



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: Department of Agriculture

- Permanent Rule
 Emergency Rule

(1) Date of adoption: May 20, 1992

(2) Purpose: To update the existing grade standards to more accurately reflect marketing conditions of the peach industry and to duplicate current quality requirements of the federal marketing order.

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

- Repealed:
Amended: Chapter 14-436 WAC
Suspended:

(4) Authority for adoption:

- Statute: Chapter 15.17 RCW
Other Authority:

(5.1) PERMANENT RULE ONLY

Pursuant to notice filed as WSR 92-08-106 on April 1, 1992 (date).

Describe any changes other than editing from proposed to adopted version:

(5.2) EMERGENCY RULE ONLY

Pursuant to 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:

(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

- 31 days after filing
 Other (specify) _____ *

Emergency Rules

- Immediately
 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)

C. Alan Pettibone

SIGNATURE

TITLE

Director

DATE

5/20/92

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

MAY 20 1992

TIME: 11:08 AM

WSR 92-11-076

AMENDATORY SECTION (Amending Order 1977, filed 5/16/88)

WAC 16-436-100 WASHINGTON EXTRA FANCY GRADE. (1) 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.

(2) Size. Such peaches shall measure not less than 2-1/4 inches in diameter: PROVIDED, That such peaches shall also meet requirements of WAC 16-436-187 Minimum size. 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, 16-436-210, and 16-436-220.

AMENDATORY SECTION (Amending Order 1977, filed 5/16/88)

WAC 16-436-110 WASHINGTON FANCY GRADE. (1) 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.

(2) Size. Such peaches shall measure not less than 2-1/4 inches in diameter: PROVIDED, That such peaches shall also meet requirements of WAC 16-436-187 Minimum size. Definitions for the above grade will be found under WAC 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 1977, filed 5/16/88)

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, 16-436-200, and 16-436-220~~) not graded in conformity with the foregoing grades.

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

WAC 16-436-150 CULL PEACH REQUIREMENTS. Cull peaches (~~must~~) shall be packed in one bushel baskets, ring faced with the peaches in the ring representative of the size, and quality of the peaches in the baskets and the baskets lidded, and the words "CULL PEACHES" (~~must~~) shall appear on the top and side of the basket in which they are shipped and upon labels upon the basket in clear and legible letters at least 2-1/2 inches high, and the name and address of the grower, shipper, or packer, and the variety, minimum diameter, and net weight (~~must~~) shall be legibly stamped upon the lid or appear upon the labels in letters at least 1/2 inch high. Every bill of lading, invoice, memorandum and other documents referring to said peaches shall designate them as cull peaches.

NEW SECTION

WAC 16-436-166 TOLERANCES--SIZE. 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.

AMENDATORY SECTION (Amending Order 1977, filed 5/16/88)

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)) reasonably representative in size, color and quality of the contents of the package.

(2) Baskets. Peaches packed in U.S. Standard bushel baskets, 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 or corrugated cartons 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.

NEW SECTION

WAC 16-436-186 CONTAINERS. (1) Fresh peaches of the Washington extra fancy grade when in loose or jumble packs shall be marketed in containers of a capacity equal to or greater than that of a western lug box and shall contain not less than twenty-six pounds net weight of peaches: PROVIDED, That such containers of peaches having less than twenty-six pounds net weight may be marketed if such containers are well filled.

(2) Fresh peaches of the Washington fancy grade or of the Washington combination extra fancy and fancy grade shall be marketed only in the standard peach box or western lug box: PROVIDED, That such containers of peaches having less than twenty-six pounds net weight may be marketed if such containers are well filled.

(3) The director may allow the use of containers not specified in WAC 16-436-185, subsections (1) and (2) of this section, WAC 16-436-187 Minimum size, and 16-436-200, as experimental containers for the purpose of test or trial marketing.

NEW SECTION

WAC 16-436-187 MINIMUM SIZE. (1) Fresh peaches of any variety, except peaches of the Elberta varieties, when packed and marketed in any container except the standard peach box, shall measure not less than 2 3/8 inches in diameter.

(2) Fresh peaches of any variety when packed and marketed in the standard peach box shall measure not less than 2 1/4 inches in diameter.

(3) Fresh peaches of the Elberta varieties when marketed in any container shall measure not less than 2 1/4 inches in diameter.

AMENDATORY SECTION (Amending Order 1977, filed 5/16/88)

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

(1) All containers shall be conspicuously and (~~legible~~) legibly 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)) 3 inches minimum, 2-1/4 inches minimum, (~~1-7/8~~) 2 3/8 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 shall be stamped in letters at least 1/4 inch high. 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 16-436-200 DEFINITIONS. Applying to all grades.

(1) "Diameter" means the greatest distance measured through the center of the peach at right angles to a line running from the stem to the blossom end.

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

(3) "Soft or overripe" means that the peach has very little resistance to pressure. Such peaches are dead ripe.

(4) "Fairly well formed" means that the shape of the peach shall not be so misshapen that the appearance is more than moderately affected, consistent with the characteristic shape of the variety.

(5) "Not badly misshapen" means that the peach may be more irregularly shaped than "fairly well formed" as defined above, but shall not be deformed to the extent of seriously affecting its utility or general appearance.

(6) The term "loose or jumble pack" shall mean that the peaches are not placed in the container in cups, compartments, or trays.

(7) The term "standard peach box" shall mean a container with minimum inside dimensions of 4 1/4 to 6 by 11 1/2 by 16 inches.

(8) The term "western lug box" shall mean any container with minimum inside dimensions of 7 by 11 1/2 by 18 inches.

(9) The term "well filled" shall mean the level of the fruit is filled to the top edge of the container sides.

(10) The term "enroute" shall mean that the peaches have left the original shipping point and are in transit or being held in an intermediate storage facility prior to arriving at the final destination.

(11) The term "at destination" shall mean the final point of delivery by commercial carrier, or the wholesale or retail facility in which peaches are held.

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

WAC 16-436-210 DEFINITION--DAMAGE. Applies to Wash. ex. fancy (WAC 16-436-100); Wash. fancy (WAC 16-436-110); Wash. comb. ex. fancy and fancy (WAC 16-436-120). "Damage" means any injury or defect which materially 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 damage.

(1) Bruises where any bruise discolors the flesh to a depth greater than 3/16 of an inch or discolors the skin in an area greater than 1/2 inch in diameter or smaller bruises aggregating more than 1/2 inch in diameter. Areas or depths of bruises 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((+)) as follows:

<u>2 1/2 inches in dia.</u>	<u>5/9 in. area dia.</u>	<u>5/24 in. deep</u>
<u>2 3/4 inches in dia.</u>	<u>11/18 in. area dia.</u>	<u>11/48 in. deep</u>
<u>3 inches in dia.</u>	<u>2/3 in. area dia.</u>	<u>1/4 in. deep</u>
<u>3 1/4 inches in dia.</u>	<u>13/18 in. area dia.</u>	<u>13/48 in. deep</u>
<u>3 1/2 inches in dia.</u>	<u>7/9 in. area dia.</u>	<u>7/24 in. deep</u>
<u>3 3/4 inches in dia.</u>	<u>15/18 in. area dia.</u>	<u>5/16 in. deep</u>
<u>4 inches in dia.</u>	<u>8/9 in. area dia.</u>	<u>1/3 in. deep</u>

(2) Bacterial spot, when cracked, or when aggregating more than 3/8 inch in diameter;

(3) Scab spot, when cracked, or when aggregating more than 3/8 inch in diameter;

(4) Scale, when concentrated, or when scattered and aggregating more than 1/4 inch in diameter;

(5) Growth cracks, when unhealed, or more than 1/2 inch in length;

(6) Hail injury which is unhealed, or deep, or when aggregating more than 1/4 inch in diameter, or more than 1/8 inch in depth;

(7) Leaf or limb rubs or russeting, exceeding 1-1/4 inches in diameter when smooth and light colored or exceeding 1/2 inch in diameter when rough or dark colored;

(8) Split pit, when causing any unhealed crack, or when causing any crack which is readily apparent, or when affecting shape to the extent that the fruit is not fairly well formed;

(9) Stem pulls larger than 1/2 inch in diameter, including stem area;

(10) Rough suture length, half way down side of peach 1/4 inch wide and 1/32 inch high.

AMENDATORY SECTION (Amending Order 1977, filed 5/16/88)

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) (~~(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, when aggregated and causing a waste in excess of 10% by area on ~~((each))~~ any peach or with any one bruise causing a waste in excess of 5% by area or ~~((exceeds))~~ exceeding 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))~~ 5/8 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))~~2 inches in diameter, or dark or rough and barklike 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))~~ 5/8 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.

NEW SECTION

WAC 16-436-225 ADOPTION OF UNITED STATES STANDARDS AS STATE STANDARDS. In addition to the standards for peaches prescribed in WAC 16-436-100 through 16-436-230 there are hereby adopted as additional standards of the state of Washington for peaches, and for optional use by the producer or shipper, the United States standards for grades of peaches, effective June 15, 1952, as they apply to U.S. fancy, U.S. extra no. 1, U.S. no. 1, U.S. no. 2: PROVIDED, That such peaches shall meet the requirements of WAC 16-436-100, 16-436-110, and 16-436-120.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-436-130 WASHINGTON NO. 2 GRADE.

WAC 16-436-170 TOLERANCES.