

contrary, any outstanding indebtedness of any form, owed by the districts, shall remain the obligation of the area of the original debtor district; and the water commissioners of the merged water district shall make such levies, assessments or charges for service upon said area or the water users therein as shall pay off such indebtedness at maturity.

Passed the Senate January 31, 1961.

Passed the House February 16, 1961.

Approved by the Governor February 21, 1961.

CHAPTER 29.

[Engrossed S. B. 140.]

CONTROLLED ATMOSPHERE STORAGE OF FRUIT AND VEGETABLES.

AN ACT relating to controlled atmosphere storage of fruits and vegetables; providing penalties; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. For the purpose of this act:

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

(2) "Director" means the director of the department or his duly appointed representative.

(3) "Person" means a natural person, individual, or firm, partnership, corporation, company, society and association and every officer, agent or employee thereof. This term shall import either the singular or plural, as the case may be.

(4) "Controlled atmosphere storage" means any storage warehouse consisting of one or more rooms, or one or more rooms in any one facility in which atmospheric gases are controlled in their amount and in degrees of temperature for the purpose of controlling the condition and maturity of any fresh

Controlled
atmosphere
storage act.
Definitions.

fruits or vegetables in order that, upon removal, they may be designated as having been exposed to controlled atmosphere.

Licensing
required.

SEC. 2. It shall be unlawful for any person to engage in the business of operating a controlled atmosphere storage warehouse or warehouses without first obtaining an annual license from the director. Such license shall expire on August 31st of any one year.

Application
for license.
contents.

SEC. 3. Application for a license to operate a controlled atmosphere warehouse shall be on a form prescribed by the director and shall include the following:

(1) The full name of the person applying for the license.

(2) If such applicant is an individual, receiver, trustee, firm, partnership, association or corporation, the full name of each member of the firm or partnership or the names of the officers of the association or corporation shall be given on the application.

(3) The principal business address of the applicant in the state and elsewhere.

(4) The name of a person domiciled in this state authorized to receive and accept service or legal notices of all kinds.

(5) The storage capacity of each controlled atmosphere storage warehouse the applicant intends to operate by cubic capacity or volume.

(6) The kind of fruits or vegetables for which the applicant intends to provide controlled atmosphere storage.

(7) Any other information prescribed by the director necessary to carry out the purposes and provisions of this act.

The director shall issue a license to an applicant upon his satisfaction that the applicant has satisfied the requirements of this act and rules adopted

hereunder and that such applicant has paid the required license fee.

SEC. 4. The application for an annual license to engage in the business of operating a controlled atmosphere storage warehouse or warehouses shall be accompanied by an annual license fee of five dollars.

License fee to accompany application.

SEC. 5. The director shall enforce and carry out the provisions of this act and may adopt the necessary rules to carry out its purposes. The adoption of rules shall be subject to the provisions of chapter 34.04 RCW, concerning the adoption of rules, as enacted or hereafter amended.

Enforcement—Rules and regulations.

SEC. 6. The director shall adopt rules:

Scope of rules.

(1) Prescribing the maximum amount of oxygen that may be retained in a sealed controlled atmosphere storage warehouse: *Provided*, That such maximum amount of oxygen retained shall not exceed five percent when apples are stored in such controlled atmosphere storage warehouse.

(2) Prescribing the period in which the oxygen content shall be reduced to the amount prescribed in subsection (1) of this section: *Provided*, That such period shall not exceed twenty days when apples are stored in such controlled atmosphere warehouse: *Provided, further*, That such period shall not exceed twenty-five days when any other fruits or vegetables are stored in such controlled atmosphere warehouse.

(3) The length of time and the degrees of temperature at which any fruits or vegetables shall be retained in controlled atmosphere storage, before they may be classified as having been stored in controlled atmosphere storage: *Provided*, That such period shall not be less than ninety days.

SEC. 7. If an application for renewal of the license provided for in section 2 of this act is not filed prior to September 1st of any one year, a

Penalty for late license renewal.

penalty of two dollars and fifty cents shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license shall be issued: *Provided*, That such penalty shall not apply if the applicant furnishes an affidavit that he has not engaged in the business of operating a controlled atmosphere storage warehouse subsequent to the expiration of his prior license.

Denial,
suspension,
revocation of
license,
grounds.

SEC. 8. The director is authorized to deny, suspend or revoke the license provided for in section 2 of this act subsequent to a hearing, in any case in which he finds that there has been a failure or refusal to comply with the provisions of this act or rules adopted hereunder.

Hearings
subject to
administrative
procedures act.

SEC. 9. All hearings for a denial, suspension or revocation of the license provided for in section 2 of this act shall be subject to the provisions of chapter 34.04 RCW, concerning contested cases, as enacted or hereafter amended.

Subpoenas—
Witnesses.

SEC. 10. The director may issue subpoenas to compel the attendance of witnesses and/or the production of books, documents and records, anywhere in the state in any hearing affecting the authority or privilege granted by a license issued under the provisions of this act. Witnesses shall be entitled to fees for attendance and travel, as provided for in chapter 2.40 RCW, as enacted or hereafter amended.

Warehouse
numbers,
requisites of,
use.

SEC. 11. The director when issuing a license to an applicant shall include a warehouse number which shall be preceded by the letters "CA". If the applicant in applying for a license includes a request for a specific warehouse number, the director shall issue such number to the applicant if such number has not been issued to a prior applicant. The letters "CA" and the number issued as provided in this section shall be marked in a manner provided by the director on all containers in which fruits or

vegetables subject to the provisions of this act are placed or packed.

SEC. 12. The licensee shall make air component determinations as to the percentage of carbon dioxide, oxygen and temperature at least once each day. A record of such determinations shall be kept on a form prescribed by the director for a period of two years and shall include the following:

Air component determinations, record of.

- (1) The name and address of the licensee.
- (2) The number of the warehouse and the storage capacity of the warehouse.
- (3) The date of sealing of the warehouse.
- (4) Date of opening of the warehouse.
- (5) A daily record of the date and time of the tests, including the percentage of carbon dioxide, percentage of oxygen and the temperature.

SEC. 13. The identity of any fruits or vegetables represented as having been stored in a room or warehouse subject to the provisions of this act shall be maintained, by the CA number issued to the licensee in whose warehouse such fruits and vegetables were stored and the state lot inspection number issued by the director for such fruits or vegetables, from the time it leaves such warehouse through the various channels of trade and transportation to the retailer.

Identity of produce stored retained.

SEC. 14. The director may by rule establish condition and maturity standards for fruits or vegetables subject to the provisions of this act which may be higher than maturity and condition standards established for similar grades or classifications of such fruits or vegetables which are not subject to the provisions of this act.

Condition and maturity standards, generally.

SEC. 15. Minimum condition and maturity standards for apples subject to the provisions of this act shall be the U. S. condition and maturity standards for export as provided in 7 Code of Federal Regu-

Condition and maturity standards for apples.

lations 51.317 on the effective date of this act: *Provided*, That the director may adopt any subsequent amendment to such U. S. condition and maturity standards for export prescribed by the secretary of agriculture of the United States.

Inspection
requisite to
use of ware-
house number.

SEC. 16. No person in this state shall place or stamp the letters "CA" or a similar designation in conjunction with a number or numbers upon any container or subcontainer of any fruits or vegetables, unless the director has inspected such fruits or vegetables and issued a state lot number for such fruits or vegetables in conjunction with a certificate stating their quality and condition, that they were stored in a warehouse licensed under the provisions of this act and that they meet all other requirements of this act or rules adopted hereunder: *Provided*, That if such fruits or vegetables are not allowed to enter the channels of commerce within two weeks of such inspection or a subsequent similar inspection by the director the letters "CA" and the state lot number shall be eradicated by the licensee.

Application for
inspection and
certification.

SEC. 17. Any person financially interested in any fruits or vegetables subject to the provisions of this act may apply to the director for inspection and certification as to whether such fruits or vegetables meet the requirements provided for in this act or rules adopted hereunder.

Inspection and
certification
fees.

SEC. 18. The director shall prescribe the necessary fees to be charged to the licensee or owner for the inspection and certification of any fruits or vegetables subject to the provisions of this act or rules adopted hereunder. The fees provided for in this section shall become due and payable by the end of the next business day and if such fees are not paid within the prescribed time, the director may withdraw inspection or refuse to perform any inspection or certification services for the person in arrears: *Provided*, That the director in such instances may

demand and collect inspection and certification fees prior to inspecting and certifying any fruits or vegetables for such person.

SEC. 19. Every inspection certificate issued by the director under the provisions of this act shall be received in all courts of the state as prima facie evidence of the statement therein.

Inspection certificate as evidence.

SEC. 20. All moneys collected under the provisions of this act for the inspection and certification of any fruits or vegetables subject to the provisions of this act shall be handled and deposited in the manner provided for in chapter 15.16 RCW, as enacted or hereafter amended, for the handling of inspection and certification fees derived for the inspection of any fruits and vegetables.

Disposition of moneys received.

SEC. 21. It shall be unlawful for any person to sell, offer for sale, hold for sale, or transport for sale any fruits or vegetables represented as having been exposed to "controlled atmosphere storage" or to use any such term or form of words or symbols of similar import unless such fruits or vegetables have been stored in controlled atmosphere storage which meets the requirements of this act or rules adopted hereunder.

Unlawful representations.

SEC. 22. The director may bring an action to enjoin the violation or threatened violation of any provision of this act or any rule adopted pursuant to this act in the superior court in the county in which such violation occurs or is about to occur, notwithstanding the existence of any other remedies at law.

Injunctive process available.

SEC. 23. The provisions of this act shall be cumulative and nonexclusive and shall not affect any other remedy.

Act non-exclusive.

SEC. 24. The enactment of this act shall not have the effects of terminating, or in any way modifying

Savings.

any liability, civil or criminal, which shall already be in existence on the effective date of this act.

Penalties.

SEC. 25. Any person violating the provisions of this act or rules adopted hereunder is guilty of a misdemeanor and guilty of a gross misdemeanor for and subsequent offense, however, any offense committed more than five years after a previous conviction shall be considered a first offense.

Intergovernmental cooperation.

SEC. 26. The director may cooperate with and enter into agreements with governmental agencies of this state, other states and agencies of federal government in order to carry out the purpose and provisions of this act.

Severability.

SEC. 27. If any section or provision of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole or any section, provision or part thereof, not adjudged invalid or unconstitutional.

Effect on present storage.

SEC. 28. Any fruits or vegetables now in controlled atmosphere storage and removed after the effective date of this act may be marked, shipped, represented and sold as having been exposed to controlled atmosphere storage if such fruits and vegetables meet the requirements of this act and the rules and regulations adopted hereunder.

Emergency.

SEC. 29. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the agricultural industry of the state, and shall take effect immediately.

Passed the Senate February 2, 1961.

Passed the House February 16, 1961.

Approved by the Governor February 21, 1961.