
SENATE BILL 6582

State of Washington 53rd Legislature 1994 Regular Session

By Senators M. Rasmussen, Newhouse, Loveland and Moore

Read first time 02/01/94. Referred to Committee on Agriculture.

1 AN ACT Relating to grades and standards for agricultural products;
2 and amending RCW 15.17.100 and 15.17.210.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 15.17.100 and 1990 c 19 s 1 are each amended to read
5 as follows:

6 The director shall by rule establish either grades ((and/or)) or
7 classifications, or both, for apples and standards and sizes for
8 ((such)) either grades ((and/or)) or classifications, or both. In
9 establishing ((such)) the standards for either grades ((and/or)) or
10 classifications, or both, the director shall take into account the
11 factors of maturity, soundness, color, shape, and freedom from
12 mechanical and plant pest injury. The grades and standards shall be
13 applied to and used only upon those containers of apples that are
14 packed within the state of Washington. When establishing standards of
15 color requirements for red varieties and partial red varieties of
16 apples, the director shall establish color standards for ((such)) the
17 varieties ((which)) that are not less than the following:

- | | | |
|----|-------------------------|-----------------|
| 18 | 1. Arkansas Black | Fifteen percent |
| 19 | 2. Spitzenburg (Esopus) | Fifteen percent |

1	3. Winesap	Twenty percent
2	4. King David	Fifteen percent
3	5. Delicious	Twenty percent
4	6. Stayman Winesap	Ten percent
5	7. Vanderpool	Ten percent
6	8. Black Twig	Ten percent
7	9. Jonathan	Ten percent
8	10. McIntosh	Ten percent
9	11. Rome	Ten percent
10	12. Red Sport varieties	Twenty percent

11 Whenever red sport varieties are marked as such, they shall meet
12 the color requirements of red sport varieties.

13 The director may upon his or her own motion or upon the
14 recommendation of an organization such as the Washington state
15 horticultural association's grade and pack committee hold hearings in
16 each major apple producing area concerning changes in either apple
17 grades (~~(and/or)~~) or standards, or both for (~~(such)~~) the apple grades
18 as proposed by the director or as recommended by (~~(such)~~) the
19 organization.

20 The hearings on (~~(such)~~) the recommendations for changes in either
21 grades for apples (~~(and/or)~~) or standards, or both, for (~~(such)~~) the
22 grades (~~(shall be)~~) is subject to chapter 34.05 RCW concerning the
23 adoption of rules.

24 The director, in making a final determination on his or her
25 recommendation or those proposed by (~~(such)~~) the organization, shall
26 give due consideration to testimony given by producers or producer
27 organizations at (~~(such)~~) the hearing.

28 It (~~(shall be)~~) is unlawful for (~~(any)~~) a person to sell, offer for
29 sale, hold for sale, ship, or transport (~~(any)~~) apples unless they
30 comply with the provisions of this chapter and the rules adopted
31 hereunder.

32 **Sec. 2.** RCW 15.17.210 and 1963 c 122 s 21 are each amended to read
33 as follows:

34 It (~~(shall be)~~) is unlawful to sell, offer for sale, hold for sale,
35 ship, or transport any horticultural plants or products:

36 (1) Subject to the requirements of RCW 15.17.040 unless they meet
37 (~~(such)~~) the requirements;

1 (2) As meeting either the grades ~~((and/or))~~ or classifications, or
2 both, and standards and sizes for ~~((such))~~ the grades ~~((and/or))~~ or
3 classifications as adopted or amended by the director under RCW
4 15.17.050 unless they meet ~~((such))~~ the standards and sizes for
5 ~~((such))~~ either grades ~~((and/or))~~ or classifications, or both;

6 (3) As meeting the standards and sizes for private grades or brands
7 as approved by the director under RCW 15.17.090 unless they meet
8 ~~((such))~~ the standards and sizes;

9 (4) In containers other than the size and dimensions prescribed by
10 the director, when he or she has prescribed by rule ~~((such))~~ the size
11 and dimensions for containers in which any horticultural plants or
12 products will be placed or packed(~~(:—PROVIDED, That))~~). However, this
13 subsection shall not apply when any such horticultural plants or
14 products are being shipped or transported to a packing plant,
15 processing plant, or cold storage facility for preparation for market;

16 (5) Unless the containers in which ~~((such))~~ the horticultural
17 plants or products are placed or packed are marked as prescribed by the
18 director, with either the proper United States ~~((and/or))~~ or Washington
19 grade ~~((and/or))~~ or classification, or both, or private grades or
20 brands of ~~((such))~~ the horticultural plants or products;

21 (6) Unless the containers in which ~~((such))~~ the horticultural
22 plants or products are placed or packed are marked as prescribed by the
23 director, which may include the following:

24 (a) The name and address of the grower, or packer, or distributor;

25 (b) The varieties of ~~((such))~~ the horticultural plants or products;

26 (c) The size, weight, and either volume ~~((and/or))~~ or count, or
27 both, of ~~((such))~~ the horticultural plants or products;

28 (7) Which are in containers marked or advertised for sale or sold
29 as being either graded ~~((and/or))~~ or classified, or both, according to
30 the standards and sizes prescribed by the director or by law unless
31 ~~((such))~~ the horticultural plants or products conform with ~~((such))~~
32 either grades ~~((and/or))~~ or classifications, or both, and their
33 standards and sizes;

34 (8) Which are deceptively packed;

35 (9) Which are deceptively arranged or displayed;

36 (10) Which are mislabeled;

37 (11) Which are in containers marked with a Washington state grade
38 designation for apples, unless the containers of apples were packed in
39 the state of Washington;

1 (12) Which do not conform to the provisions of this chapter or
2 rules adopted hereunder.

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