



# RULE-MAKING ORDER

**2-103 (June 2004)**  
**(Implements RCW 34.05.360)**

Agency: Department of Agriculture

**Permanent Rule**  
 **Emergency Rule**

Effective date of rule:

**Permanent Rules**

31 days after filing.  
 Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

**Emergency Rules**

Immediately upon filing.  
 Later (specify) \_\_\_\_\_

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes  No If Yes, explain:

**Purpose:** The purpose of this rule making order is to adopt a rewritten, reformatted and reorganized chapter 16-406 WAC (Standards for Apricots) that is easier to understand and use. **No new requirements are included in the rewritten chapter 16-406 WAC.** The rewritten chapter 16-406 WAC is a result of the department's ongoing Executive Order 97-02 rule review effort and the department's effort to comply with the executive order's "clarity criteria".

**Citation of existing rules affected by this order:**

Repealed: WAC 16-406-040 and WAC 16-406-050  
Amended: WAC 16-406-020; WAC 16-406-025; WAC 16-406-030; and WAC 16-406-060  
Suspended: None

**Statutory authority for adoption:** Chapter 15.17 RCW and Chapter 34.05 RCW

**Other authority :**

**PERMANENT RULE ONLY (Including Expedited Rule Making)**

Adopted under notice filed as WSR 05-07-153 on March 23, 2005.  
Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: \_\_\_\_\_ phone ( ) \_\_\_\_\_  
Address: \_\_\_\_\_ fax ( ) \_\_\_\_\_  
e-mail \_\_\_\_\_

**EMERGENCY RULE ONLY**

Under RCW 34.05.350 the agency for good cause finds:

- 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.
- 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:

Date adopted: May 25, 2005

NAME (TYPE OR PRINT)  
Valoria H. Loveland

SIGNATURE

TITLE  
Director

Deputy Director

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

MAY 25 2005

TIME 9:50 AM  
WSR 05-11-036 PM

(COMPLETE REVERSE SIDE)

S/b 05/12-036  
BBP 1/11/19

**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:**

<b>Federal statute:</b>	New	0	Amended	0	Repealed	0
<b>Federal rules or standards:</b>	New	0	Amended	0	Repealed	0
<b>Recently enacted state statutes:</b>	New	0	Amended	0	Repealed	0

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

New	0	Amended	0	Repealed	0
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**The number of sections adopted in the agency's own initiative:**

New	4	Amended	4	Repealed	2
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	4	Amended	4	Repealed	2
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	0	Amended	0	Repealed	0
<b>Pilot rule making:</b>	New	0	Amended	0	Repealed	0
<b>Other alternative rule making:</b>	New	4	Amended	4	Repealed	2



MS \_\_\_\_\_  
MT \_\_\_\_\_

Chapter 16-406 WAC

WASHINGTON STANDARDS FOR APRICOTS

NEW SECTION

WAC 16-406-005 What definitions are important to understanding this chapter? The following definitions are important to this chapter:

"**Aggregate**" means that injury areas on an apricot's surface may be combined into one circular area with a diameter equal to the maximum diameter specified for the particular injury.

"**Damage**" means an injury to an apricot that is readily apparent during grading and handling.

"**Department**" means the Washington state department of agriculture.

"**Diameter**" means the greatest diameter, measured through the center of the apricot, at right angles to a line running from the stem to the blossom end.

(1) Apricots having a diameter of 1-1/2 inches or larger, ring measurement, may be considered "large."

(2) Apricots having a diameter of less than 1-1/2 inches may be considered "small."

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

"**Mature**" means apricots have reached a growth stage that will insure the proper completion of the ripening process.

"**Serious damage**" means:

(1) Immaturity; or

(2) Any deformity; or

(3) Injuries either causing skin breaks exceeding 3/8 of an inch in diameter or that seriously affects the apricot's appearance.

"**Well formed**" means having a shape that is characteristic of the variety.

NEW SECTION

**WAC 16-406-010 How do you determine the maturity of an apricot?** The information in the following table must be considered when determining an apricot's maturity:

<b>MATURITY CHARACTERISTIC</b>	<b>EXPLANATION</b>
(1) <b>Ambering</b>	"Ambering," which many authorities on apricots recognize as an indicator of maturity, refers to the replacement of the green colored flesh immediately around the pit with an amber shade of flesh.
(2) <b>Springiness</b>	"Springiness" develops in connection with the separation of the flesh from the pit. It is an indication that the apricot is reaching proper tree maturity for picking for fresh shipment. Springiness may be detected by: <ul style="list-style-type: none"><li>● External pressure on the apricot; or</li><li>● Cutting the apricot in half at right angles to the longitudinal axis and noting how one-half or both halves slip away from the pit.</li></ul>
(3) <b>Taste</b>	On a tree whose fruit is ready for harvest for fresh shipment, it is quite common to find apricots that are fairly palatable because they have lost much of their green taste. However, in using this test, do not be misled by apricots that, because of worm infestation, may be maturing abnormally.
(4) <b>Separation of fruit from the stem</b>	The way apricots separate from their stems is an indication of their maturity. For example, immature apricots tend to tear the adjacent skin and flesh more than apricots that are near proper maturity.

NEW SECTION

**WAC 16-406-012 Do all apricot varieties mature in the same way?** Not all varieties of apricots mature in the same way. The varieties listed in the following table have not reached a stage of maturity that will insure a proper completion of the ripening process until they have developed a characteristic yellow color (shades Nos. 3 or 4 on U.S. standard ground color chart) over the minimum surface area shown:

<b>APRICOT VARIETY</b>	<b>MINIMUM YELLOW SURFACE AREA STATED AS A PERCENTAGE OF AN APRICOT'S TOTAL SURFACE AREA</b>
Moorpark	20%
Gilbert or Newcastle	50%
Tilton	40%
Blenheim	40%

APRICOT VARIETY	MINIMUM YELLOW SURFACE AREA STATED AS A PERCENTAGE OF AN APRICOT'S TOTAL SURFACE AREA
Royal	40%

NEW SECTION

WAC 16-406-015 What is considered "damage" and "serious damage" to apricots? The following tables explain the differences between "damage" and "serious damage" as applied to apricots:

Table 1  
"Damage" and "Serious Damage" for All Varieties of Apricots except the Riland Variety

Except for the Riland variety, the following are considered <b>damage</b> :	Except for the Riland variety, the following are considered <b>serious damage</b> :
(1) <b>Well-healed growth cracks</b> over 3/8 of an inch in length.	(1) <b>Well-healed growth cracks</b> that are more than 1/2 inch in length.
(2) <b>Punctures</b> over 3/16 of an inch in diameter.	
(3) <b>Stem pulls</b> over 3/8 of an inch in diameter.	
(4) <b>Smooth shallow limb rubs</b> more than 1/4 of an inch in diameter.	
(5) <b>Russetting</b> affecting more than ten percent of the apricot's surface.	
(6) <b>Bruises</b> exceeding five percent of the apricot's surface.	(2) <b>Bruises</b> exceeding ten percent of the surface of the apricot.
(7) <b>Hail marks</b> that are:	(3) <b>Hail marks</b> that are more than:
(a) Not shallow and superficial; or	(a) 3/16 of an inch deep; or
(b) More than 3/8 of an inch in diameter in the aggregate; or	(b) 1/2 of an inch in diameter in the aggregate; or
(c) More than 1/8 inch in diameter when the skin has been broken.	(c) 1/2 inch in diameter when the skin has been broken.

Table 2  
"Damage" and "Serious Damage" for the Riland Variety of Apricots

For the Riland variety, the following are considered <b>damage</b> :	For the Riland variety, the following are considered <b>serious damage</b> :
(1) <b>Growth cracks</b> exceeding 3/8 inches in length.	(1) <b>Growth cracks</b> that are not well healed and are more than 1/2 inch in length.
(2) <b>Punctures</b> exceeding 1/4 of an inch in diameter.	
(3) <b>Stem pulls</b> exceeding 1/2 inch in diameter.	
(4) <b>Smooth shallow limb rubs</b> more than 1/4 of an inch in diameter.	
(5) <b>Russetting</b> affecting more than ten percent of the apricot's surface.	

For the Riland variety, the following are considered <b>damage:</b>	For the Riland variety, the following are considered <b>serious damage:</b>
(6) <b>Bruises</b> exceeding five percent of the apricot's surface.	(2) <b>Bruises</b> exceeding ten percent of the surface of the apricot.
(7) <b>Hail marks</b> that are:	(3) <b>Hail marks</b> that are more than:
(a) Not shallow and superficial; or	(a) 3/16 of an inch deep; or
(b) More than 3/8 of an inch in diameter in the aggregate; or	(b) 1/2 of an inch in diameter in the aggregate; or
(c) More than 1/8 inch in diameter when the skin has been broken.	(c) 1/2 inch in diameter when the skin has been broken.

AMENDATORY SECTION (Amending WSR 99-17-003, filed 8/4/99, effective 9/4/99)

**WAC 16-406-020 ((Tolerances.)) What tolerances apply to apricots?** ((~~(1) In order to allow for variations incident to proper grading and handling, not more than a total of ten percent of the apricots in any lot may be below the requirements of grade, provided that not more than five percent shall be seriously damaged by insects, and not more than one percent shall be allowed for decay or internal breakdown: Provided, That in addition in Washington No. 1 not more than ten percent, by count, of the apricots in any lot may be damaged but not seriously damaged by bruising.~~

~~(2) When applying the foregoing tolerances to the combination grade no part of any tolerance shall be used to reduce the percentage of Washington No. 1 apricots required in the combination, but individual containers may have not more than ten percent less than the percentage of Washington No. 1 required, provided that the entire lot averages within the percentage specified.))~~ (1) To allow for variations incident to proper grading and handling, the following tolerances apply to apricots:

(a) No more than ten percent of the apricots in any lot may be below grade requirements.

(b) Serious damage by insects must affect no more than five percent of the apricots in any lot.

(c) No more than one percent must be affected by decay or internal breakdown.

(d) In addition, for Washington No. 1 grade, no more than ten percent, by count, of the apricots in any lot may be damaged (but not seriously damaged) by bruising.

(2) When applying the tolerances in subsection (1) of this section to the Washington combination grade:

(a) No part of any tolerance must be used to reduce the percentage of Washington No. 1 apricots required for the combination grade.

(b) However, individual containers may contain forty percent

Washington No. 1 grade apricots if the entire lot averages fifty percent.

AMENDATORY SECTION (Amending WSR 03-24-008, filed 11/20/03, effective 12/21/03)

WAC 16-406-025 ((Application of tolerances.)) How are apricot tolerances applied to individual samples? ((1) The contents of individual samples are subject to the following limitations: Provided, That the averages for the entire lot are within the tolerances specified for this grade.

(2) For packages which contain more than ten pounds, and a tolerance of ten percent or more is provided, individual samples in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than ten pounds and a tolerance of less than ten percent is provided, individual samples in any lot shall have not more than double the tolerance specified. Provided, That not more than one apricot which is affected by decay or internal breakdown may be permitted in any sample.

(3) Washington No. 1 grade. For packages containing ten pounds or less: Not more than ten percent of the samples may have more than three times the tolerances specified, except that at least one defective apricot may be permitted in any sample. Provided, That not more than one apricot or more than six percent (whichever is the larger amount) may be affected by decay or internal breakdown.

(4) Washington No. 2 grade. For packages containing ten pounds or less: Not more than ten percent of the samples may contain more than three times the tolerances specified.) If the averages for the entire lot are within the tolerances specified for the grade, the contents of individual samples are subject to the following limitations:

<u>Package Weight and/or Apricot Grade</u>	<u>With a Tolerance of:</u>	<u>Individual Sample in Any Lot:</u>	<u>Defects Allowed in a Sample</u>
<u>(1) Packages containing more than ten pounds</u>	<u>Ten percent or more</u>	<u>Must have no more than one and one-half times the tolerance specified</u>	<u>No more than one apricot affected by decay or internal breakdown is permitted in any sample.</u>
<u>(2) Packages containing more than ten pounds</u>	<u>Less than ten percent</u>	<u>Must have no more than double the tolerance specified</u>	<u>No more than one apricot affected by decay or internal breakdown is permitted in any sample.</u>

<u>Package Weight and/or Apricot Grade</u>	<u>With a Tolerance of:</u>	<u>Individual Sample in Any Lot:</u>	<u>Defects Allowed in a Sample</u>
<u>(3) Washington No. 1 grade packages containing ten pounds or less</u>	<u>Ten percent or less</u>	<u>May have more than three times the tolerances specified</u>	<u>At least one defective apricot may be permitted in any sample and one apricot or more than six percent (whichever is the larger amount) may be affected by decay or internal breakdown.</u>
<u>(4) Washington No. 2 grade packages containing ten pounds or less</u>	<u>Ten percent or less</u>	<u>May have more than three times the tolerances specified</u>	<u>N/A</u>

AMENDATORY SECTION (Amending WSR 99-17-003, filed 8/4/99, effective 9/4/99)

WAC 16-406-030 ((Marking and packing requirements.)) What marking and packing requirements apply to apricots? ((1) When the numerical count is used, the apricots in any container shall not vary more than one fourth inch in diameter. In order to allow for variations incident to proper sizing, not more than ten percent, by count, of the apricots in any package may be below the minimum size specified. The determination of grade may be made on the count basis.

(2) When apricots are prepared for market and/or offered for sale in containers, open or closed, such containers shall have stamped thereon the variety, grade, and packer's, grower's or shipper's name and address, count, or net weight and minimum diameter.

(These marking requirements do not apply to apricots being sold or shipped to canneries))

Note: The marking requirements in this section do not apply to apricots being sold or shipped to canneries.

(1) When a numerical count is used to pack apricots, the apricots in any container must not vary more than one-quarter inch in diameter.

(2) To allow for variations incident to proper sizing, no more than ten percent, by count, of the apricots in any package may be below the specified minimum size.

(3) Numerical count may be used to determine apricot grades.

(4) When apricots are prepared for market and/or offered for sale in containers (either open or closed), the following information must be clearly stamped on each container:

(a) Variety;

(b) Grade;

(c) Packer's, grower's or shipper's name and address; and

(d) Count; or



(e) Net weight and minimum diameter.

AMENDATORY SECTION (Amending Order 1015, Regulation A, filed 4/29/66)

WAC 16-406-060 ((Definition of grades-)) What grades apply to apricots? ((1) Washington No. 1 shall consist of apricots of one variety which are mature but not soft, overripe or shriveled, and which are well formed, visibly clean and free from decay, worm holes, and from damage caused by dirt, limb rubs, growth cracks, bruises, scale, hail, disease, insects or mechanical or other means. (See tolerances WAC 16-406-020)

((2) Washington No. 2 shall consist of apricots of one variety which are mature but not soft, overripe or shriveled, but which are fairly clean and free from decay, worm holes, and from serious damage caused by growth cracks, bruises, hail, insect pests, mechanical or other means. (See tolerances WAC 16-406-020)

((3) Washington combination shall consist of a combination of Washington No. 1 and Washington No. 2 and may be packed. When such a combination is packed, at least fifty percent of the apricots in any container shall meet the requirements of Washington No. 1. (See tolerances WAC 16-406-020)

((4) Culls shall consist of apricots which are immature or seriously damaged by growth cracks, nail, insect pests, mechanical or other means. (See marking and packing requirements WAC 16-406-030)) The following table identifies apricot grades and describes their characteristics:

<u>WASHINGTON APRICOT GRADES</u>	<u>CHARACTERISTICS</u>
<u>(1) Washington No. 1</u>	<u>Washington No. 1 grade apricots consist of apricots of one variety that are:</u> <ul style="list-style-type: none"><li>● <u>Mature but not soft</u></li><li>● <u>Not overripe or shriveled</u></li><li>● <u>Well formed</u></li><li>● <u>Visibly clean</u></li><li>● <u>Free from decay and worm holes</u></li><li>● <u>Free from damage caused by dirt, limb rubs, growth cracks, bruises, scale, hail, disease, insects or mechanical or other means. (See tolerances WAC 16-407-060.)</u></li></ul>
<u>(2) Washington No. 2</u>	<u>Washington No. 2 grade apricots consist of apricots of one variety that are:</u> <ul style="list-style-type: none"><li>● <u>Mature but not soft</u></li><li>● <u>Not overripe or shriveled</u></li><li>● <u>Fairly clean</u></li><li>● <u>Free from decay and worm holes</u></li></ul>

<u>WASHINGTON APRICOT GRADES</u>	<u>CHARACTERISTICS</u>
	<ul style="list-style-type: none"> <li>● <u>Free from serious damage caused by growth cracks, bruises, hail, insect pests, mechanical or other means. (See tolerances WAC 16-407-060.)</u></li> </ul>
<u>(3) Washington combination</u>	<ul style="list-style-type: none"> <li>● <u>Washington combination grade consists of a combination of Washington No. 1 and Washington No. 2 grade apricots.</u></li> <li>● <u>Washington combination grade apricots may be packed.</u></li> <li>● <u>When packed, at least fifty percent of the apricots in any container must meet the requirements of Washington No. 1 grade. (See tolerances WAC 16-407-060.)</u></li> </ul>
<u>(4) Culls</u>	<ul style="list-style-type: none"> <li>● <u>Culls consist of apricots that are immature or seriously damaged by growth cracks, hail, insect pests, mechanical or other means. (See marking and packing requirements WAC 16-406-030.)</u></li> <li>● <u>Cull apricots for fresh market must be clearly marked with the word CULLS, in large letters at least two inches high, on closed type of containers.</u></li> </ul>

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-406-040  
WAC 16-406-050

Culls for fresh market.  
Definition of terms.