

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Agriculture
(agency name)

Administrative Order No. 1977

(1) I, C. Alan Pettibone, director of Agriculture

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

Chapter 16-436 WAC Washington Standards for Peaches

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

This action is taken pursuant to Notice No. WSR 88-08-071 filed with the code reviser on April 6, 1988. These rules shall take effect: [X] thirty days after they are filed with the code reviser 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 this 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 the emergency is:

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

(3) Pursuant to the requirements of RCW 34.04.026 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:

[XX] (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

(agency) has authority to implement the provisions of (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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(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.

APPROVED AND ADOPTED May 16 1988

STATE OF WASHINGTON FILED

By C. Alan Pettibone

MAY 16 1988

Director Title

CODE REVISER'S OFFICE WSR 88-11-048

AMENDATORY SECTION (Amending Order 1203, filed 5/14/71, effective 6/14/71)

WAC 16-436-100 WASHINGTON EXTRA FANCY GRADE. Shall consist of peaches of one variety which are mature, but not soft or overripe; fairly well formed; and which are free from decay, broken skin, worms, worm holes; and free from damage caused by bruises; dirt or other foreign material; bacterial spot; scab; scale; growth cracks; hail injury; leaf or limb rubs or russeting; split pits; stem pull; rough suture; other diseases, insects or mechanical or other means. Definitions for the above grade will be found under WAC 16-436-160, 16-436-180, 16-436-185, 16-436-190, 16-436-200, ((and)) 16-436-210, and 16-436-220.

AMENDATORY SECTION (Amending Order 1212, filed 9/17/71, effective 10/18/71)

WAC 16-436-110 WASHINGTON FANCY GRADE. Shall consist of peaches of one variety which meet all of the requirements of Washington extra fancy: PROVIDED, Split pit not to exceed 3/8 inch in length shall be allowed. Damage, but not serious damage, for rough suture shall be allowed in this grade. Definitions for the above grade will be found under WAC ((16-436-160)) 16-436-165, 16-436-180, 16-436-185, 16-436-190, 16-436-200, 16-436-210, and 16-436-220.

AMENDATORY SECTION (Amending Order 1203, filed 5/14/71, effective 6/14/71)

WAC 16-436-140 CULL GRADE. Shall consist of peaches which are immature or soft or seriously damaged by bruises; bacterial spot; scab; scale; growth cracks; hail injury; leaf or limb rubs; split pits; or other diseases, insects or mechanical or other means. Definitions for the above grade will be found under WAC 16-436-150, ((16-436-180, and)) 16-436-200, and 16-436-220.

AMENDATORY SECTION (Amending Order 1203, filed 5/14/71, effective 6/14/71)

WAC 16-436-160 TOLERANCES. In order to allow for variations incident to proper grading and handling, the following tolerances shall apply to the Washington extra fancy (WAC 16-436-100), ((Washington--fancy--(WAC-16-436-110)-)) and the Washington combination extra fancy and fancy (WAC 16-436-120), not more than 10% by count, of the peaches in any lot may fail to meet the requirements of this grade but not more than 1/2 of this amount, or 5%, shall be allowed for defects causing serious damage, as defined under WAC 16-436-220, and not more than 1/5 of this amount, or 1%, shall be allowed for decay at shipping point: PROVIDED, An additional tolerance of not more than 10% by count, of the peaches in any lot may be damaged, but not seriously damaged, by bruising at packing time as defined under WAC 16-436-210 and 16-436-220. When applying the foregoing tolerances to the combination grades, no part of any tolerance shall be allowed to reduce, for the lot as a whole, the 75% of peaches of the higher grade required in the combination, but individual containers shall have not

less than 65% of the higher grade (~~(--PROVIDED, an additional tolerance of not more than 10% by count, of the peaches in any lot may be damaged, but not seriously damaged, by bruising at packing time as defined under WAC 16-436-210 and 16-436-220)~~). An additional tolerance of 2% shall be allowed for soft, overripe, or decayed peaches en route or at destination as defined under WAC 16-436-200.

#### NEW SECTION

WAC 16-436-165 TOLERANCES. In order to allow for variations incident to proper grading and handling, the following tolerances shall apply to the Washington fancy (WAC 16-436-110), not more than 20% by count of the peaches in any lot may fail to meet the requirement of this grade, but not more than 1/4 of this amount, or 5% shall be allowed for defects causing serious damage, as defined under WAC 16-436-220 and not more than 1/5 of this amount, or 1% shall be allowed for decay at shipping point. An additional tolerance of 2% shall be allowed for soft, overripe, or decayed peaches en route or at destination as defined under WAC 16-436-200.

#### AMENDATORY SECTION (Amending Order 1203, filed 5/14/71, effective 6/14/71)

WAC 16-436-170 TOLERANCES. In order to allow for variations incident to proper grading and handling for the Washington No. 2 grade (WAC 16-436-130), not more than 10% by count, of the peaches in any lot may fail to meet the requirements of this grade, but not more than 1/10 of this amount, ~~((of))~~ or 1%, shall be allowed for decay at shipping point: PROVIDED, That an additional tolerance of 2% shall be allowed for soft, overripe, and decayed peaches en route or at destination.

#### AMENDATORY SECTION (Amending Order 1203, filed 5/14/71, effective 6/14/71)

WAC 16-436-185 WASHINGTON STANDARD PACK. Applies to all grades except CULLS.

(1) Each package shall be packed so that the peaches in the shown face shall be reasonable representative in size, color and quality of the contents of the package.

(2) Baskets. Peaches packed in U.S. Standard bushel baskets, ~~((for))~~ or half-bushel baskets shall be ring faced and tightly packed with sufficient bulge to prevent any appreciable movement of the peaches within the packages when lidded.

(3) Boxes. Peaches packed in standard western boxes shall be reasonably uniform in size and arranged in the packages according to the approved and recognized methods. Each wrapped peach shall be fairly well enclosed by its individual wrapper. All packages shall be well filled and tightly packed but the contents shall not show excessive or unnecessary bruising because of over-filled packages. The number of peaches in the box shall not vary more than 4 from the number indicated on the box.

(4) Peaches packed in other type boxes such as wire-bound boxes and fibre-board boxes may be place packed, or jumble packed faced, and all packs shall be well filled.

(5) Peaches packed in boxes equipped with cell compartments or molded trays shall be of the proper size for the cells or the molds in which they are packed.

(6) Peaches placed in individual paper cups and packed in boxes shall be in cups of the proper size for the peaches.

(7) In order to allow for variations incident to proper packing, not more than 10% of the packages in any lot may not meet these requirements.

AMENDATORY SECTION (Amending Order 1203, filed 5/14/71, effective 6/14/71)

WAC 16-436-190 MARKING REQUIREMENTS. Applies to all grades except CULLS.

(1) All containers shall be conspicuously and legible stamped with the name and address of the grower, shipper or packer, the fruit variety, grade, and numerical count, or minimum diameter.

(2) When the numerical count is not shown, the minimum diameter and net weight shall be plainly stamped or otherwise marked on the container in terms of whole inches, whole and half inches, whole and quarter inches, or whole and eighth inches, as 2 inches minimum, 2-1/4 inches minimum, 1-7/8 inches minimum, in accordance with the facts. The minimum and maximum diameters may both be stated in accordance with the facts.

(3) In order to allow for variations incident to proper sizing, not more than 10% by count, of the peaches in any lot may be below the specified minimum size and not more than 15% may be above any specified maximum size.

(4) The grade (~~for Wash-ex-fancy; Wash-fancy; Wash-comb-ex-fancy--and--fancy;--Wash-No-2~~) shall be stamped in letters at least 1/4 inch high. (~~Abbreviations used in this paragraph are the only abbreviations acceptable for grade markings~~) The following abbreviations may be used: Washington may be abbreviated as Wash. or Wa.; extra fancy may be abbreviated as ex. fcy. or extra fcy.; fancy may be abbreviated as fcy.; combination may be abbreviated as comb.

AMENDATORY SECTION (Amending Order 1203, filed 5/14/71, effective 6/14/71)

WAC 16-436-220 DEFINITION--SERIOUS DAMAGE. Applying to Washington extra fancy (WAC 16-436-100); Wash. fancy (WAC 16-436-110); Wash. comb. ex. fancy and fancy (WAC 16-436-120); Wash. No. 2 (WAC 16-436-130); cull grade (WAC 16-436-140). "Serious damage" means any injury or defect which seriously affects the appearance, or the edible or shipping quality of the peach. Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage.

(1) Bruises, causing a waste in excess of 10% by area on each peach with any one bruise causing a waste in excess of 5% by area or exceeds 3/8 of an inch in depth. Areas or depths of bruises specified are applicable to a peach 2-1/4 inches or smaller in diameter. Correspondingly greater areas or depths shall be allowed on definitely larger peaches;

(2) Bacterial spot, when any cracks are not well healed, or when aggregating more than 1/2 inch in diameter;

(3) Scab spots, when cracked, or when healed and aggregating more than one inch in diameter;

(4) Scale, when aggregating more than 1/2 inch in diameter;

- (5) Growth cracks, when unhealed, or more than 1/2 inch in length;
- (6) Hail injury, when unhealed, or shallow hail injury when aggregating more than 3/4 inch in diameter, or deep hail injury which seriously deforms the fruit or which aggregates more than 1/2 inch in diameter, or more than 1/8 inch in depth;
- (7) Leaf or limb rubs, when smooth and light colored and aggregating more than 1-1/4 inches in diameter, or dark or rough and bark-like scars aggregating more than 1/2 inch in diameter;
- (8) Split pit, when causing any unhealed crack, or when healed and aggregating more than 1/2 inch in length including any part of the crack which may be covered by the stem;
- (9) Stem pulls larger than 1/2 inch in diameter, including stem area;
- (10) Punctures not on the shoulder area or punctures on the shoulder area larger than 3/16 of an inch in diameter;
- (11) Rough suture, entire length of suture 1/4 inch wide, 1/16 inch high.