

## WSR 22-05-056

## EXPEDITED RULES

## DEPARTMENT OF AGRICULTURE

[Filed February 10, 2022, 7:41 a.m.]

Title of Rule and Other Identifying Information: Chapter 16-439 WAC, Pears, summer and fall.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing rule making to repeal WAC 16-439-260 Minimum weight for Bartlett pears. Currently, this section requires that Bartlett pears may only be packed in cartons with a net weight of 14 pounds or more. Shippers have been asking for exemptions to this requirement for several years in order to meet industry demands for smaller carton sizes.

Reasons Supporting Proposal: Due to market changes such as shippers no longer selling to the public and the increased demand for smaller carton sizes, stakeholders and the agency no longer find value in WAC 16-439-260. Therefore, the department is proposing this section be removed from rule so Bartlett pears can be packed in any size carton without applying for an exemption.

Statutory Authority for Adoption: RCW 15.17.030, 15.17.050.

Statute Being Implemented: Chapter 15.17 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington state department of agriculture, governmental.

Name of Agency Personnel Responsible for Drafting: Reanna McNamara, 1111 Washington Street S.E., Olympia, WA 98504, 360-902-1997; Implementation and Enforcement: Brenda Buckmiller, 270 9th Street N.E., Suite 101-A, East Wenatchee, WA 98802-7674, 509-885-4500.

This notice meets the following criteria to use the expedited repeal process for these rules:

The rule is no longer necessary because of changed circumstances.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: Due to market changes such as shippers no longer selling to the public and the increased demand for smaller carton sizes, stakeholders and the agency no longer find value in WAC 16-439-260. Therefore, the department is proposing this section be removed from rule so Bartlett pears can be packed in any size carton without applying for an exemption.

## NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Gloriann Robinson, Agency Rules Coordinator, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1802, fax 360-902-2092, email [wsdarulescomments@agr.wa.gov](mailto:wsdarulescomments@agr.wa.gov), AND RECEIVED BY April 18, 2022.

January 27, 2022  
Jessica Allenton  
Assistant Director

OTS-3574.1

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-439-260            Minimum weight for Bartlett pears.