

WAC 16-461-006 Definitions. "Certificate of compliance" means a shipping document issued by the fruit and vegetable industry attesting that the identified fruits or vegetables are known to be in full compliance with provisions of chapter 15.17 RCW. The member of the fruit and vegetable industry issuing the certificate of compliance has the sole responsibility of fairly and accurately representing the quality and quantity of fruits and vegetables listed on the certificate of compliance.

"Civil penalty" means a monetary penalty administratively issued by the director for noncompliance with chapter 15.17 RCW and the rules adopted under that chapter. The term does not include any criminal penalty, damage assessment, wages, premiums, or taxes owed, or interest or late fees on any existing obligation.

"Commercial lot" means any number and type of containers or any quantity in bulk of agricultural products listed in WAC 16-461-010, which are sold or bartered. Any quantity of less than five hundred pounds net weight, when grown and sold by the producer directly to the ultimate consumer, is not considered a commercial lot.

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

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

"First violation" means the alleged violator has committed no same or similar violation within three years of committing the current alleged act(s).

"Fruit or vegetable stand" means any facility from which seasonal fresh fruits or vegetables produced within the state of Washington are sold to the public. Fruit or vegetable stand includes roadside stands, farmer's markets, trucks or other conveyances and temporary open air parking lot stands other than those owned or operated by retail grocery stores. Such facilities may or may not be owned, leased, or otherwise operated by the producer of the fruits or vegetables.

"Notice of correction" means a document issued by the department that describes a violation under chapter 15.17 RCW or the rules adopted under that chapter. A notice of correction identifies a violation but is not a formal enforcement action. It is not subject to appeal and is a public record. A violation identified in a notice of correction can be a "first violation" even though not subject to a civil penalty if the correction requirements are met.

"Second violation" means the alleged violator committed one same or similar violation within three years of committing the current violation.

"Shipping permit" means a shipping document issued by the director attesting that the fruits or vegetables are known to be in compliance with the provisions of chapter 15.17 RCW and this chapter.

"Third violation" means the alleged violator committed two same or similar violations within three years of committing the current violation.

"Violation" means commission of an act or acts prohibited by chapter 15.17 RCW, this chapter, or rules adopted under chapter 15.17 RCW. Failure to perform any act required by chapter 15.17 RCW, this chapter, or rules adopted under chapter 15.17 RCW is a violation.

"Zone of production" means for Zone 1 all counties west of the Cascade Mountain Range and for Zone 2 the following counties: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Skamania, Spokane, Stevens, Walla Walla, Whitman, and Yakima.

[Statutory Authority: RCW 15.17.030, [15.17.]050, [15.17.]060 and chapter 34.05 RCW. WSR 15-10-090, § 16-461-006, filed 5/6/15, effective 6/6/15. Statutory Authority: Chapter 15.17 RCW. WSR 92-18-103, § 16-461-006, filed 9/2/92, effective 10/3/92; WSR 92-06-085, § 16-461-006, filed 3/4/92, effective 4/4/92.]