



RULE-MAKING ORDER (RCW 34.05.360)

CR-103 (7/23/95)

Agency: Washington State Department of Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Repeal

(1) Date of adoption:
November 10, 1998

(2) Purpose: To temporarily exempt certain exported fruit from the requirements of Chapter 16-403 WAC and Chapter 16-461 WAC as they relate to fruit exported to the following countries: Honduras, Panama, El Salvador, Costa Rica, Guatemala, Nicaragua. The exported fruit must be donated, not for resale and for human consumption. This exemption will remain in effect for 60 days.

(3) Citation of existing rules affected by this order:
Repealed:
Amended:
Suspended: Chapter 16-403 and 16-461

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

PERMANENT RULE ONLY

Adopted under notice filed as WSR _____ on _____ (date).
Describe any changes other than editing from proposed to adopted version:

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: Honduras, Panama, El Salvador, Costa Rica, Guatemala, and Nicaragua have been severely affected by hurricanes, flooding and other devastations. These Acts of God have created an emergency situation because many people are without shelter or food. Perishable fruit must be available for immediate shipment into these countries in order to provide them aid for the emergency situation they face. Imposing Washington State standards and inspection requirements will delay the ability of Washington State to provide immediate assistance. This suspension is necessary to prevent a greater emergency.

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 XX No If yes, explain:

(6) Effective date of rule:

Permanent Rules

- 31 days after filing
- Other (specify)*:

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required.)

Emergency Rules

- Immediately
- Later (specify):

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

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APL

Name (Type or Print)
James M. Jesernig

Signature
James M. Jesernig

Title: Director Date: November 10, 1998

**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	-----

*(current calendar year)

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

New	-----	Amended	-----	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	-----
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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	-----	Amended	-----	Repealed	-----