Agency: Department of Agriculture

Title of rule and other identifying information: (describe subject) Chapter 16-414 WAC, Washington Standards for Cherries.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: In 2006, the department amended chapter 16-414 WAC. One of the amendments repealed the shipping container requirements specified in WAC 16-414-085 to allow growers/packers and shippers to pack and market various types of containers that may be requested or required by buyers and the consuming public. WAC 16-414-086 still specifies how to obtain an exemption to the shipping container requirements specified in WAC 16-414-085. Since the shipping container requirements in WAC 16-414-085 were repealed, there is no longer a need to obtain container size exemptions. This proposal repeals the obsolete shipping container exemption language in WAC 16-414-086.

Reasons supporting proposal: When section -085 was repealed, section -086 became obsolete. The proposed amendment will add clarity to stakeholders by removing rule language that is no longer necessary.

Statutory authority for adoption: RCW 15.17.030 and 15.17.050

Statute being implemented: Chapter 15.17 RCW

Is rule necessary because of a:

- Federal Law? ☐ Yes ☒ No
- Federal Court Decision? ☐ Yes ☒ No
- State Court Decision? ☐ Yes ☒ No

If yes, CITATION:

Name of proponent: (person or organization) Washington State Department of Agriculture ☒ Governmental

☐ Private
☐ Public

Name of agency personnel responsible for:

<table>
<thead>
<tr>
<th>Name</th>
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Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Expeditied Adoption - Which of the following criteria was used by the agency to file this notice:
☐ Relates only to internal governmental operations that are not subject to violation by a person;
☐ Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
☐ Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
☐ Content is explicitly and specifically dictated by statute;
☐ Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
☐ Is being amended after a review under RCW 34.05.328.

Expeditied Repeal - Which of the following criteria was used by the agency to file notice:
☐ The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
☐ The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
☒ The rule is no longer necessary because of changed circumstances; or
☐ Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4): The proposed amendment repeals WAC 16-414-086 since it became no longer necessary when section -085 was repealed in 2006.

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

Name: Gloriann Robinson, Agency Rules Coordinator
Agency: Washington State Dept. of Agriculture
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Other:

AND RECEIVED BY (date) May 23, 2022

Date: 02/25/2022

Name: Jessica Allenton
Title: Assistant Director

Signature: [Signature]
The following section of the Washington Administrative Code is repealed:

WAC 16-414-086 Can the director grant exemptions to the container requirements listed in WAC 16-414-085?