

State of Washington

DEPARTMENT OF AGRICULTURE

(agency name)

Administrative Order No. 1550

(1) I, Bob J. Mickelson, director of Department of Agriculture

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

New sections 16-414-010, 16-414-020, 16-414-030, 16-414-040, 16-414-050, 16-414-060, 16-414-070, 16-414-080 and 16-414-090, relating to the establishment of a Washington State cherry grade.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. WSR-78-02-082 filed with the code reviser on 1/30/78. Such rules shall take effect:

- [X] pursuant to RCW 34.04.040(2).
[] at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04. (1977 c 19 § 2) that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

- [X] (a) This rule is promulgated pursuant to RCW 15.17 and is intended to administratively implement that statute.
[] (b) This rule is promulgated pursuant to RCW which directs that the

has authority to implement the provisions of (agency)

(name of act or RCW citation)

- [] (c) This rule is promulgated under the general rule-making authority of the

(agency)

as authorized in RCW

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this agency is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

STATE OF WASHINGTON FILED March 30 19 78

MAR 31 1978

By Bob J. Mickelson Director

Title

CODE REVISER'S OFFICE WSR 78-04-060



STATE OF  
WASHINGTON

DEPARTMENT OF AGRICULTURE

406 General Administration Building, Olympia, Washington 98504

Dixy Lee Ray  
Governor

March 30, 1978

For purposes of legislative review of agency rules, the following statement is submitted:

- (a) This rule concerns cherry grade and standard Order No. 1550 (statutory authority 15.17).
- (b) This rule establishes a Washington State cherry grade.
- (c) Department of Agriculture  
Division of Plant Industry  
C. T. Nielsen  
418 General Administration Building, Olympia  
753-5052
- (d) Proponents:  
Alan Taylor, Washington State Fruit Commission;  
"Goodfruit Grower"  
Bill Dewitt, Wenatchee Valley Traffic Association, Wenatchee  
F. W. Shields, Jr., Yakima Valley Growers-Shippers Association,  
Yakima  
Bob Cain, Snokist Growers, Yakima  
Vernon Ball  
George Bryson  
Dick Poyser, Washington Cherry Marketing Committee, Yakima  
Bill Buckley, Pacific Fruit & Produce Company, Yakima  
Bill Ireys, USDA, Federal-State Inspection  
Ron Fox, Washington State Department of Agriculture, Moses Lake  
Jim Archer, Washington State Department of Agriculture, Yakima  
Bob Rosko, USDA, FSQS, San Francisco  
Charles Von Essen, Washington State Department of Agriculture,  
Wenatchee  
Bill Ryan, Washington State Department of Agriculture, Yakima  
Bill Rich, WSHA, Grade and Pack Com.
- Opponents: none
- (e) Agency Comments: none.

## Chapter 16-414

## SWEET CHERRIES

NEW SECTIONWAC 16-414-010 WASHINGTON NO. 1 GRADE AND TOLERANCES DEFINED.

(1) Washington No. 1 shall consist of sweet cherries which meet the following requirements: Similar varietal characteristics; mature; fairly well colored; well formed and clean; free from decay insect larvae or holes caused by them, soft overripe or shriveled, underdeveloped doubles and sunscald; and free from damage by any other cause.

(2) Size. Unless otherwise specified, the minimum diameter of each cherry shall be not less than three-fourths inch. The maximum diameter of the cherries in any lot may be specified in accordance with the facts.

(3) Tolerances. In order to allow for variations incident to proper grading and handling, the following tolerances, by count, are provided as specified:

(a) For defects at shipping point. Washington No. 1. Eight percent for cherries which fail to meet the requirements for this grade: PROVIDED, That included in this amount not more than four percent shall be allowed for defects causing serious damage, including in this latter amount not more than one-half of one percent for cherries which are affected by decay.

NOTE: Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

(b) For defects en route or at destination.

Washington No. 1. Twenty-four percent for cherries in any lot which fail to meet the requirements for this grade: PROVIDED, That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) Eight percent for cherries which fail to meet the requirements for this grade because of permanent defects; or

(ii) Six percent for cherries which are seriously damaged, including therein not more than four percent for cherries which are seriously damaged by permanent defects and not more than two percent for cherries which are affected by decay.

(c) For off-size. Five percent for cherries which fail to meet the specified minimum diameter and ten percent for cherries that fail to meet any specified maximum diameter.

NEW SECTION

WAC 16-414-020 APPLICATION OF TOLERANCES. Individual samples shall have not more than double the tolerances specified, except that at least two defective and two off-size specimens may be permitted in any sample: PROVIDED, That the averages for the entire lot are within the tolerances specified for the grade.

NEW SECTION

WAC 16-414-030 DEFINITIONS. (1) Similar varietal characteristics. "Similar varietal characteristics" means that the cherries in any container are similar in color and shape.

(2) Mature. "Mature" means that the cherries have reached the stage of growth which will insure the proper completion of the ripening process.

(3) Fairly well colored. "Fairly well colored" means that at least ninety-five percent of the surface of the cherry shows characteristic color for mature cherries of the variety.

(4) Well formed. "Well formed" means that the cherry has the normal shape characteristic of the variety, except that mature well developed doubles shall be considered well formed when each of the halves is approximately evenly formed.

(5) Clean. "Clean" means that the cherries are practically free from dirt, dust, spray residue, or other foreign material.

NEW SECTION

WAC 16-414-040 DAMAGE. "Damage" means any specific defect described in this section; or any equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the fruit. The following specific defects shall be considered as damage:

(1) Cracks within the stem cavity when deep or not well healed, or when the appearance is affected to a greater extent than that of a cherry which has a superficial well healed crack one-sixteenth inch in width extending one-half the greatest circumference of the stem cavity;

(2) Cracks outside of the stem cavity when deep or not well healed, or when the crack has weakened the cherry to the extent that it is likely to split or break in the process of proper grading, packing and handling, or when materially affecting the appearance;

(3) Hail injury when deep or not well healed, or when the aggregate area exceeds the area of a circle three-sixteenths inch in diameter;

(4) Insects when scale or more than one scale mark is present, or when the appearance is materially affected by any insect;

(5) Limbruks when affecting the appearance of the cherry to a greater extent than the amount of scarring permitted;

(6) Pulled stems when the skin or flesh is torn, or when the cherry is leaking;

(7) Russeting when affecting the appearance of the cherry to a greater extent than the amount of scarring permitted;

(8) Scars when excessively deep or rough or dark colored and the aggregate area exceeds the area of a circle three-sixteenths inch in diameter, or when smooth or fairly smooth, light colored and superficial and the aggregate area exceeds the area of a circle one-fourth inch in diameter;

(9) Skin breaks when not well healed or when the appearance of the cherry is materially affected; and,

(10) Sutures when excessively deep or when affecting the shape of the cherry to the extent that it is not well formed.

NEW SECTION

WAC 16-414-050 DIAMETER. "Diameter" means the greatest dimension measured at right angles to a line from the stem to the blossom end of the cherry.

NEW SECTION

WAC 16-414-060 SERIOUS DAMAGE. "Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects which seriously detracts from the appearance or the edible or marketing quality of the fruit. The following specific defects shall be considered as serious damage:

- (1) Decay;
- (2) Insect larvae or holes caused by them;
- (3) Skin breaks which are not well healed;
- (4) Cracks which are not well healed; and,
- (5) Pulled stems with skin or flesh of cherry torn or which causes the cherry to leak.

NEW SECTION

WAC 16-414-070 PERMANENT DEFECTS. "Permanent defects" means defects which are not subject to change during shipping or storage; including, but not limited to, factors of shape, scarring, skin breaks, injury caused by hail or insects, and mechanical injury which is so located as to indicate that it occurred prior to shipment.

NEW SECTION

WAC 16-414-080 CONDITION DEFECTS. "Condition defects" means defects which may develop or change during shipment or storage; including but not limited to decayed or soft cherries and such factors as pitting, shriveling, sunken areas, brown discoloration and bruising which is so located as to indicate that it occurred after packing.

NEW SECTION

WAC 16-414-090 MARKING CONTAINERS. Containers shall be conspicuously and legibly stamped with the name and the address of the grower, packer or shipper, the net weight, and may be marked with the true variety name of "Sweet Cherries."