



RULE-MAKING ORDER

1-103 (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: This rule making order adopts an amendment correcting an error of omission in WAC 16-414-155. The department adopted rewritten cherry standards (Chapter 16-414 WAC Washington standards for cherries) on May 25, 2005 (WSR #05-12-037). The chapter was rewritten and reformatted so it was easier to understand and use. No requirements were changed. During the rewrite, the word "damage" was inadvertently omitted from the section title for WAC 16-414-155. The correct title should read: "What specific defects are considered serious damage to Washington standards for sulphured cherries?" The word "damage" was also inadvertently omitted from the first sentence of the section. The corrected sentence should read: "The defects listed in the following table are considered serious damage". The purpose of this filing is to permanently add the omitted word "damage" to WAC 16-414-155 where appropriate. This housekeeping amendment is necessary to eliminate any ambiguity and confusion in the mind of someone reading WAC 16-414-155.

Citation of existing rules affected by this order:

Repealed: None
Amended: WAC 16-414-155
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 #05-16-116 on August 3, 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: October 4, 2005

NAME (TYPE OR PRINT)

Valoria H. Loveland

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

OCT 4 2005

TIME

2:09

WSR

05-20-075

AM
PM

(COMPLETE REVERSE SIDE)

**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	0	Amended	0	Repealed	0
Federal rules or standards:	New	0	Amended	0	Repealed	0
Recently enacted state statutes:	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	0	Amended	1	Repealed	0
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

	New	0	Amended	1	Repealed	0
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The number of sections adopted using:

Negotiated rule making:	New	0	Amended	0	Repealed	0
Pilot rule making:	New	0	Amended	0	Repealed	0
Other alternative rule making:	New	0	Amended	1	Repealed	0

AMENDATORY SECTION (Amending WSR 05-12-037, filed 5/25/05, effective 6/25/05)

WAC 16-414-155 What specific defects are considered serious damage to Washington standards for sulphured cherries? The defects listed in the following table are considered serious damage:

DEFECT	DESCRIPTION
(1) Deformed cherry or double cherry	Any deformed sulphured cherry or double sulphured cherry is considered serious damage.
(2) Mechanical injury	Mechanical injury to Washington No. 2 whole cherries is considered serious damage if it causes any: <ul style="list-style-type: none"> ● Open pitter holes; ● Pitter hole where there is a serious loss of flesh; ● Pitter tears; or ● Other mechanical injury that seriously affects the cherry's appearance.
(3) Mechanical injury	Mechanical injury to Washington No. 2 halved cherries is considered serious damage if it causes any: <ul style="list-style-type: none"> ● Open pitter holes; ● Pitter hole where there is a serious loss of flesh; ● Pitter tears; or ● Other mechanical injury that seriously affects the cherry's appearance.
(4) Surface discoloration	Surface discoloration is considered serious damage when any: <ul style="list-style-type: none"> ● Light surface discoloration exceeds, in the aggregate, 1/2 of the cherry's surface; or ● Dark surface discoloration exceeds, in the aggregate, 1/8 of the cherry's surface.
(5) Rain cracks	Rain cracks on Washington No. 2 whole cherries are considered serious damage if: <ul style="list-style-type: none"> ● In the stem basin and more than 1/2 inch in length; or ● Outside the stem basin and more than 3/8 of an inch in length, measured on the circumference.
(6) Rain cracks	Rain cracks on Washington No. 2 halved cherries are considered serious damage if: <ul style="list-style-type: none"> ● In the stem basin and more than 1/4 inch in length; or ● Outside the stem basin more than 3/16 of an inch in length, measured on the circumference.
(7) Blemished	Any blemish or combination of blemishes are considered serious damage if they seriously: <ul style="list-style-type: none"> ● Affect the appearance of the cherry; or

DEFECT	DESCRIPTION
	• Discolor the flesh of the cherry.