

# HOUSE BILL REPORT

## HB 2892

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**As Reported by House Committee On:**  
Agriculture & Ecology

**Title:** An act relating to selling apples for fresh consumption.

**Brief Description:** Selling apples for fresh consumption.

**Sponsors:** Representatives Clements, Linville, Grant, Lisk, Armstrong, Mulliken, Chandler, Holmquist, Schoesler, Hatfield and Ogden.

**Brief History:**

**Committee Activity:**

Agriculture & Ecology: 2/7/02 [DP].

**Brief Summary of Bill**

- Prohibits the sale of certain containers of apples to retailers or wholesalers for resale to the public for fresh consumption.

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### HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

**Majority Report:** Do pass. Signed by 13 members: Representatives Linville, Chair; Hunt, Vice Chair; Schoesler, Ranking Minority Member; Chandler, Cooper, Delvin, Dunshee, Grant, Holmquist, Kirby, Quall, Roach and Sump.

**Staff:** Kenneth Hirst (786-7105).

**Background:**

State law requires the Director of Department of Agriculture to establish standards and grades for apples, apricots, Italian prunes, peaches, sweet cherries, pears, potatoes and asparagus and allows the director to establish them for other fruits and vegetables. It is unlawful to sell any fruits or vegetables as meeting the standards set by the director unless they do meet the standards. A person violating the laws for standards and grades of fruits and vegetables may be subject to a civil penalty of up to \$1,000 for each violation or the suspension of any compliance agreement entered under those laws by the person, or both the civil penalty and the suspension.

To be classified as having been stored in controlled atmosphere storage, fruits or vegetables must be stored under conditions that satisfy standards set by the director of the Department of Agriculture for the oxygen content of the sealed atmosphere, temperature, and duration of exposure to such atmosphere and temperature. For apples, minimums for these standards are set by statute.

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**Summary of Bill:**

After October 1 of each calendar year, it is unlawful for a person to sell containers of apples that contain apples harvested in a prior calendar year. This prohibition applies to sales of such containers to a retailer or wholesaler for the purpose of resale to the public for fresh consumption.

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**Appropriation:** None.

**Fiscal Note:** Requested on February 5, 2002.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** (1) An apple that is placed in controlled atmosphere storage is living tissue for which metabolic processes have been slowed, but not stopped. The longer the apple is in that storage, the less shelf life it has once it leaves the storage. (2) Consumers may be confronted by two Washington apples that look the same, one that is freshly harvested and one from last year's harvest. The principal selling point for Washington apples is their quality. Producers do not want that quality compromised by selling apples for fresh consumption after too much storage. They risk losing the quality market. (3) If last year's apples are still on the market, they compete with the sale of fresh apples. The freshly harvested apples fetch the highest prices for a grower, diluting the market with year-old apples reduces the ability of growers to receive those peak prices. (4) The apple industry is in trouble, it needs to ensure the quality of its product.

**Testimony Against:** None.

**Testified:** (In support) Representative Clements, Gary Holwegner; Todd Hodges, Eakin Fruit Co.; Paul Hollander; and Bill Goble.