The Washington State Department of Agriculture serves the people of Washington by supporting the agricultural community and promoting consumer and environmental protection.
Table of Contents

Important Telephone Numbers for the East Wenatchee Regions .......................................................... 1
Important Telephone Numbers for the Yakima Regions ...................................................................... 2

Washington Cherry Handling Regulation 7 CFR 923 *(Marketing Order 923)* .................................... 3
Washington Cherry Standards *(WA Cherry Standards – WAC 16-414)* ........................................ 6
United States Standards for Grades of Sweet Cherries *(US Cherry Standards)* ............................... 14
Metric Conversion Table ...................................................................................................................... 17
Row Sizes for Cherries ......................................................................................................................... 18
Size and Tolerance for Specific Grades.................................................................................................. 19
Application of Grade Tolerances and Canadian Shipment Tolerances ............................................ 20
Tolerances for Shipping Point and at Destination and Row Size Tracking Summary ...................... 21
Minimum Abbreviations ...................................................................................................................... 22
Standardization Committee Memo 10 – Fruit & Vegetable Inspection Fees ........................................ 23

Chapter 16-463 WAC [Order No. 1099] *(Prohibits movement of infested cherries)* ......................... 24
Standardization Committee Memo 17 - Cherry Fruit Fly Sampling *(Porch sampling)* .................... 25

Light Sweet Cherry Requirements ........................................................................................................ 31
Standardization Committee Memo 40 - Soluble Solids on Light Sweet Cherries ............................... 32

Canadian Requirements ..................................................................................................................... 34
Request for Inspection Cherry Packout Report .................................................................................... 35
Standardization Committee Memo 52 - Cherries to China ................................................................ 36
Standardization Committee Memo 51 - Cherries to Mexico .............................................................. 39

Consumer Packages ............................................................................................................................ 42
Standardization Committee Memo 41 – Notesheet Recording of Markings .......................................... 44
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PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

§ 923.4 Production area.

Production area means the counties of Okanogan, Chelan, Kittitas, Yakima, Klickitat in the State of Washington and all of the counties in Washington lying east thereof.

[66 FR 58356, Nov. 21, 2001]

§ 923.14 District.

District means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to § 923.31(m):

(a) District 1 shall include the Counties of Chelan, Okanogan, Douglas, Grant, Lincoln, Spokane, Pend Oreille, Stevens, and Ferry.

(b) District 2 shall include the counties of Kittitas, Yakima, Klickitat, Benton, Adams, Franklin, Walla Walla, Whitman, Columbia, Garfield and Asotin.


§ 923.16 Pack.

Pack means the specific arrangement, size, weight, count, or grade of a quantity of cherries in a particular type and size of container, or any combination thereof.

§ 923.17 Container.

Container means a box, bag, crate, lug, basket, carton, package, or any other type of receptacle used in the packaging or handling of cherries.

§ 923.322 Washington cherry handling regulation.

(a) Grade. No handler shall handle, except as otherwise provided in this section, any lot of cherries, except cherries of the Rainier, Royal Anne, and similar varieties, commonly referred to as “light sweet cherries” unless such cherries grade at least Washington No. 1 grade except that the following tolerances, by count, of the cherries in the lot shall apply in lieu of the tolerances for defects provided in the Washington State Standards for Grades of Sweet Cherries: Provided, That a total of 10 percent for defects including in this amount not more than 5 percent, by count, of the cherries in the lot, for serious damage, and including in this latter amount not more than one percent, by count, of the cherries in the lot, for cherries affected by decay: Provided further, That the contents of individual packages in the lot are not limited as to the percentage of defects but the total of the defects of the entire lot shall be within the tolerances specified.

(b) Size. No handler shall handle, except as otherwise provided in this section, any lot of cherries unless such cherries meet the following minimum size requirements:

(1) For the Rainier variety and similar varieties commonly referred to as “lightly colored sweet cherries,” at least 90 percent, by count, of the cherries in any lot shall measure not less than 61/64-inch in diameter and not more than 5 percent, by count, may be less than 57/64-inch in diameter.
(2) For all other varieties, at least 90 percent, by count, of the cherries in any lot shall measure not less than 54/64 inch in diameter and not more than 5 percent, by count, may be less than 52/64 inch in diameter.

(c) **Maturity.** No handler shall handle, except as otherwise provided in this section, any lot of Rainier cherries or other varieties of “lightly colored sweet cherries” unless such cherries meet a minimum of 17 percent soluble solids as determined from a composite sample by refractometer prior to packing, at time of packing, or at time of shipment: *Provided,* That individual lots shall not be combined with other lots to meet soluble solids requirements.

(d) **Pack.**

(1) When containers of cherries are marked with a row count/row size designation the row count/row size marked shall be one of those shown in Column 1 of the following table and at least 90 percent, by count, of the cherries in any lot shall be not smaller than the corresponding diameter shown in Column 2 of such table: *Provided,* That the content of individual containers in the lot are not limited as to the percentage of undersize; but the total of undersize of the entire lot shall be within the tolerance specified.

<table>
<thead>
<tr>
<th>Column 1, row count/row size</th>
<th>Column 2 diameter (inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>84/64</td>
</tr>
<tr>
<td>8½</td>
<td>79/64</td>
</tr>
<tr>
<td>9</td>
<td>75/64</td>
</tr>
<tr>
<td>9½</td>
<td>71/64</td>
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<tr>
<td>10</td>
<td>67/64</td>
</tr>
<tr>
<td>10½</td>
<td>64/64</td>
</tr>
<tr>
<td>11</td>
<td>61/64</td>
</tr>
<tr>
<td>11½</td>
<td>57/64</td>
</tr>
<tr>
<td>12</td>
<td>54/64</td>
</tr>
</tbody>
</table>

(2) When containers of cherries are marked with a minimum diameter, at least 95 percent, by count, of the cherries in any lot and at least 90 percent, by count, of the cherries in any container, shall be not smaller than such minimum diameter.

(e) **Light sweet cherries marked as premium.** No handler shall handle, except as otherwise provided in this section, any package or container of Rainier cherries or other varieties of lightly colored sweet cherries marked as premium except in accordance with the following:

(1) **Quality.** 90 percent, by count, of such cherries in any lot must exhibit a pink-to-red surface blush and, for any given sample, not more than 20 percent of the cherries shall be absent a pink-to-red surface blush.
(2) Pack. At least 90 percent, by count, of the cherries in any lot shall measure not less than \( \frac{64}{64} \) inch (10½ row) in diameter and not more than 5 percent, by count, may be less than \( \frac{61}{64} \) inch (11-row) in diameter.

(f) Grading or packing cherries outside the production area.

(1) Persons desiring to ship or receive cherries for grading or packing outside the production area shall apply to the committee on a “Shippers/Receivers Application for Special Purpose Shipment Certificate” form, and receive approval from the Committee. The application shall contain the following:

(i) Name, address, telephone number, and signature of applicant;

(ii) Certification by the applicant that cherries graded and packed outside the production area shall be inspected by the Federal-State Inspection Service and shall meet the grade, size, maturity, and pack requirements of this section prior to shipment; and

(iii) Such other information as the committee may require.

(2) Each approved applicant shall furnish to the committee, at the close of business every Friday, a report containing the following information on a “Special Purpose Shipment Report” form:

(i) Name, address, telephone number, and signature of applicant;

(ii) Names of growers and handlers of such cherries;

(iii) The total quantity of each variety of cherries; and

(iv) Such other information as the committee may require.

(3) The committee may rescind or deny to any applicant its approval of the “Shippers/Receivers Application for Special Purpose Shipment Certificate” if proof satisfactory to the committee is obtained that any cherries shipped or received by such applicant for grading or packing were handled contrary to the provisions of this section.

(g) Exceptions. Any individual shipment of cherries which meets each of the following requirements may be handled without regard to the provisions of paragraphs (a), (b), (c), (d), and (e) of this section, and of §§ 923.41 and 923.55.

(1) The shipment consists of cherries sold for home use and not for resale;

(2) The shipment does not, in the aggregate, exceed 100 pounds, net weight, of cherries; and

(3) Each container is stamped or marked with the words not for resale in letters at least one-half inch in height.

(h) Definitions. When used herein, Washington No. 1 and diameter shall have the same meaning as when used in the Washington State Standards for Grades of Sweet Cherries (Order 1550 effective April 29, 1978, WAC 16-414-050); face packed means that cherries in the top layer in any container are so placed that the stem ends are pointing downward toward the bottom of the container; row count/row size means the number of cherries of a uniform size necessary to pack row-faced across a 10½ inch inside width container or comparable number of cherries when packed loose in a container.

[47 FR 31538, July 21, 1982]

Editorial Note: For Federal Register citations affecting § 923.322, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.
Part I

SWEET CHERRIES

16-414-005 Definitions.

16-414-010 Washington No. 1 grade and Northwest No. 1 grade sweet cherry requirements.

16-414-011 Size requirements -- Sweet cherries.

16-414-012 Tolerances for Washington No. 1 and Northwest No. 1 grade sweet cherries.

16-414-014 Tolerances for "off-size" sweet cherries.

16-414-016 Washington state adopts the U.S. standards for grades of sweet cherries.

16-414-020 Washington No. 1 and Northwest No. 1 grade sweet cherries -- Individual sample tolerances.

16-414-045 Damage to fresh, sweet cherries -- Specific defects.

16-414-065 Serious damage to fresh, sweet cherries -- Specific defects.

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

16-414-090 Sweet cherry container marking requirements.

DISPOSITIONS OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-414-015 Northwest No. 1 grade and tolerances defined. [Statutory Authority: Chapter 15.17 RCW. 95-13-038, § 16-414-015, filed 6/14/95, effective 7/15/95.] Repealed by 05-12-037, filed 5/25/05, effective 6/25/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.

16-414-030 Definitions. [Statutory Authority: Chapter 15.17 RCW. 95-13-038, § 16-414-030, filed 6/14/95, effective 7/15/95; 78-04-060 (Order 1550), § 16-414-030, filed 3/31/78.] Repealed by 05-12-037, filed 5/25/05, effective 6/25/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.

16-414-040 Damage. [Statutory Authority: Chapter 15.17 RCW. 78-04-060 (Order 1550), § 16-414-040, filed 3/31/78.] Repealed by 05-12-037, filed 5/25/05, effective 6/25/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.

16-414-050 Diameter. [Statutory Authority: Chapter 15.17 RCW. 78-04-060 (Order 1550), § 16-414-050, filed 3/31/78.] Repealed by 05-12-037, filed 5/25/05, effective 6/25/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.

16-414-060 Serious damage. [Statutory Authority: Chapter 15.17 RCW. 78-04-060 (Order 1550), § 16-414-060, filed 3/31/78.] Repealed by 05-12-037, filed 5/25/05, effective 6/25/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.

16-414-070 Permanent defects. [Statutory Authority: Chapter 15.17 RCW. 78-04-060 (Order 1550), § 16-414-070, filed 3/31/78.] Repealed by 05-12-037, filed 5/25/05, effective 6/25/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.

16-414-085 What requirements apply to containers used to ship sweet cherries? [Statutory Authority: Chapters 15.17 and 34.05 RCW. 05-12-037, § 16-414-085, filed 5/25/05, effective 6/25/05. Statutory Authority: Chapter 15.17 RCW. 95-T3-038, § 16-414-085, filed 6/14/95, effective 7/15/95.] Repealed by 05-12-037, filed 5/25/05, effective 6/25/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.

16-414-095 Adoption of United States standards as state standards. [Statutory Authority: Chapter 15.17 RCW. 95-13-038, § 16-414-095, filed 6/14/95, effective 7/15/95.] Repealed by 05-12-037, filed 5/25/05, effective 6/25/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.

16-414-100 Grades. [Statutory Authority: Chapter 15.17 RCW. 80-08-010 (Order 1708), § 16-414-100, filed 6/20/80.] Repealed by 05-12-037, filed 5/25/05, effective 6/25/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.

16-414-130 Definitions. [Statutory Authority: Chapter 15.17 RCW. 80-08-010 (Order 1708), § 16-414-130, filed 6/20/80.] Repealed by 05-12-037, filed 5/25/05, effective 6/25/05. Statutory Authority: Chapters 15.17 and 34.05 RCW.
16-414-005
Definitions.
"Clean" means cherries are practically free from dirt, dust, spray residue, or other foreign material. For example, clean means the product is practically free from leaves, fruit spurs, bark, twigs, dirt or foreign material.

"Condition defects" means defects that may develop or change during shipment or storage. Condition defects include, but are not limited to, decayed or soft cherries and such other factors as pitting, shriveling, sunken areas, brown discoloration and bruising that, because of its location appears to have occurred after packing.

"Damage" means any injury or specific defect described in WAC 16-414-045 or any equally objectionable variation of those defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible quality or marketing quality of the fruit.

"Department" means the Washington state department of agriculture (WSDA).

"Diameter" means the greatest dimension measured at right angles to a line from the stem to the blossom end of the cherry.

"Director" means the director of the Washington state department of agriculture or the director's designee.

"Face packed" means the cherries in the top layer of any container are placed so the stem ends are pointing downward toward the bottom of the container.

"Fairly well colored" means that at least ninety-five percent of the surface of the cherry shows characteristic color for mature cherries of the variety.

"Firm" means the cherries:
(1) Possess a firm, fleshy texture;
(2) Retain their approximate original shape;
(3) Are not shriveled; and
(4) Do not show more than slight collapsed areas of flesh.

"Mature" means cherries have reached the stage of growth that will insure the proper completion of the ripening process. Rainier cherries or other varieties of "light colored sweet cherries" shall meet a minimum of seventeen percent soluble solids as determined from a composite sample by refractometer prior to packing, at time of packing, or at time of shipment; provided that individual lots shall not be combined with other lots to meet soluble solids requirements.

"Permanent defects" means defects that are not subject to change during shipping or storage. Permanent defects include, but are not limited to, factors of shape, scarring, skin breaks, injury caused by hail or insects, and mechanical injury that, because of its location, appears to have occurred before shipment.
"Off-size" means a cherry whose diameter fails to meet a designated size when measured at right angles to a line from its stem to its blossom end.

"Serious damage" means any specific defect described in WAC 16-414-065 or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects that seriously detracts from the appearance, edible quality or marketing quality of cherries.

"Shipping point" means:
(1) The point of origin of the shipment in the producing area or at the port of loading; or
(2) The port of entry into the United States in the case of shipments from outside the continental United States.

"Similar varietal characteristics" means the cherries in any container are similar in color and shape.

"Well formed" means a cherry has the normal shape characteristic of the variety. Mature well-developed doubles are considered well formed if the halves are approximately evenly formed with a variation of no more than 2/64 of an inch.

16-414-010
Washington No. 1 grade and Northwest No. 1 grade sweet cherry requirements.
(1) Washington No. 1 grade and Northwest No. 1 grade sweet cherries are cherries with similar varietal characteristics that are:
   (a) Mature;
   (b) Not soft, overripe or shriveled;
   (c) Fairly well colored;
   (d) Well formed;
   (e) Clean;
   (f) Free from underdeveloped doubles, decay, or sunscald;
   (g) Free from insect larvae or insect holes; and
   (h) Free from damage by any other cause.

(2) Northwest No. 1 grade sweet cherries must meet the size requirements listed in WAC 16-414-011.

16-414-011
Size requirements — Sweet cherries.
(1) The minimum diameter of each cherry must be at least 54/64 inch.
(2) The maximum diameter of the cherries in any lot may be specified according to the facts.

(3) For the Rainier variety and similar varieties commonly referred to as "light colored sweet cherries," at least ninety percent, by count, of the cherries in any lot shall measure not less than 61/64 inch in diameter and not more than five percent, by count, may be less than 57/64 inch in diameter.

(4) When containers of cherries are marked with a row count/row size designation, the row count/row size marked must comply with the corresponding minimum diameter size as shown in the following table:

<table>
<thead>
<tr>
<th>Row count / Row size</th>
<th>Minimum diameter in inches</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>84/64</td>
</tr>
<tr>
<td>8½</td>
<td>79/64</td>
</tr>
<tr>
<td>9</td>
<td>75/64</td>
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<tr>
<td>9½</td>
<td>71/64</td>
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<td>10½</td>
<td>64/64</td>
</tr>
<tr>
<td>11</td>
<td>61/64</td>
</tr>
<tr>
<td>11½</td>
<td>57/64</td>
</tr>
<tr>
<td>12</td>
<td>54/64</td>
</tr>
</tbody>
</table>

16-414-012
Tolerances for Washington No. 1 and Northwest No. 1 grade sweet cherries.

(1) Washington No. 1:

(a) To allow for variations incident to proper grading and handling at the shipping point, the following tolerances, by count, are established:

(i) Eight percent of cherries that fail to meet the requirements of the grade are allowed.

(ii) Of the total tolerance of eight percent, no more than four percent is allowed for defects causing serious damage.

(iii) Of the four percent tolerance for serious damage defects, no more than one-half of one percent is allowed for cherries affected by decay.

(b) To allow for variations incident to proper grading and handling en route or at destination, the following tolerances, by count, are established:
(i) Twenty-four percent of cherries in any lot may fail to meet the requirements of the grade.

(ii) Of the total tolerance of twenty-four percent, no more than eight percent is allowed for cherries that fail to meet the grade requirements because of permanent defects.

(iii) Of the total tolerance of twenty-four percent, no more than six percent is allowed for cherries that are seriously damaged, including no more than four percent of cherries seriously damaged by permanent defects and two percent for cherries affected by decay.

(2) Northwest No. 1:

(a) To allow for variations incident to proper grading and handling at the shipping point, the following tolerances are established:

(i) Ten percent of cherries in any inspection lot that fail to meet the requirements of the grade are allowed.

(ii) Of the total tolerance of ten percent, no more than five percent is allowed for defects causing serious damage.

(iii) Of the five percent tolerance for serious damage defects, no more than one percent is allowed for cherries affected by decay.

(iv) The contents of individual samples or containers in any lot must not be limited to the percentage of grade defects discussed in WAC 16-414-020.

(b) To allow for variations incident to proper grading and handling en route or at destination, the following tolerances, by count, are established:

(i) Twenty-four percent of cherries in any lot may fail to meet the requirements of the grade.

(ii) Of the total tolerance of twenty-four percent, no more than ten percent, by count, is allowed for cherries that fail to meet the grade requirements because of permanent defects.

(iii) Of the total tolerance of twenty-four percent, no more than seven percent, by count, is allowed for cherries that are seriously damaged by permanent defects and two percent for cherries affected by decay.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-012, filed 6/5/07, effective 7/6/07; 05-12-037, § 16-414-012, filed 5/25/05, effective 6/25/05.]

16-414-014
Tolerances for "off-size" sweet cherries.
To allow for variations in size incident to proper grading and handling, the following tolerances, by count, are established for off-size grade sweet cherries:

(1) No more than ten percent of the cherries in any inspection lot must measure less than 54/64 inches in diameter.

(2) Ten percent for cherries that fail to meet any specified maximum diameter when that maximum diameter is marked on the container or specified in terms of fractions of inches.

(3) When containers are marked with row count/row size or a lot is specified by row count/row size, no more than ten percent of the cherries in any inspection lot may fail to meet the corresponding diameter size listed in the table in WAC 16-414-011(3).

(4) When containers are marked with a "minimum diameter," no more than five percent of the cherries in the container may fail to meet the corresponding diameter.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-014, filed 6/5/07, effective 7/6/07; 05-12-037, § 16-414-014, filed 5/25/05, effective 6/25/05.]

16-414-016
Washington state adopts the U.S. standards for grades of sweet cherries.
In addition to the standards for sweet cherries contained in this chapter, the Washington state department of agriculture adopts the United States standards for grades of sweet cherries (effective May 7, 1971) as they apply to U.S. No. 1 grade cherries, except the minimum size of cherries and tolerances for undersize cherries must meet the requirements for Washington No. 1 grade.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-014, filed 6/5/07, effective 7/6/07; 05-12-037, § 16-414-014, filed 5/25/05, effective 6/25/05.]

16-414-020
Washington No. 1 and Northwest No. 1 grade sweet cherries — Individual sample tolerances.
Tolerances are applied to Washington No. 1 and Northwest No. 1 sweet cherries as follows:

(1) Individual samples must have no more than double the tolerances specified. However, if the averages for the entire lot are within the tolerances specified for the grade, at least two defective and two off-size specimens may be allowed in any sample.

(2) When containers are marked with row count/row size or when a lot is specified by row count/row size, the individual samples or containers must not be limited by the percentage of cherries that are smaller than the diameter corresponding to the particular row count/row size. However, no more than twenty percent, by count, of the cherries in any sample or container must measure less than 54/64 inches in diameter.

(3) When marked with minimum size, individual samples may have no more than double the tolerances specified.
Damage to fresh, sweet cherries — Specific defects.

The following defects are considered damage to fresh, sweet cherries:

(1) Cracks within the stem cavity when they are deep or not well healed, or when the cherry’s appearance is affected to a greater extent than a cherry that has a superficial well healed crack 1/16 inch in width and extending one-half the greatest circumference of the stem cavity.

(2) Cracks outside the stem cavity when they are deep or not well healed, or when they materially affect the cherry’s appearance, or when the crack has weakened the cherry to the extent that it is likely to split or break in the process of proper grading, packing and handling.

(3) Hail marks when they are deep or not well healed, or when the aggregate area exceeds 3/16 inch in diameter.

(4) Evidence of insects when scale is present, or when any insect materially affects the cherry’s appearance.

(5) Limb rubs when they affect the cherry’s appearance more than the amount of scarring that is allowed.

(6) Pulled stems when the skin or flesh is slightly torn.

(7) Russetting when it affects the cherry’s appearance more than the amount of scarring that is allowed.

(8) Blemishes including bird pecks, sunburn, other blemishes or combinations of blemishes that materially affect the appearance of the cherry, or any materially discolored flesh.

(9) Scars when excessively deep or rough or dark colored and when the aggregate area exceeds 3/16 inch in diameter, or when smooth or fairly smooth, light colored, superficial, and the aggregate area exceeds 1/4 inch in diameter.

(10) Skin breaks when they are not well healed, or when the cherry’s appearance is materially affected.

(11) Sutures when they are excessively deep or cause the cherry’s shape to be less than well formed.
The following defects are considered serious damage to fresh, sweet cherries:
(1) Cracks when they are not well healed;
(2) Insect larvae or insect holes;
(3) Pulled stems if they cause more than a slight tear in the cherry skin or flesh, or when they cause the cherry to leak;
(4) Skin breaks when they are not well healed; and
(5) Decay.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-065, filed 6/5/07, effective 7/6/07; 05-12-037, § 16-414-065, filed 5/25/05, effective 6/25/05.]

16-414-086
Can the director grant exemptions to the container requirements listed in WAC 16-414-085?
(1) Upon the recommendation of the Washington State Horticultural Association's cherry committee, the director may waive the container requirements in WAC 16-414-085 and allow the use of experimental containers for the purpose of test or trial marketing.

(2) Cherries placed in experimental containers:
   (a) Must meet the quality requirements of Washington No. 1, U.S. No. 1, or Northwest No. 1 grade; and
   (b) At least ninety percent, by count, must measure at least 54/64 inches in diameter.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 05-12-037, § 16-414-086, filed 5/25/05, effective 6/25/05.]

16-414-090
Sweet cherry container marking requirements.
(1) Containers must be conspicuously and legibly stamped with the:
   (a) Name and the address of the grower, packer or shipper;
   (b) Net weight; and
   (c) True variety name or "sweet cherries."
(2) The containers may be marked with the grade name Washington No. 1, U.S. No. 1, or Northwest No. 1.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-12-076, § 16-414-090, filed 6/5/07, effective 7/6/07; 05-12-037, § 16-414-090, filed 5/25/05, effective 6/25/05. Statutory Authority: Chapter 15.17 RCW. 95-13-038, § 16-414-090, filed 6/14/95, effective 7/15/95; 78-04-060 (Order 1550), § 16-414-090, filed 3/31/78.]
United States Standards for Grades of Sweet Cherries

Grades
51.2646 U.S. No. 1.
51.2647 U.S. Commercial.

Tolerances
51.2648 Tolerances.

Application of Tolerances
51.2649 Application of tolerances.

Definitions
51.2650 Similar varietal characteristics.
51.2651 Mature.
51.2652 Fairly well colored.
51.2653 Well formed.
51.2654 Clean.
51.2655 Damage.
51.2656 Diameter.
51.2657 Serious damage.
51.2658 Permanent defects.
51.2659 Condition defects.

Metric Conversion Table
51.2660 Metric conversion table.

Grades
§ 51.2646 U.S. No. 1.
"U.S. No. 1" consists of sweet cherries which meet the following requirements:
   (a) Similar varietal characteristics;
   (b) Mature;
   (c) Fairly well colored;
   (d) Well formed; and
   (e) Clean.
   (f) Free from:
      (1) Decay;
      (2) Insect larvae or holes caused by them;
      (3) Soft, overripe or shriveled;
      (4) Undeveloped doubles; and,
      (5) Sunscald.
   (g) Free from damage by any other cause. (See § 51.2655.)
   (h) Size. Unless otherwise specified, the minimum diameter of each cherry shall be not less than three-fourths inch. The maximum diameter of the cherries in any lot may be specified in accordance with the facts.
   (i) For tolerances see § 51.2648.

§ 51.2647 U.S. Commercial.
"U.S. Commercial" consists of sweet cherries which meet the requirements for the U.S. No. 1 grade except for minimum diameter and except for increased tolerances.
   (a) Size. Unless otherwise specified, the diameter of each cherry shall be not less than five-eighths inch. The maximum diameter of the cherries in any lot may be specified in accordance with the facts.
   (b) For tolerances see § 51.2648.

Tolerances
§ 51.2648 Tolerances.
In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, are provided as specified:

(a) For defects at shipping point—
   (1) U.S. No. 1. 8 percent for cherries which fail to meet the requirements for this grade: Provided, That included in this amount not more than 4 percent shall be allowed for defects causing serious damage, including in this latter amount not more than one-half of 1 percent for cherries which are affected by decay.

Footnote(s):

2 Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

(2) U.S. Commercial. 16 percent for cherries which fail to meet the requirements for this grade: Provided, That included in this amount not more than 4 percent shall be allowed for defects causing serious damage, including in this latter amount not more than one-half of 1 percent for cherries affected by decay.

(b) For defects en route or at destination—
   (1) U.S. No. 1. 12 percent for cherries in any lot which fail to meet the requirements for this grade: Provided, That included in this amount not more than the following percentages shall be allowed for defects listed:
      (i) 8 percent for cherries which fail to meet the requirements for this grade because of permanent defects; or,
      (ii) 6 percent for cherries which are seriously damaged, including therein not more than 4 percent for cherries which are seriously damaged by permanent defects and not more than 2 percent for cherries which are affected by decay.
   (2) U.S. Commercial. 24 percent for cherries in any lot which fail to meet the requirements for this grade: Provided, That included in this amount not more than the following percentages shall be allowed for defects listed:
      (i) 16 percent for cherries which fail to meet the requirements for this grade because of permanent defects; or,
      (ii) 6 percent for cherries which are seriously damaged, including therein not more than 4 percent for cherries which are seriously damaged by permanent defects and not more than 2 percent for cherries which are affected by decay.

(c) For off-size. 5 percent for cherries which fail to meet the specified minimum diameter and 10 percent for cherries that fail to meet any specified maximum diameter.

Application of Tolerances

§ 51.2649 Application of tolerances.
Individual samples shall have not more than double the tolerances specified, except that at least two defective and two off-size specimens may be permitted in any sample: Provided, That the averages for the entire lot are within the tolerances specified for the grade.

Definitions

§ 51.2650 Similar varietal characteristics.
Similar varietal characteristics means that the cherries in any container are similar in color and shape.

§ 51.2651 Mature.
Mature means that the cherries have reached the stage of growth which will insure the proper completion of the ripening process.
§ 51.2652 Fairly well colored.
Fairly well colored means that at least 95 percent of the surface of the cherry shows characteristic color for mature cherries of the variety.

§ 51.2653 Well formed.
Well formed means that the cherry has the normal shape characteristic of the variety, except that mature well developed doubles shall be considered well formed when each of the halves is approximately evenly formed.

§ 51.2654 Clean.
Clean means that the cherries are practically free from dirt, dust, spray residue, or other foreign material.

§ 51.2655 Damage.
Damage means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the fruit. The following specific defects shall be considered as damage:
(a) Cracks within the stem cavity when deep or not well healed, or when the appearance is affected to a greater extent than that of a cherry which has a superficial well healed crack one-sixteenth inch in width extending one-half the greatest circumference of the stem cavity;
(b) Cracks outside of the stem cavity when deep or not well healed, or when the crack has weakened the cherry to the extent that it is likely to split or break in the process of proper grading, packing, and handling, or when materially affecting the appearance;
(c) Hail injury when deep or not well healed, or when the aggregate area exceeds the area of a circle three-sixteenths inch in diameter;
(d) Insects when scale or more than one scale mark is present, or when the appearance is materially affected by any insect;
(e) Limbrubs when affecting the appearance of the cherry to a greater extent than the amount of scarring permitted;
(f) Pulled stems when the skin or flesh is torn, or when the cherry is leaking;
(g) Russeting when affecting the appearance of the cherry to a greater extent than the amount of scarring permitted;
(h) Scars when excessively deep or rough or dark colored and the aggregate area exceeds the area of a circle three-sixteenths inch in diameter, or when smooth or fairly smooth, light colored and superficial and the aggregate area exceeds the area of a circle one-fourth inch in diameter;
(i) Skin breaks when not well healed or when the appearance of the cherry is materially affected; and,
(j) Sutures when excessively deep or when affecting the shape of the cherry to the extent that it is not well formed.

§ 51.2656 Diameter.
Diameter means the greatest dimension measured at right angles to a line from the stem to the blossom end of the cherry.

§ 51.2657 Serious damage.
Serious damage means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects which seriously detracts from the appearance or the edible or marketing quality of the fruit. The following specific defects shall be considered as serious damage:
(a) Decay;
(b) Insect larvae or holes caused by them;
(c) Skin breaks which are not well healed;
(d) Cracks which are not well healed; and,
(e) Pulled stems with skin or flesh of cherry torn or which causes the cherry to leak.

§ 51.2658 Permanent defects.
Permanent defects means defects which are not subject to change during shipping or storage; including, but not limited to factors of shape, scarring, skin breaks, injury caused by hail or insects, and mechanical injury which is so located as to indicate that it occurred prior to shipment.

§ 51.2659 Condition defects.
Condition defects means defects which may develop or change during shipment or storage; including, but not limited to decayed or soft cherries and such factors as pitting, shriveling, sunken areas, brown discoloration and bruising which is so located as to indicate that it occurred after packing.

Metric Conversion Table

§ 51.2660 Metric conversion table.

<table>
<thead>
<tr>
<th>Inches</th>
<th>Millimeters (mm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>8/64 equals</td>
<td>3.2</td>
</tr>
<tr>
<td>16/64 equals</td>
<td>6.4</td>
</tr>
<tr>
<td>24/64 equals</td>
<td>9.5</td>
</tr>
<tr>
<td>32/64 equals</td>
<td>12.7</td>
</tr>
<tr>
<td>40/64 equals</td>
<td>15.9</td>
</tr>
<tr>
<td>48/64 equals</td>
<td>19.1</td>
</tr>
<tr>
<td>51/64 equals</td>
<td>20.2</td>
</tr>
<tr>
<td>52/64 equals</td>
<td>20.6</td>
</tr>
<tr>
<td>54/64 equals</td>
<td>21.4</td>
</tr>
<tr>
<td>56/64 equals</td>
<td>22.2</td>
</tr>
<tr>
<td>1 equals</td>
<td>25.4</td>
</tr>
<tr>
<td>18/64 equals</td>
<td>28.6</td>
</tr>
<tr>
<td>116/64 equals</td>
<td>31.8</td>
</tr>
<tr>
<td>124/64 equals</td>
<td>34.9</td>
</tr>
</tbody>
</table>
Row Sizes for Cherries

The following chart can be used to container markings, determine row size, and tolerance or diameter. The row size in each type of container must stand on its own. A separate heading must be set up for each row size. The lot tolerance for Washington State grade is 10% under 54/64, or 12 row, on all dark sweet cherries regardless of row size marked.

<table>
<thead>
<tr>
<th>Container Marking</th>
<th>Row Size</th>
<th>Lot Tolerance</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 Row</td>
<td>54/64</td>
<td>10% under 54/64</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Including 5% under 52/64</td>
</tr>
<tr>
<td>11½ Row</td>
<td>57/64</td>
<td>10% under 57/64</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10% under 54/64</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Including 5% under 52/64</td>
</tr>
<tr>
<td>11 Row</td>
<td>61/64</td>
<td>10% under 61/64</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10% under 54/64</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Including 5% under 52/64</td>
</tr>
<tr>
<td>10½ Row</td>
<td>64/64</td>
<td>10% under 64/64</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10% under 54/64</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Including 5% under 52/64</td>
</tr>
<tr>
<td>10 Row</td>
<td>67/64</td>
<td>10% under 67/64</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10% under 54/64</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Including 5% under 52/64</td>
</tr>
<tr>
<td>9½ Row</td>
<td>71/64</td>
<td>10% under 71/64</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10% under 54/64</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Including 5% under 52/64</td>
</tr>
<tr>
<td>9 Row</td>
<td>75/64</td>
<td>10% under 75/64</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10% under 54/64</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Including 5% under 52/64</td>
</tr>
<tr>
<td>8½ Row</td>
<td>79/64</td>
<td>10% under 79/64</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10% under 54/64</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Including 5% under 52/64</td>
</tr>
<tr>
<td>8 Row</td>
<td>84/64</td>
<td>10% under 84/64</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10% under 54/64</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Including 5% under 52/64</td>
</tr>
</tbody>
</table>

Inspect containers marked U.S. No. 1 for 48/64 inch. There is a 5% lot tolerance with a 10% sample tolerance for under 48/64 inch in U.S. grades. You may be required to size a cherry up to 4 times as a result of this requirement.

Diameter Size

Containers marked with a minimum diameter, at least 95% by count of cherries in any lot, and at least 90% by count of cherries in any container, must not be smaller than the minimum diameter marked on the container.
<table>
<thead>
<tr>
<th>Grade</th>
<th>Tolerances</th>
<th>Size</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Lot Tolerance</td>
<td>Sample Tolerance</td>
</tr>
<tr>
<td>Containers Marked</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No grade marking</td>
<td>10% including 5% serious damage including 1% decay</td>
<td>No sample tolerance</td>
</tr>
<tr>
<td>Certified to meet MO 923</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Certified to meet Wash. No. 1 or marked Wash. No. 1</td>
<td>8% including 4% serious damage including ½ of 1% decay</td>
<td>16% including 8% serious damage including 1% decay</td>
</tr>
<tr>
<td>No minimum diameter. Not marked to row size or certified to row size. <em>(Must meet M.O. 923)</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northwest No. 1</td>
<td>10% including 5% serious damage including 1% decay</td>
<td>No sample tolerance</td>
</tr>
<tr>
<td>No size marked <em>(Must meet M.O. 923)</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>U.S. No. 1</td>
<td>8% including 4% serious damage including ½ of 1% decay</td>
<td>16% including 8% serious damage including 1% decay</td>
</tr>
<tr>
<td>No minimum diameter marking or certified to row size.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marked with a row/count size designation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marked with a minimum diameter</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Application of Grade Tolerances

Washington No. 1 and U.S. No. 1
Lot Tolerance:
8% including 4% serious damage, including ½ of 1% decay
Sample Tolerance:
16% including 8% serious damage, including 1% decay

Northwest No. 1 and Marketing Order 923
Lot Tolerance:
10% including 5% serious damage, including 1% decay
Sample Tolerance:
None

U.S. Commercial
Lot Tolerance:
16% including 4% serious damage, including ½ of 1% decay
Sample Tolerance:
32% including 8% serious damage, including 1% decay

Canadian Shipments

Northwest No. 1, Marketing Order 923, and U.S. Commercial
Lot Tolerance:
10% including 4% serious damage, including ½ of 1% decay
Sample Tolerance:
32% including 8% serious damage, including 1% decay.
<table>
<thead>
<tr>
<th>Grade</th>
<th>Grade Defects Including</th>
<th>Serious Defects Including</th>
<th>Decay</th>
<th>Grade Defects Including</th>
<th>Permanent Grade Defects Including</th>
<th>Serious Damage Including</th>
<th>Permanent Serious Damage Including</th>
<th>Decay</th>
</tr>
</thead>
<tbody>
<tr>
<td>Washington No. 1</td>
<td>8%</td>
<td>4%</td>
<td>½%</td>
<td>24%</td>
<td>8%</td>
<td>6%</td>
<td>4%</td>
<td>2%</td>
</tr>
<tr>
<td>Northwest No. 1</td>
<td>10%</td>
<td>5%</td>
<td>1%</td>
<td>24%</td>
<td>10%</td>
<td>7%</td>
<td>5%</td>
<td>2%</td>
</tr>
<tr>
<td>U.S. No. 1</td>
<td>8%</td>
<td>4%</td>
<td>½%</td>
<td>12%</td>
<td>8%</td>
<td>6%</td>
<td>4%</td>
<td>2%</td>
</tr>
<tr>
<td>U.S. Commercial Must meet M.O. 923- Dark Sweets only</td>
<td>16%</td>
<td>4%</td>
<td>½%</td>
<td>24%</td>
<td>16%</td>
<td>6%</td>
<td>4%</td>
<td>2%</td>
</tr>
</tbody>
</table>

Summary of Cherry Row Size Tracking on Notesheets

*Minimum Headings Required on All Notesheets

<table>
<thead>
<tr>
<th>Dark Sweet</th>
<th>Light Sweet</th>
<th>Premium Light Sweet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Row size (if marked)</td>
<td>Row size (if marked)</td>
<td>64/64 – 61/64</td>
</tr>
<tr>
<td>54/64 – 52/64</td>
<td>61/64 – 57/64</td>
<td>61/64 – 57/64</td>
</tr>
<tr>
<td>52/64 – 48/64</td>
<td>under 57/64</td>
<td>under 57/64</td>
</tr>
<tr>
<td>Under 48/64</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Minimum Abbreviations

Washington State Department of Agriculture - WA Dept of AG

Produce of USA - Prod of USA

Marketing Order 923 - MO 923

U.S. No. 1 – US #1

U.S. Commercial – U.S. Comm

Washington No. 1 – WA No.1 or WA #1

Northwest No. 1 – NW No. 1 or NW #1

12 Row Size & Larger – 12 Row & Lgr

**Do not abbreviate cherry variety names**
STANDARDIZATION COMMITTEE

Date: April 23, 2019
To: Fruit and Vegetable Inspection Personnel
From: Standardization Committee
Re: FRUIT & VEGETABLE INSPECTION FEES

Inspection Fees effective January 1, 2019 are as follows:

Hourly rate- $75.00 per regular hour
$112.50 per overtime hour
* An additional fee amounting to three regular hours, plus the inspection fee, will be charged when the inspection service notification is not given prior to the end of normal business hours on the day preceding any weekend or holiday inspection work.

CWT Fee- $0.185 for all commodities for fresh and processing fruit and vegetable inspections
  $.043 for In-State processing potatoes
  $.023 for Processing dirt, rot and green inspections

Minimum Inspection- ½ hour minimum

Document fee- $25.00 for all documents issued- FV205, FV207, FV 184, etc.
* There will be no charge on all FV-294.

Shipping Permit- $5.00 minimum (if not previously certified)

CAIP Inspections- ½ of the CWT fee or applicable equivalent hourly rate.

Audit Verification fee- $108.00 per hour
Chapter 16-463 WAC

PROHIBITING THE SALE AND/OR MOVEMENT OF INFESTED CHERRIES

16-463-001
Promulgation.

I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapters 15.17 and 15.08 RCW after due notice and public hearing held in Yakima, Washington on June 27, 1968, pursuant to chapters 42.32 and 34.04 RCW do hereby adopt the following rules*.

[Order 1099, § 16-463-001, filed 8/30/68, effective 9/30/68.]

*Reviser's Note: WAC 16-463-001 applies to WAC 16-463-010 only.

16-463-010
Conditions for shipment, transfer and sale of cherries.

Except as allowed under RCW 15.08.070, no person shall ship or transfer from the area of production, or within the area of production, or offer for sale for human consumption, any cherries that are infested with live western cherry fruit fly (Rhagoletis indifferens) larvae.

[Statutory Authority: RCW 15.08.070 and chapter 34.05 RCW. WSR 14-19-005, § 16-463-010, filed 9/4/14, effective 10/5/14; Order 1099, § 16-463-010, filed 8/30/68, effective 9/30/68.]
STANDARDIZATION COMMITTEE

S/C NO. 17

Date: September 5, 2018 Updated January 24, 2020
To: Fruit & Vegetable Inspection Personnel
From: Standardization Committee
Re: Non-Fumigated California Cherry Shipments for Domestic, Export or Processing
Attachment: Porch Sampling

CALIFORNIA DEPARTMENT OF FOOD & AGRICULTURE
Karen Ross, Secretary

December 20, 2019 Permit No. QC 1281
Renewed / Amended

MASTER PERMIT FOR SHIPMENTS OF COMMERCIALLY PRODUCED CHERRY FRUIT FROM STATES OF CALIFORNIA, IDAHO, MONTANA, OREGON, WASHINGTON, AND UTAH TO CALIFORNIA FOR DOMESTIC USE OR EXPORT

Under authority of Section 3256 (Cherry Fruit Fly Exterior Quarantine), Title 3, California Code of Regulations (CCR), permission is hereby granted to the Idaho, Montana, Oregon, Washington, and Utah departments of agriculture to authorize firms in their states to ship commercially produced cherry fruit originating from California, Idaho, Montana, Oregon, Washington, and Utah into or through California without fumigation, which would otherwise be prohibited if grown within the area regulated under the requirements of CCR, Section 3256, Cherry Fruit Fly Exterior Quarantine, under the following conditions:

1. Fruit shipped must be grown in commercial orchards located in cherry fruit fly pest control districts or grown in areas free from cherry fruit fly. To qualify, growers must use a degree day predictive computer model or trapping program to determine cherry fruit fly emergence and proper timing of pesticide applications.

2. Each Department shall furnish a list of authorized packers within its state to the California Department of Food and Agriculture (CDFA) prior to the shipping season. The list shall include addresses and assigned identification numbers for each packer. If a packer uses multiple packing facilities, a separate identification number shall be assigned to each facility.
3. To maintain identity, the exterior of each container of market fresh cherries shall be marked with the identification number corresponding to the list of approved packers.

4. All incoming lots of cherry fruit, intended for shipment under this permit, arriving at packing facilities will be "porch sampled" at a rate of approximately one pound for each 8,000 pounds in the lot with a minimum of one pound. Porch samples shall be taken randomly from several bins prior to entering the facility. Lots shall consist only of one variety of cherry.

5. Fresh cherries (field bins) from all states named in the permit, including California, may be packed in another state and shipped to California, providing all conditions of the permit are met.

6. After packing, each container of market cherries shall be randomly sampled according to the following schedule:

<table>
<thead>
<tr>
<th>Lot size in pounds (on a continuous belt run):</th>
<th>Cherries sampled from each container in lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,000 to 19,999</td>
<td>5</td>
</tr>
<tr>
<td>20,000 to 39,999</td>
<td>4</td>
</tr>
<tr>
<td>40,000 and over</td>
<td>2</td>
</tr>
</tbody>
</table>

7. Each shipment of processing cherries shall be randomly sampled from various locations throughout each bin. The above chart will be used to determine the number of cherries sampled from each bin by converting the bin weight into 20-pound container equivalents.

8. Shipments of fresh cherries (field bins) destined for packing in California will follow the same sampling process as described in paragraph 7 above, regarding "processing cherries".

9. All samples will be inspected for the presence of cherry fruit fly in accordance with the guidelines in Appendix A of this permit.

10. If cherry fruit fly is detected in any sample, the department of the state in which the packing facility is located shall immediately notify CDFA of the find and corresponding grower block. Notification shall be made to the Shift Supervisor at the Dorris Agriculture Inspection Station by phone (530) 397-4701 or fax (503) 397-4702 and the CDFA Headquarters by email permits@cdfa.ca.gov

11. If cherry fruit fly is found in any sample, the orchard block, shall be suspended from shipping under this permit in accordance with Appendix B of this permit.

12. If no cherry fruit fly larvae are found during sampling, official certificates shall be issued and accompany all shipments verifying compliance with this permit. Certificates shall be officially signed and indicate the approved packer name, the identification number of the packing facility, the lot identification number, the number of containers in the shipment, and the name and address of the consignee.
INSPECTION AT CALIFORNIA BORDER

- Cherry fruit for domestic use (whether in California or other states) shipped under this permit is subject to inspection upon arrival in California. Any lot found infested with cherry fruit fly larvae shall be immediately shipped out of state and not be allowed to re-enter unless fumigated for cherry fruit fly larvae according to industry standards. If cherry fruit fly is found in any sample, the orchard block shall be suspended from shipping under this permit in accordance with Appendix B of this permit.

- Straight loads of cherries clearly for export shipped under this permit and arriving at the CDFA border station with trailer seals intact shall generally be released with no additional inspection (the trailer seals will not be broken at the CDFA border station except under extenuating circumstances).

- Shipments of cherries for delivery within California co-mingled with cherries for export, arriving at CDFA border stations, with intact trailer seals shall have an official sample of at least five pounds of fruit selected and placed in a sealed container by applicable state department of agriculture in the cab of the truck. In this event, the sample in the cab shall be inspected at the border station and the trailer seal is not broken unless extenuating circumstances exist.

Shipments of cherries requiring sampling at CDFA border stations shall be packed in a manner to allow easy access to verify container markings and retrieval of representative samples from the shipment. Shipments not meeting this requirement may be returned out of state for repacking at the expense of the shipper.

CHERRY FRUIT TRANSITING CALIFORNIA FOR EXPORT

- Only lots meeting all of the requirements above will be eligible to transit California under the authority of this permit.

- Shipments transiting California must be accompanied by Federal or State Phytosanitary Certificate, or other documentation clearly indicating a foreign destination.

- Upon arrival at export points, the cherry fruit shall be immediately transloaded into airfreight containers or pass through Mexico border crossings.

CHERRY FRUIT TRANSITING CALIFORNIA FOR DOMESTIC DISTRIBUTION

- Only lots meeting all of the requirements above INCLUDING a CDFA Border Station inspection clearance, will be eligible to transit within California for further Domestic distribution under the authority of this permit.

- Shipments for Domestic distribution will include total number of packages in the lot and must be accompanied by Federal or State Phytosanitary Certificate that states the shipment meets the requirements of QC 1281

Violation of or inability to meet any condition of this permit shall be cause for immediate revocation of the permit and/or the return of the fruit to origin at the expense of the packer.

Participating states shall pay transportation and per diem expenses of a CDFA representative to visit each state for the purpose of observing that the permit requirements are met at origin.
Cherry fruit eligible for shipment under this permit may be shipped under the terms of an Origin Inspection Agreement authorized by the Department.

Unless earlier revoked, this permit is valid through December 31, 2020.

Dean Kelch, Ph.D.
Environmental Program Manager
Permits & Regulations
Plant Health and Pest Prevention Services

cc: Idaho Department of Agriculture Keith Morris
    Montana Department of Agriculture John Chitambar
    Oregon Department of Agriculture Josh Kress
    Utah Department of Agriculture
    Washington Department of Agriculture

**APPENDIX A: Approved Cherry Testing Procedures**

All cherry samples shall be tested for the presence of cherry fruit fly larvae in one of the manners below:

1. **Brown Sugar Procedure**
   a. Crush cherry fruit sufficiently to break open all of the fruit.
   b. Fill pan or other suitable container 1/3 full of crushed cherries.
   c. Add measured water to cover the cherries pouring water over crushing mechanism to wash larvae adhering to mechanism into pan.
   d. Mix brown sugar into water at the rate of 4 to 5 quarts of sugar per 5 gallons of water (7 pounds of sugar per 5 gallons of water). Solution used should read at least +15 soluble solids on the refractometer.
   e. Stir mixture to dissolve brown sugar; stirring will cause foam to develop.
   f. Allow to set for five minutes or until foam clears up. Inspect for larvae.

2. **Hot Water Procedures**
   a. Crush cherry fruit through wringer into pan containing a 1/4-inch mesh screen liner.
   b. Submerge crushed cherries in a container of hot water (140-180 degrees- not to kill larvae).
   c. Agitate in water for approximately 60 seconds.
   d. Remove cherries and mesh screen liner, skim off excess water and debris, pour remaining water into either: (a) a Pyrex dish, or (b) a dull black pan. Larvae will settle to the bottom, use light under Pyrex or over black pan to inspect for larvae.
APPENDIX B: Penalties to Growers for Fruit Fly Detections at Packing Facilities

1. If any cherries received, stored, packed, or shipped by an approved packer are found infested with cherry fruit fly (out of state larval detections at a packer facility shall also apply to this permit), the following measure shall be taken.

   a. The orchard block from which the fruit was produced shall be eliminated from participation for the remainder of the shipping season under this permit. For the purposes of this permit, an "orchard block" is defined as a planted acreage of cherries uniquely identified and separated from other plantings of cherries and having been treated as a unit according to degree-day or trapping protocols.

TOP

PORCH SAMPLING

SAMPLING PROCEDURE FOR COMPLIANCE WITH WAC 16-463-010 CONDITIONS FOR SHIPMENT, TRANSFER AND SALE OF CHERRIES

1. The strength and success of the cherry quarantine program involves proper sampling procedures and crushing methods. These instructions are to be strictly adhered to. Sampling prior to sorting and packing is strongly recommended.

2. Each grower lot and variety delivered to the warehouse or presented for inspection will be sampled.

3. A minimum composite sample of one pound will be taken.

4. Lots of 6 or less bins will have a portion of the sample taken from each bin.

5. Lots of 7 or more bins will have a sample taken from every other bin. A larger sample will be taken, depending on the amount in the individual lot. Approximately 5 lbs. will be taken for a 40,000 lb. truck load.

6. On lots delivered in field lugs or boxes, the sample must be taken from various lugs.

7. WSDA inspectors will monitor the sample selection process during their shifts if performed by warehouse staff or other non-licensed personnel.

8. Crush and submerse samples in brown sugar solution (minimum 15 percent (15%) soluble solids). Periodically check soluble solids level with a refractometer.
9. The sampling pan or other suitable container must be filled no more than 1/3 full of crushed cherries. **Recommendation from WSDA- sampling containers should be no more than 4 to 5 inches in depth.

10. Let sample stand until foam clears. Use de-foaming agent.

11. Examine the sample for larvae, especially minute larvae.

12. Clean equipment thoroughly. It is your responsibility to maintain clean equipment.
MO 923, California and Canadian Shipments

Light Sweet Varieties Must Meet Marketing Order 923 (MO 923)

- Soluble solids – must meet a minimum of 17%.
- Size – no more than 10% under 61/64 or 11 row, including not more than 5% under 57/64 or 11½ row.
- “Premium” Light Sweet requirements – 10% under 64/64 or 10½ row, including not more than 5% under 61/64 or 11 row.
- 90% by count must exhibit a pink to red surface blush.
- No grade requirements unless marked on cartons.

All Light Sweet Cherries Must Meet WAC 16-463-010 Quarantine Requirements

“No person shall ship or transfer from the area of production, or offer for sale for human consumption, any cherries that are infested with live cherry fruit fly larvae.”

California Special Permit Inspection Program

- Minimum lot size of 1,000 to 19,999 pounds – 5 cherries sampled per carton. **You must have prior approval from your supervisor.**
- 20,000 to 39,999 pound lot – 4 cherries sampled per carton.
- 40,000 pound lot – 2 cherries sampled per carton.
- Cartons must be stamped with California series stamp.
- **Do not release a load** until the lot is completed and crushed.
- **All California loads** must have a shipping permit.

Canadian Import Requirements

- Must meet a minimum of U.S. Commercial grade.
- Lot tolerances – 16%, including 4% serious damage, including ½ of 1% decay.
- Sample tolerance – 32%, including 8% serious damage, including 1% decay.
- The address of the grower, packer or shipper must be on the container.
- The following must be on the major display panel:
  - common name of the product “Cherries” or “Sweet Cherries”
  - net weight
  - “Product of USA”
- The grade is not required on the container.
Date: June 8, 2017 Updated October 3, 2017

To: Fruit & Vegetable Inspection Personnel

Re: Sampling for Soluble Solids on Light Sweet Cherries

All light sweet cherries are required to meet minimum soluble solids of 17 percent under Marketing Order (M.O.) 923.

**Soluble Solids Sampling At Receiving Is Not Permissible:**
Please apply the following procedures as related to soluble solids testing.

1. Sampling and testing will be done just prior to packing, during packing or prior to shipment. (Shippers Option)
   
   a. When sampling prior to packing from bins, identity of each grower lot must be maintained.

   b. Randomly sample individual grower lots.

   c. A lot may consist of any amount of containers from one to any other specified Number.

   d. Each grower lot shall stand on its own merit and should not be mixed with any other grower lots. *(Only one test per grower lot, if test fails see section j below)*

   e. The following chart is a guide for the proper number of cherries to collect in relation to the number of cartons in the lot. 
   The sample must be representative of all containers.

   1 to 100 containers------------------------20 cherries

   101 to 500 containers----------------------30 cherries

   501 to 1000 containers---------------------40 cherries

   1001 or more containers-------------------1 additional cherry for each 200 containers
   One field bin is equal to 20 packed cartons.
   Sample field lugs or boxes on an equivalent basis.

   f. Whether cherries are selected on line or from bins prior to packing, it is
Sampling for Soluble Solids on Light Sweet Cherries

S/C No. 40

permisible to allow warehouse personnel to collect the cherries for Soluble Solids testing under supervised sampling procedures (Sampling must be supervised by Federally licensed personnel). Samplers should be instructed to collect sufficient number of cherries at random from each grower lot to allow an inspector to obtain the required number of cherries to crush. The inspector should thoroughly mix the provided sample and collect the proper number of cherries from it to crush in relation to the number of containers in that lot. (See section E.) (This option should only be exercised when it is mutually beneficial to all parties)

g. Juice one sample at a time. Stir or agitate the juice sample in a clean dry container.

h. Strain a few drops of juice sample through a tissue, (such as Kim wipe), onto the prism of the refractometer. Read the refractometer immediately, (within a few seconds) to nearest one-tenth percentage point (0.1%). The refractometer shall have been allowed to stabilize to the environmental temperature and shall have been recently calibrated with distilled water.

i. If the sample meets minimum soluble solids, (17%) record the reading on the notesheet or certificate. Release that grower lot for shipment.

j. If the original sample falls below the requirement of 17% and the applicant requests for an appeal, it will be necessary to draw a second sample to make the final determination. Sampling shall be performed the same as the original, however, the number of cherries selected from each container shall be doubled.

k. If the second sample fails to make 17%, then that grower lot fails to meet M.O. Requirements. The results of the second sample shall be recorded on the notesheet. (See M).

l. If the second reading meets 17%, the lot should be passed with no further testing.

m. When any grower lot fails to meet the 17% requirement, whether in cartons or in bulk bins, the packer may pack or repack the cherries to row size. The cherries will then be Sampled and tested by row size, following the above procedures. Each size must stand on its own merit and cannot be mixed with any other size or sizes.

2. Refractometer and related equipment.

a. Keep refractometer, squeezers, and other equipment clean and dry.

b. Allow the refractometer to stabilize to the environmental temperature.

c. Frequently check the calibration of the refractometer by testing with distilled water for zero reading. Adjust the refractometer, if necessary, following the manufacturer’s instructions.

d. Clean and dry the prism thoroughly between samples.

e. Do not re use cups for collecting juice samples.
Canadian Requirements for Sweet Cherries

FV-184 Use and Requirements

- An FV-184 certificate can be issued at the applicant’s request but is not required.
- Issue an FV-184 if the applicant requests an “inspection” document.
- Write in the FV-184 remarks section, “Inspection based on Canadian Import Requirements at Applicant’s request.”
- Dark Sweet Cherries - minimum grades to Canada are MO 923 and Northwest No. 1.
- Light Sweet Cherries – minimum grade to Canada is U.S. Commercial and must meet MO 923 and Washington requirements for soluble solids and size.
- The applicant must complete a Certificate of Compliance.
- Errors are not acceptable on FV-184 certificates. Void the certificate and write a new error-free certificate. Sign voided FV-184s and turn in to office.

Mandatory Markings for Sealed Consumer Packages

- Name and address in French or English
- Net weight
- Quantity in metric, or metric and imperial
- Name of product (unless visible) in French and English
  - Cerises = Sweet Cherries
- Grade name in French and English (in close proximity to country of origin)
  - US No. 1 = É-U. No. 1
  - US Commercial = É-U. Commerciales
- Country of Origin in French and English (close proximity to grade)
  - Produce of USA = Produit Des É.-U.

Remember...

- No more than three days can elapse between inspection and shipment.
# Federal - State Shipping Point Inspection Service

## Request for Inspection

### Suit for Domestic or Export Shipment

**Cherry Packout Report**

**Date:** March 16, 2016

**Time of Shipment:** AT SHIFT

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**Applicant:** Cherries R’ Us

**Address:** 1234 River Pl., Wenatchee, Washington

**State:** WA

**PO Initiated:** 0765-0606

**PO Number:** 923

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**Shipment Details:**

**Brand:** "Cherry, Pretty Good, Farmer's Choice"

**Count of Each Row Size:**

<table>
<thead>
<tr>
<th>Variety</th>
<th>Grade</th>
<th>Type of Container</th>
<th>Total Number of Containers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purple</td>
<td>WA No. 1</td>
<td>12/27 #1 TET</td>
<td>935</td>
</tr>
<tr>
<td>Purple</td>
<td>WA No. 1</td>
<td>8/22 #2 TET</td>
<td>938</td>
</tr>
<tr>
<td>Purple</td>
<td>WA No. 1</td>
<td>6/18 #1 TET</td>
<td>2929</td>
</tr>
<tr>
<td>Purple</td>
<td>WA No. 1</td>
<td>8/18 #1 TET</td>
<td>931</td>
</tr>
<tr>
<td>Purple</td>
<td>WA No. 1</td>
<td>8/18 #1 TET</td>
<td>5917</td>
</tr>
<tr>
<td>Purple</td>
<td>WA No. 1</td>
<td>Big Carton</td>
<td>2406</td>
</tr>
</tbody>
</table>

---

**Total Containers Packed:** 11082

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**Signature of Firm Representative:**

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**Thank you** for using this packout. It greatly cuts down on the possibility of time-consuming errors and makes your inspector's job MUCH easier.

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1. Full legal name and address of applicant requesting inspection
2. Check all appropriate boxes
3. Date at START of shift
4. Check Night or Day Shift
5. State Permit number appearing on all packed containers.
6. Check appropriate boxes. MO 923 will almost always be checked, and CALIFORNIA or CANADA should be checked if the requirements for shipment to or through those areas will be met.
7. Include all brands appearing on packed containers.
8. True variety or Sweet Cherry, whichever appears on the containers.
9. Grade marked on containers.
11. Totals - Fields will automatically fill in electronic version.
12. Number of containers packed per row size. If necessary, change headings (e.g., to accommodate 8 1/2 row).
13. Don't forget to sign the form! We can't use it without a signature.
Date: April 23, 2019

To: Fruit & Vegetable Inspection Personnel

From: Standardization Committee

Re: SWEET CHERRIES TO CHINA

The following procedures shall be adhered to for export certification of sweet cherries to China. If you have any questions regarding the certification procedures, please contact your supervisor for clarification.

Only cherries from California, Idaho, Oregon and Washington are eligible to ship under this agreement.

I. FACILITY

A) Must be registered to participate in the Program.
   • Facility must be on the registration list provided.

B) Shall provide WSDA with a list of the participating growers name and corresponding lot number to be used for verification of grower lots at time of packing.

C) All fruit on the packing line must be eligible for export to China, although it may be shipped to other destinations.

D) The packing line must be inspected prior to packing of cherries for China for freedom of any culled and/or loose fruit - (walk-through sanitary inspection).
II. INSPECTION

A) Sampling

1) Representative sample of 2% of the cartons and 100% of the fruits in the sample cartons will be inspected for phytosanitary requirements. The quality/condition/size sample may be included in the 2% sample.

2) Inspect 1% of the cartons for quality/condition/size
   • Inspect 50 cherries for quality/condition/size and insect
   • Inspect remainder of cherries in the sample container for insect

3) The additional samples needed to meet the 2% phytosanitary requirements will be satisfied by observing the graded product on the packing line at or near the point of filling of cartons.
   • Observation of fruits will be on an equivalent to the number of cartons required to satisfy the phytosanitary requirements.
   • Example:
     2,000 — 20 lb. Cartons @ 2%  = 40 samples
     1% sampling for quality/condition/size = 20 samples
     1% observation of fruit at fill station = 20 samples

B) Cartons

1) Name and address of the facility or associate company marked on each carton shall be the same as registered.

2) Each carton must have a USDA stamp (seal) as listed below. This stamp may be applied by tape, hand stamped, or printed during on-line processing of the fruit.

   "CERTIFIED USDA-APHIS PPQ"

III. SHIPMENT

1) Inspection of the fruit must be conducted and completed at the packing facility before loading of any cartons into the transportation vans.

2) Certified fruit will be loaded into containers or closed trucks and sealed.

3) The shipper must list on the Request for Inspection form, the grower lot numbers in the shipment.
SWEET CHERRIES TO CHINA

S/C No. 52

4) For air shipments, inform the shipper that the importer must inform CAPQ of the shipment prior to the arrival of the shipment.

5) For ocean vessel shipments, contact your supervisor.

IV. PHYTOSANITARY CERTIFICATE

A) Issue a Federal Phytosanitary certificate – PPQ 577

B) Additional Declaration – *All fruit in this shipment has been grown in accordance with relevant regulations of China and within the approved growing sites.*

C) If going by sea, the sea container number must be on the PPQ.

V. Miscellaneous

- All pests detected during the inspection process must be identified so that correct quarantine action can be conducted.

- Participating Organizations
  USDA/APHIS – U.S. Dept. of Agri., Animal Health Inspection Service
  CAPQ -- The Administration of Animal and Plant Quarantine of China
  WSDA -- WA. State Dept. of Agriculture
  NFE – Northwest Fruit Exporters members
  Industry – Packing facilities
STANDARDIZATION COMMITTEE

Date: April 23, 2019

To: Fruit & Vegetable Inspection Personnel

From: Standardization Committee

Re: Sweet Cherries to Mexico -- Certification Procedures

Only sweet cherries from California, Idaho, Oregon and Washington are eligible to ship under the Sweet Cherry Phytosanitary Agreement. For cherries from ALL other states contact your area office.

I. Registration

- Facilities must register with the Washington State Fruit Commission their intent to participate in the Mexico cherry program.
- Washington State Fruit Commission will provide WSDA a list of registered facilities.

II. Certification

1) Inspections and certifications must be performed only at the approved packing or storage facilities.

2) If a live pest is detected, the shipment will be held until the pest can be identified.

3) The Request for Inspection document will include the following information;
   - Grower lot number(s) in the shipment
   - The county(s) corresponding with the grower lots

III. Sampling

1) A minimum of 2% of the cartons in each lot shall be visually inspected.

2) The entire contents of a sample carton must be inspected for leaves, pests, signs of external pest feeding damage, plant debris, and soil.

3) Inspect the 228 sub sample of cherries:
   - A 228 sub sample selected randomly throughout the shipment covering all grower lots.
   - All fruit within the 228 sub sample must be examined for signs of external pest damage.
   - All fruit exhibiting signs of external pest damage must be cut.
Sweet Cherries to Mexico – Certification Procedures

S/C No. 51

4) Inspecting the load on the Dock to meet phytosanitary requirements is the preferred inspection method as grade and condition were performed during the on-line inspection.

5) Use a Third Party Notesheet if previously certified.

IV. Verification
   A. Containers
      1. Must be new and clean
      2. Cartons must be marked with name and address of facility or its associate company and marked with grower lot numbers.
   B. Cherries
      1. Free of soil
      2. Substantially free of plant debris
      3. Leaves
         • Lot -- Not more than an average of 2 whole leaves per carton
         • Sample -- Not more than 4 whole leaves per carton
            ○ Parts/pieces of leaves are not to be aggregated or scored against this tolerance.

V. Rejections

1. Detection of any live quarantine pest, or more than 5% live non-quarantine pest
   • (Note: Grower lot cannot be reconditioned or resubmitted for certification)
2. Failure to meet the requirements for leaves, plant debris or soil
   • (Note: Grower lot may be reconditioned and resubmitted for certification)
3. Failure to meet all conditions of the work plan

VI. Phytosanitary

1. The PPQ Form 577 is the required document at the point of entry to Mexico

2. Phytosanitary Certificate:
   • See PExD for current Additional Declaration (AD)
   • Block #9 -must have the total weight of the shipment listed in pounds or Kilograms.
   • Block #10- must include scientific name of product
   • Block #13- County (of packing) and state of origin.
   • Block #15- Approved Point of Entries;
      ○ Mexicali and Tijuana, Baja California
      ○ Ciudad Juarez, Chihuahua
      ○ Reynosa, Matamoros and Nuevo Laredo, Tamaulipas
      ○ Nogales, Sonora
      ○ Manzanillo, Colorado
      ○ Mexico City, D.F.
      ○ Guadalajara, Jalisco
Sweet Cherries to Mexico – Certification Procedures

S/C No. 51

- Monterrey, Nuevo Laredo
- Puerto de Veracruz, Veracruz
- San Luis Rio Colorado, Sonora

VII. Shipping

1. Cherries may be shipped in the same conveyance from approved States with fumigated or non-fumigated work plan commodities; apricots, plums, peaches, nectarines, and apples.
   - (Note: if a quarantine pest is detected in one commodity, the other remaining commodities in the conveyance will be refused entry)

2. After packing, cherries must be kept under refrigerated conditions.

3. All conveyances must be clean and free of litter, soil and plant debris.

VIII. Facility/shipper responsibility

- Register with Washington State Fruit Commission to participate in the program
- Recommend that certified fruit not be commingled or come in physical contact with uncertified fruit, whether in boxes, pallets or in the cold rooms.
- Packed fruit kept under refrigeration.
- Cartons must be new, clean and marked with the name and address of the grower, packer or distributor or associate company.
- Grower lot numbers must be stamped on the cartons to enable trace back to the grower should pest problems arise.
- Verify the conveyances are clean, free of litter, soil and plant debris.
- Seals are required under the following circumstances:
  - If shipment is transiting California
  - If shipment contains other workplan commodities such as apricots, plums, peaches, nectarines, and apples.

**BE SURE YOUR CERTIFICATION AND DOCUMENTS ARE CORRECT, THIS IS A PERISHABLE COMMODITY THAT DELAYS COULD BE VERY COSTLY TO INDUSTRY.**
Consumer Packages

Definition of Sealed Package
The following package types are considered sealed:

- Clam shells
- Quick-locked
- Taped
- Any other type of closure with packages inside a master container.

Samples – Sealed and Unsealed Packages

- Sample 50 cherries for all unsealed packages.
- Always use adjacent packages to acquire a 50 cherry sample when inspecting unsealed packages.
- When the package is sealed, use the entire contents of one package or 50 cherries.
- When doubling samples for grade or size tolerance:
  - Unsealed packages - use one or more to obtain the sample.
  - Sealed packages – use the entire contents of only one package.

Sampling Examples

- 2 lb sealed package containing a total of 137 cherries
  - 1st sample – 50 cherries and exceeds the sample tolerance for grade.
  - Increase to 100 cherries and still exceeds the sample tolerance for grade – reject.

- 2 lb unsealed package
  - Follow normal sampling procedure using one or more bags to increase sample size.
  - 1st sample - 50 cherries and exceeds the sample tolerance
  - Increase to 100 cherries and if it still exceeds the sample tolerance – reject.
Sealed Packages in a Master Container
Each sealed package must have the following markings:
- Packer, shipper or grower name and address
- Net weight
- True variety or “Sweet Cherries”
- Master container must show the weight of the packages
  - Example - 9/2#

Unsealed Packages in a Master Container
- Individual unsealed packages do not need to meet container marking requirements

Dry Measurements for Clam Shells
- Net weight is required for clam shells, or the use of dry measurements as follows:
  - ½ dry pint
  - 1 dry pint
  - 1 dry quart

Mixed Varieties
Clam Shells with ½ Light Sweet Cherries & ½ Dark Sweet Cherries
- Clam shell must be divided and each variety kept separate
- Must be marked with the packer, grower or shipper
- Net weight
- True variety or “Sweet Cherries”
- Master container must be marked with the number and weight of clam shells, as well as the same markings as the clam shells.
STANDARDIZATION COMMITTEE

S/C NO. 41

Date: April 23, 2019
To: Fruit & Vegetable Inspection Personnel
From: Standardization Committee
Re: Notesheet Recording of Markings Related to Origin of Product

Labeling of the product as related to the country, region, or state of origin can be significant marks in terms of market value, product reputation, consumer acceptance, and is also important for phytosanitary certification purposes. Certain countries do base eligibility for importation of a specific commodity on these criteria, along with freedom of some pest or diseases.

The inspection notesheets provide a factual record of the labeling of the product at the time of inspection during packing and shipping operations. All such origin related markings are to be noted on the inspection notesheet. This would apply to all fresh Fruits and vegetables that are submitted for inspection.

Examples of origin related marks are, Prod. Of U. S. A., Prod. Of Oregon, Prod. Of Canada, Washington State Apples, Washington Potatoes. The Washington Apple Commission registered trademark may be abbreviated to WAC tm, as may Potato country U. S. A. to WPC tm,

There are penalties and other consequences associated with misrepresenting origin marks. All such misrepresentations should be documented and reported to your supervisor or manager to allow for appropriate action to be taken.

As related to responsibility markings, warehouses have increasingly used containers bearing the markings of another shipper or distributors with no mention of the actual packer’s name or address. In this situation it is only necessary to record the brand printed on the container, as the responsibility of the product at receiving point markets is determined by the shipments manifest documents.

Please contact your supervisor or manager if you need further clarification on this matter.
Northwest Cherry Logo

These are nine different examples of acceptable Northwest Cherry logos that may appear on cartons. This logo represents cherries grown in Washington, Oregon, Idaho, Montana and Utah. Record the presence of a Northwest Cherry logo on the notesheet using the abbreviation NWCL.