be marked with the name and address of the grower, packer, shipper, and must be prominently marked with the grade "Washington No. 1 Processing Grade Red Raspberries."
- (2) Any combination of Washington No. 1 processing grade red raspberries and unclassified red raspberries must be in containers prominently marked "juice stock red raspberries."
- (3) Unclassified red raspberries must be in containers that are prominently marked "juice stock red raspberries."

NEW SECTION

WAC 16-143-060 How may Washington No. 1 processing grade red raspberries be used, processed or sold? Washington No. 1 processing grade red raspberries may be used or sold for straight pack, individually quick frozen (IQF), puree stock, puree concentrate, juice, juice concentrate, or for any other type of use.

NEW SECTION

WAC 16-143-070 What are the requirements of red raspberry puree stock? Red raspberry puree stock must be red raspberries that meet Washington No. 1 processing grade standards and have been graded and cleaned, washed, and sorted in a licensed food

processing facility to remove harmful or foreign material.

NEW SECTION

WAC 16-143-080 How must product designated or marked as juice stock red raspberries be used, processed or sold? Product designated or marked as "juice stock red raspberries" must be used and sold only for processing into wine, ultra-filtered, or pasteurized juice products or juice concentrate filtered sufficiently to remove foreign material including mold from the product, or for distilling.

NEW SECTION

WAC 16-143-090 What uses are prohibited for juice stock red raspberries? Red raspberries designated or marked as "juice stock red raspberries" may not be sold or used to produce puree, puree concentrate or any red raspberry products other than those designated in WAC 16-143-080.

NEW SECTION

WAC 16-143-100 What are the restrictions on use of adulterated red raspberries or red raspberry products? Any red raspberries or red raspberry products that are adulterated under RCW 69.04.210, including through the deliberate addition of moldy product, or any red raspberries or red raspberry products containing unacceptable levels of filth or mold, may not be sold or processed for any purpose.

NEW SECTION

WAC 16-143-110 Where may guidelines for safe production of red raspberries be found? Guidelines for the safe production of red raspberries and other agricultural products may be found in the Food and Drug Administration's *Good Agricultural Practices*

Guidelines. This document can be obtained on request from the Washington State Department of Agriculture, Food Safety Program, P.O. Box 42560, Olympia, WA 98504-2560.