



RULE-MAKING ORDER (RCW 34.05.360)

Adm Order 6008

CR-103 (4/25/96)

Agency: Department of Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Repeal

(1) Date of adoption: December 13, 1996

(2) Purpose: Improve the marketing of fresh Washington asparagus by providing a premium grade, relaxing the container requirements, which allows product packing to be flexible and responsive to market changes.

(3) Citation of existing rules affected by this order: Chapter 16-409 WAC

Repealed:
 Amended: x
 Suspended:

(4) Statutory authority for adoption: Standards of Grades and Packs, Chapter 15.17 RCW

Other Authority:

PERMANENT RULE ONLY

Adopted under notice filed as WSR 96-23-034 on 11/15/96 (date).
 Describe any changes other than editing from proposed to adopted version: The Department of Agriculture received testimony, both in favor and against the Consumer Pack amendment, therefore the Consumer Pack language is not contained in the adopted rule language. The Department of Agriculture will file a supplemental Notice and conduct and allow for additional testimony on the Consumer Pack amendment.

EMERGENCY RULE ONLY

- Under 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:

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date)

(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
or Expedited Repeal | Emergency Rules |
| <input checked="" type="checkbox"/> 31 days after filing | <input type="checkbox"/> Immediately |
| <input type="checkbox"/> Other (specify) _____ * | <input type="checkbox"/> 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)

Jim Jesernig

Signature

Title
Director

Date
December 17, 1996

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON

DEC 17 1996

TIME 3:49
WSR 97-01-081

**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	-----	Amended	-----	Repealed	-----
Federal rules or standards:	New	-----	Amended	-----	Repealed	-----
Recently enacted state statutes:	New	-----	Amended	-----	Repealed	-----

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

	New	-----	Amended	<u>6</u>	Repealed	-----
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The number of sections adopted in the agency's own initiative:

	New	-----	Amended	-----	Repealed	-----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

	New	-----	Amended	-----	Repealed	<u>1</u>
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The number of sections adopted using:

Negotiated rule making:	New	-----	Amended	-----	Repealed	-----
Pilot rule making:	New	-----	Amended	-----	Repealed	-----
Other alternative rule making:	New	<u>6</u>	Amended	-----	Repealed	-----

AMENDATORY SECTION (Amending Order 1848, filed 3/15/85)

WAC 16-409-020 Washington standards--Grades. (1) Washington extra fancy shall consist of:

(a) Clean, fresh stalks of asparagus, fairly uniform in length, well trimmed, fairly straight, not wilted, and which are free from decay and damage caused by spreading or broken tips, dirt, disease, insects, or mechanical or other means. Stalks shall have at least eighty-five percent green color.

(b) Stalks within individual containers shall meet one of the following designated sizes: Jumbo, large, or standard.

(2) Washington extra fancy tips shall consist of:

(a) Clean, fresh stalks of asparagus, fairly uniform in length, well trimmed, fairly straight, not wilted, and which are free from decay and damage caused by spreading or broken tips, dirt, disease, insects, or mechanical or other means. Stalks shall be all green.

(b) Stalks within the individual containers shall meet one of the following designated sizes: Jumbo, large, standard, or small.

(3) Washington fancy shall consist of:

(a) Clean, fresh stalks of asparagus, fairly uniform in length, fairly well trimmed, not wilted and not badly misshapen, and which are free from decay and serious damage caused by spreading or broken tips, dirt, disease, insects, mechanical or other means. Stalks shall have at least eighty-five percent green color.

(b) Each stalk shall have a diameter of not less than four-sixteenths inch.

~~((+3+))~~ (4) Washington consumer pack shall consist of:

(a) Clean, fresh stalks of asparagus and may be of random length, which are fairly straight, not wilted and which are free from decay and damage caused by spreading or broken tips, dirt, disease, insects, mechanical or other means. Stalks shall show not more than one and one-half inches of white.

(b) Each stalk shall have a diameter of not less than four-sixteenths inch.

~~((+4+))~~ (5) Culls.

(a) Asparagus which is not graded in conformity with Washington extra fancy, Washington extra fancy tips, Washington fancy, Washington consumer pack, or U.S. No. 1, or U.S. No. 2 shall be designated as "culls."

(b) Culls shall not be marketed if more than ten percent by count of the stalks show white in excess of two inches.

~~((+5+))~~ (6) Any lot of fresh asparagus, including "culls" marketed within the state of Washington, shall have not more than ten percent of stalks with white in excess of two inches, nor more than ten percent of stalks which are less than four-sixteenths inch in diameter.

AMENDATORY SECTION (Amending Order 1848, filed 3/15/85)

WAC 16-409-030 Tolerances for defects, color, diameter and trim. (1) In order to allow for variations incident to proper grading and handling in the Washington extra fancy, Washington extra fancy tips, Washington fancy, and Washington consumer pack grades, the following tolerances are provided as specified:

(a) Ten percent, by count, for stalks failing to meet the requirements of the grade other than for trim and color requirements, including therein, not more than one percent for stalks affected by decay.

(b) An additional ten percent, by count, for stalks having less than the specified amount of green color.

(c) An additional ten percent, by count, for stalks not meeting trim requirements.

(2) In order to allow for variations in diameter and length incident to proper sizing in the Washington extra fancy, Washington extra fancy tips, Washington fancy, and Washington consumer pack grades, the following tolerance is provided as specified: Ten percent, by count, for stalks failing to meet the required minimum and maximum diameter, and/or length, as defined under, "fairly uniform in length" and "size designations."

AMENDATORY SECTION (Amending Order 1848, filed 3/15/85)

WAC 16-409-060 Washington standards--Size designations. In addition to the statement of grade:

(1) Washington extra fancy grade lots shall be designated as Washington extra fancy jumbo or Washington jumbo, Washington extra fancy large or Washington large, or Washington extra fancy standard or Washington standard. Ninety percent, by count, of the stalks in any lot shall conform to the following diameters for such designations:

(a) Washington extra fancy jumbo or Washington jumbo shall be stalks thirteen-sixteenths inch in diameter or larger.

(b) Washington extra fancy large or Washington large shall be stalks seven-sixteenths inch in diameter or larger.

(c) Washington extra fancy standard or Washington standard shall be stalks six-sixteenths inch in diameter or larger.

(2) Washington extra fancy tips grade shall be designated as Washington extra fancy tips jumbo, Washington extra fancy tips large, Washington extra fancy tips standard or Washington extra fancy tips small. Ninety percent, by count, of stalks in any lot shall conform to the diameters for size designations as stated under the Washington extra fancy grade for jumbo, large or standard and under the Washington fancy grade for small.

(3) Washington fancy grade lots shall be designated by minimum diameter: *Provided*, That when at least ninety percent, by count, of the stalks in any lot are four-sixteenths inch in diameter or larger, the lot may be designated as Washington fancy small or Washington small.

~~((3))~~ (4) Washington consumer pack grade lots shall be designated by minimum diameter. Stalks shall be four-sixteenths inch in diameter or larger.

~~((4))~~ (5) U.S. No. 1 grade lots shall be designated as Washington jumbo, Washington large, or Washington standard, or may be designated by minimum diameter.

~~((5))~~ (6) U.S. No. 2 grade lots shall be designated as Washington small or may be designated by minimum diameter.

AMENDATORY SECTION (Amending Order 1848, filed 3/15/85)

WAC 16-409-065 Containers. (1) Fresh asparagus shall be marketed in containers which are clean and free from dirt, trash, and visible contaminants.

(2) Fresh asparagus of the Washington extra fancy, Washington extra fancy tips, Washington fancy, U.S. No. 1, and U.S. No. 2 grades shall be marketed in ~~((pyramid type))~~ containers with moisture pads.

(3) Fresh asparagus of the Washington consumer pack grade shall be marketed in pyramid type containers with moisture pads, or in fibre-board or wooden "western lug" containers having inside dimensions of approximately seven, by eleven and one-half, by eighteen inches, or capacity of thirteen hundred fifty to fifteen hundred fifty cubic inches.

(4) ~~((Pyramid type containers shall contain thirty pounds, fifteen pounds, or six kilograms net weight.~~

~~(5))~~ Western lugs shall contain not less than twenty pounds net weight.

~~((6))~~ (5) Culls shall be marketed in wooden pyramid containers with moisture pads.

~~((7))~~ (6) Fresh asparagus in field containers shall not be marketed.

~~((8))~~ (7) The director may allow the use of containers not specified in subsections (2), (3), (4), and (5) ~~((, and (6))~~ of this section, as experimental containers for the purpose of test or trial marketing.

AMENDATORY SECTION (Amending Order 1848, filed 3/15/85)

WAC 16-409-070 Marking requirements. (1) Containers shall be conspicuously and legibly marked with the name and address of the grower, packer, or distributor, the grade, and net weight, and a size designation or diameter size as defined in WAC 16-409-060 (1), (2), (3), (4), ~~((and))~~ (5), and (6).

(2) The grade and size designation shall be marked in letters at least three-eighths inch in height.

(3) The following abbreviations of grade and size designation shall be acceptable: 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. Large may be abbreviated as lge. Standard may be abbreviated as std.

(4) The use of U.S. No. 1 or U.S. No. 2 grade markings shall be permitted subject to WAC 16-409-085.

(5) If culls are marketed, the word "culls" shall be conspicuously and legibly marked in letters at least one inch in height and shall be predominant in size over other markings.

(6) All required markings shall be placed on one end of the container, and may be duplicated on opposite end of container.

AMENDATORY SECTION (Amending Order 1848, filed 3/15/85)

WAC 16-409-075 Exemption. Any individual shipment of fresh asparagus shall be exempted from the requirements of WAC 16-409-020 through 16-409-060, 16-409-065 (2), (3), (4), (5), (~~(6)~~) and (~~(8)~~) (7); and 16-409-070 when:

(1) The shipment consists of asparagus for home use and not for resale.

(2) The shipment does not exceed two hundred fifty pounds net weight.