Agency: Dept. of Agriculture

Title of rule and other identifying information: (describe subject) 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 rulemaking to repeal section 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 section -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, RCW 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 ☒ Public ☐ Private ☐ Governmental

Name of agency personnel responsible for:

<table>
<thead>
<tr>
<th>Name</th>
<th>Office Location</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drafting: Reanna McNamara</td>
<td>1111 Washington Street SE, Olympia, WA 98504</td>
<td>360-902-1997</td>
</tr>
<tr>
<td>Implementation: Brenda Buckmiller</td>
<td>270 9th Street NE, Suite 101-A East Wenatchee, WA 98802-7674</td>
<td>509-885-4500</td>
</tr>
<tr>
<td>Enforcement: Brenda Buckmiller</td>
<td>270 9th Street NE, Suite 101-A East Wenatchee, WA 98802-7674</td>
<td>509-885-4500</td>
</tr>
</tbody>
</table>

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None
Expedited 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.

Expedited 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): 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 section -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

Name: Gloriann Robinson, Agency Rules Coordinator
Agency: Washington State Dept. of Agriculture
Address: PO Box 42560, Olympia, WA 98504-2560
Phone: 360-902-1802
Fax: 360-902-2092
Email: wsdarulescomments@agr.wa.gov
Other:

AND RECEIVED BY (date) 4/18/2022

Date: 1/27/2022
Name: Jessica Allenton
Title: Assistant Director

Signature: [Signature]

Page 2 of 2
REPEALER

The following section of the Washington Administrative Code is repealed: