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BRAD LITTLE, GOVERNOR
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Negotiated Rulemaking - IDAPA 02.02.02 - Rules Governing Grading and Controlled Atmosphere Storage of Apples

March 16, 2022

ISDA, Virtual Meeting/Conference Call

Stakeholders

Candy Fitch

ISDA Employees

Chanel Tewalt
Llyod knight
Jared Stuart
Laura Thomas
Jennifer Crumrine
Katy DeVries
Dallas Burkhalter

Negotiated Rulemaking began at 1:39 PM MST.

Mr. Llyod Knight welcomed and introduced attendees. Mr. Jared Stuart walked through the proposed changes to IDAPA 02.02.02 - Rules Governing Grading and Controlled Atmosphere Storage of Apples.

ISDA Purposed Changes:

Title: 02.02.02 – RULES GOVERNING APPLE GRADING AND STORAGE

000. LEGAL AUTHORITY. Reduced language.

001. SCOPE. Removed TITLE from the section.

Remove section 01. Title.
Change 02. Scope to 01. Scope

009. INCORPORATION BY REFERENCE. Added for ease of reference.

Mrs. Laura Thomas requested a review of section 02. Information is not referenced in Idaho Standard.

010. DEFINITIONS.

Remove the following definitions 02, 03, 05, 06, 07, and 08.
Mrs. Thomas stated the 07. Packer or Repacker should remain because there is no citing in the CFR.

SUBCHAPTER A – APPLE GRADES

120. GRADES.

01, 02, 03: Remove the following language” as defined in Subsection 010.05.c.” and Change in Reference to “US Standards for Grades of Apples.”

Mrs. Thomas asked if the apple sub-committee still needed to change the language of Fuji Apples? Ms. Fitch will touch base with the sub-Committee to verify if changes are needed.

03. Idaho No. 1. a. remove grade. No records of usage.

121. COLOR REQUIREMENTS. Remove, information is cited in CFR.

122. UNCLASSIFIED DESIGNATION. Renumbered to 121

123. TOLERANCES. Renumbered to 122.

124. APPLICATION OF TOLERANCES. Removed

132. SCORABLE DEFECTS. Renumbered to 130

133 DIAMETER and 134. IDAHO CONDITION STANDARDS. Remove, information is cited in CFR.

150. SUMMER APPLES, 151. SUMMER APPLE GRADES, 152. SCORABLE DEFECTS OF SUMMER APPLES Remove due to the lack of usage

154. - 219. (RESERVED) Renumbered 154 to 133.

Mrs. Thomas purposed to have a conversation with federal counterparts about the difference between the Controlled Atmosphere Storage & Cold Treatment.

Next meeting Monday, April 4, at 1:30 p.m.

Meeting adjourned. 2:01 p.m.

**02.02.02 – RULES GOVERNING APPLE GRADING AND ~~CONTROLLED-~~
~~ATMOSPHERE STORAGE OF APPLES~~**

000. LEGAL AUTHORITY.

~~This chapter is adopted under the legal authority of~~ Sections 22-702, 22-802, and 22-803 Idaho Code. ()

~~001. TITLE AND SCOPE.~~

~~01. Title. The title of this chapter is IDAPA 02.02.02, “Rules Governing Apple Grading and Controlled Atmosphere Storage of Apples.” ()~~

012. Scope. These rules govern the criteria and grades for Idaho Apples and Idaho Summer Apples, including color requirements, defects, tolerances, packing, and marking. These rules also govern registration requirements and prescribe the maximum oxygen levels for sealed controlled atmosphere storage of apples. ()

002. -- 008. (RESERVED)

009. INCORPORATION BY REFERENCE.

01. United States Standards for Apples. This rule incorporates CFR Title 7 Subtitle B Chapter I Subchapter C Part 51, Subpart B: <https://www.ecfr.gov/current/title-7/subtitle-B/chapter-I/subchapter-C/part-51/subpart-B>

02. United States Standards for Apples for Processing. This rule incorporates CFR Title 7, Subtitle B, Chapter I, Subchapter C, Part 51, Subpart C: <https://www.ecfr.gov/current/title-7/subtitle-B/chapter-I/subchapter-C/part-51/subpart-C>.

010. DEFINITIONS.

The following definitions apply in the interpretation and enforcement of this chapter: ()

01. Carefully Hand-Picked. Apples do not show evidence of rough handling or of having been on the ground. ()

~~02. Clean. Apples are free from excessive dirt, dust, spray residue and other foreign material. ()~~

~~03. Fairly Well Formed. Apple may be slightly abnormal in shape but not to an extent that detracts materially from its appearance. ()~~

04. Lot. Any group of containers of apples from one (1) grower or orchard and of one (1) variety and that is set apart or is separate from any other group or groups by some evidence such as a lot number or similar mark of identification. ()

~~05. Mature. Apples have reached the stage of development that will ensure the proper completion of the ripening process. Before a mature apple becomes overripe, it will show varying degrees of firmness, depending upon the stage of the ripening process. The following terms are used for describing different stages of firmness of apples: ()~~

~~a. “Hard” means apples with a tenacious flesh and starchy flavor. ()~~

~~b. “Firm” means apples with a tenacious flesh, but that are becoming crisp with a slightly starchy flavor, except the Delicious variety. ()~~

~~c. “Firm ripe” means apples with crisp flesh except that the flesh of the Gano, Ben Davis, and Rome Beauty varieties may be slightly mealy. ()~~

~~d. “Ripe” means apples with mealy flesh and soon to become soft for the variety. ()~~

~~06. **Overripe.** Apples that are dead ripe, with flesh very mealy or soft, and past commercial utility. ()~~

~~07. **Packer or Repacker.** A person other than an owner or operator of a controlled atmosphere storage plant who removes apples from the containers in which they were treated and places them into other containers or replaces them into the original containers. ()~~

~~08. **Seriously Deformed.** Apple is so badly misshapen that its appearance is seriously affected. ()~~

011. -- 119. (RESERVED)

SUBCHAPTER A – APPLE GRADES

120. GRADES.

01. Idaho Extra Fancy. “Idaho Extra Fancy” consists of apples of one (1) variety that are mature but not overripe except that Red Delicious and Delicious are not further advanced in maturity than “Firm ripe” ~~as defined in Subsection 010.05.e.~~ All “Idaho Extra Fancy” apples are to be carefully hand-picked, clean, fairly well formed; free from decay, internal browning, internal breakdown, scald, bitter pit, scab, Jonathan spot, freezing injury, visible water core, and broken skins and bruises except those that are slight and incident to proper handling and packing. The apple is also free from injury caused by smooth net-like russetting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, disease, insects, or other means; and free from damage by smooth solid, slightly rough or rough russetting, or stem or calyx cracks, and free from damage by invisible water core after January 31st of the year following the year of production. Each apple of this grade has the amount of color specified in US Standards for Grades of Apples, Section 121 for the variety. ()

02. Idaho Fancy. “Idaho Fancy” consists of apples of one (1) variety that are mature but not overripe except that Red Delicious and Delicious are not further advanced in maturity than “Firm ripe” ~~as defined in Subsection 010.05.e.~~ All “Idaho Fancy” apples shall be carefully hand-picked, clean, fairly well formed; free from decay, internal browning, internal breakdown, bitter pit, Jonathan spot, scald, freezing injury, visible water core, and broken skins and bruises except those that are incident to proper handling and packing. The apples are also free from damage caused by russetting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, stem or calyx cracks, disease, insects, invisible water core after January 31st of the year following the year of production, or damage by other means. Each apple of this grade has the amount of color specified in US Standards for Grades of Apples Section 121 for the variety. ()

03. Idaho No. 1. The requirements of this grade are the same as for “Idaho Fancy” except for color, russetting, and invisible water core. In this grade less color is required for all varieties with the exception of the yellow and green varieties other than Golden Delicious. Apples of this grade are free from excessive damage caused by russetting, which means that apples meet the russetting requirements for “Idaho Fancy” as defined under the definitions of “damage by russetting,” except the aggregate area of an apple that may be covered by smooth net-like russetting does not exceed twenty-five percent (25%); and the aggregate area of an apple that may be covered by smooth solid russetting does not exceed ten percent (10%): Provided, that in the case of the Yellow Newtown or similar varieties the aggregate area of an apple that may be covered with smooth solid russetting. ~~T~~his grade has the amount of color specified in US Standards for Grades of Apples, Subsection 010.05.e. for the variety. There is no requirement in this grade pertaining to invisible water core. ()

~~a. Idaho No. 1 Early consists of apples that meet the requirements of Idaho No.1 grade except as to color and maturity, and meet a minimum size requirement. Apples of this grade have no color requirements, need not be mature, grade is provided for varieties such as Duchess, Gravenstein, Red June, Twenty Ounce, Wealthy,~~

~~Williams, Yellow Transparent, and Lodi, or other varieties that are normally marketed during the summer months.~~

~~ab.~~ Idaho No. 1 Hail consists of apples that meet the requirements of Idaho No. 1 grade except that hail marks where the skin has not been broken, and well healed hail marks where the skin has been broken, are permitted, provided the apples are fairly well formed. ()

~~04. Idaho Utility.~~ “Idaho Utility” consists of apples of one (1) variety that are mature but not overripe, carefully hand-picked, not seriously deformed, free from decay, internal browning, internal breakdown, scald, and freezing injury. The apples are also free from serious damage caused by dirt or other foreign matter, broken skins, bruises, russeting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, stem or calyx cracks, visible water core, disease, insects, or other means. ()

~~05. Combination Grades.~~ ()

~~a.~~ Combinations of the above grades may be used as follows: ()

~~i.~~ Combination Idaho Extra Fancy and Idaho Fancy; ()

~~ii.~~ Combination Idaho Fancy and Idaho No. 1; ()

~~iii.~~ Combination Idaho No. 1 and Idaho Utility; ()

~~b.~~ Combinations other than these are not permitted in connection with the Idaho apple grades. When combination grades are packed, at least fifty percent (50%) of the apples in any lot will meet the requirements of the higher grade in the combination. ()

~~121. — COLOR REQUIREMENTS.~~

~~In addition to the requirement specified for the grades set forth in Subsections 120.01 through 120.05, apples of these grades have the percentage of color specified for the variety in Table I appearing below. For the solid red varieties, the percentage stated refers to the area of the surface that must be covered with a good shade of solid red characteristic of the variety. Provided, that an apple having color of a lighter shade of solid red or striped red than that considered as a good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of good red characteristic of the variety required for the grade. For the striped red varieties, the percentage stated refers to the area of the surface in which the stripes of a good shade of red characteristic of the variety predominates over stripes of lighter red, green, or yellow. However, an apple having color of a lighter shade than that considered as a good shade of red characteristic of the variety, may be admitted to a grade, provided it has sufficient additional area covered, so that the apple has as good an appearance as one with the minimum percentage of stripes of a good red characteristic of the variety required for the grade. Faded brown stripes are not considered as color except in the case of the Gary Baldwin variety. Color standards will be determined by Official USDA Visual Aids for apples. APL-CC-1~~

~~Table 1 — Color Requirements for Specified Idaho Grades of Apples by Variety~~

VARIETY	IDAHO-EXTRA-FANCY-PERCENT	IDAHO-FANCY-PERCENT	IDAHO-NO.-1-PERCENT
ALL SOLID RED VARIETIES:	66	40	25
Other Similar Varieties —(1)	66	40	25
Red Sport Varieties —(2)	66	40	25

STRIPED OR PARTIALLY RED:			
Jonathan	66	33	25
McIntosh	50	33	25
Cortland	50	33	25
Other Similar Varieties -- (3)	50	33	25
Rome Beauty	50	33	15
Stayman	50	33	15
York Imperial	50	33	15
Baldwin	50	25	15
Ben Davis	50	25	15
Delicious	50	25	15
Mammoth Black Twig	50	25	15
Turley	50	25	15
Wagener	50	25	15
Wealthy	50	25	15
Willow Twig	50	25	15
Northern Spy	50	25	15
Other Similar Varieties -- (4)	50	25	15
Hubbardston	50	15	10
Stark	50	15	10
Other Similar Varieties	50	15	10
Red June	50	15	(5)
Red Gravenstein	50	15	(5)
Williams	50	15	(5)
Other Similar Varieties	50	15	(5)
Gravenstein	25	10	(8)
Duchess	25	10	(5)

Other Similar Varieties—(6)	25	40	(5)
RED-CHEEKED OR BLUSHED:			
Maiden Blush	(7)	(5)	(8)
Twenty Ounce	(7)	(5)	(8)
Winter Banana	(7)	(5)	(8)
Other Similar Varieties	(7)	(5)	(8)
Green Varieties	(9)	(9)	(9)
Yellow Varieties	(9)	(9)	(9)
Golden Delicious	(10)	(10)	(9)
(1) Arkansas Black, Beacon, Detroit Red, Esopus Spitzenburg, King David, Lowry, Minjon. (2) When Red Sport varieties are specified as such, they shall meet the color requirements specified for Red Sport varieties. (3) Haralson, Kendall, Macoun, Snow (Fameuse). (4) Bonum, Early McIntosh, Limbertwig, Milton, Nero, Paragon, Melba. (5) Tinge of color. (6) Red Astrachan, Smokehouse, Summer Rambo, Dudley. (7) Blush Cheek. (8) None. (9) Characteristic ground color. (10) Seventy-five (75%) percent or more of the surface of the apple shall show white or light green—predominating over the green color.			

()

121122. UNCLASSIFIED DESIGNATION.

“Unclassified” consists of apples that have not been classified in conformity with any of the foregoing grades. The term “unclassified” is not a grade within the meaning of these standards, but is provided as a designation to show that no definite grade has been applied to the lot. ()

122123. TOLERANCES.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified: ()

01. Defects. ()

a. Idaho Extra Fancy, Idaho Fancy, Idaho No. 1, Idaho No. 1 Early and Idaho No. 1 Hail grades: Ten percent (10%) of the apples in any lot may fail to meet the requirements of the grade, but not more than one-half (1/2) of this amount, or five percent (5%), is allowed for apples that are seriously damaged, including therein not more than one percent (1%) for apples affected by decay or internal breakdown. ()

b. Idaho Utility grade: Ten percent (10%) of the apples in any lot may fail to meet the requirements of the grade, but not more than one-half (1/2) of this amount, or five percent (5%), is allowed for apples that are seriously damaged by insects, and including in the total tolerance not more than one percent (1%) for apples affected by decay or internal breakdown. ()

02. Applying Tolerances to Combination Grades. When applying tolerances to combination grades, no part of any tolerance is allowed to reduce, for the lot as a whole, the fifty percent (50%) of apples of the higher grade required in the combination but individual containers will not have less than forty percent (40%) of the higher grade. ()

03. Size. When size is designated by the numerical count for a container, not more than five percent (5%) of the apples in the lot may vary more than one fourth (1/4) inch in diameter. When size is designated by minimum or maximum diameter, not more than five percent (5%) of the apples in any lot may be smaller than the designated minimum and not more than ten percent (10%) may be larger than the designated maximum. ()

04. Firmness. Not more than five percent (5%) of the apples in any lot of Red Delicious and Delicious varieties can be further advanced in maturity than "Firm ripe" as defined in Subsection 010.05.e. Provided, the Idaho No. 1, Idaho No. 1 Hail, and Idaho Utility grades are exempt from this requirement. ()

~~**124. APPLICATION OF TOLERANCES. THE CONTENTS OF INDIVIDUAL SAMPLES IN THE LOT ARE SUBJECT TO THE FOLLOWING LIMITATION, PROVIDED THAT THE AVERAGES FOR THE ENTIRE LOT ARE WITHIN THE TOLERANCES SPECIFIED FOR THE GRADE:**~~ ()

~~**01. Samples That Contain More Than Ten (10) Pounds.** Not more than one and one half (1 1/2) times a specified tolerance of ten percent (10%) or more and not more than double a tolerance of less than ten percent (10%), except that at least one (1) apple that is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any sample.~~ ()

~~**02. Samples That Contain Ten (10) Pounds or Less.** Not over ten percent (10%) of the sample may have more than three (3) times the tolerance specified, except that at least one (1) defective apple may be permitted in any sample: Provided, that not more than one (1) apple or more than six percent (6%) (whichever is the larger amount) may be seriously damaged by insects or affected by decay or internal breakdown.~~ ()

123125. CALCULATION OF PERCENTAGES.

01. When Numerical Count is Marked On Container. Percentages are calculated on the basis of count. ()

02. When Minimum Diameter or Minimum and Maximum Diameters are Marked on Container. Percentages are calculated on the basis of weight. ()

03. Apples are in Bulk. Percentages are calculated on the basis of weight. ()

124126. CONDITION AFTER STORAGE OR TRANSIT.

Decay, scald, or any other deterioration that may have developed on apples after they have been in storage or transit are considered as affecting condition and not the grade. ()

~~**125127. -- 129. (RESERVED)**~~

~~**130. PACKING REQUIREMENTS.**~~

~~**01. Tray or Cell Packed.** Apples in cartons are arranged according to approved and recognized methods. Packs are to be at least fairly tight or fairly well filled.~~ ()

~~**a.** "Fairly tight" apples are of the proper size for molds or cell compartments in which they are packed, and that molds or cells are filled in such a way that no more than slight movement of apples within molds or cells is possible. The top layer of apples, or any pad or space filler over the top layer of apples is to be not more than three fourths (3/4) inch below the top of the carton.~~ ()

~~b. “Fairly well filled” means that the net weight of apples in containers ranging from two thousand one hundred cubic inches (2,100 cu. in.) to two thousand nine hundred cubic inches (2,900 cu. in.) capacity is not less than thirty seven (37) pounds for Courtland, Gravenstein, Jonathan, McIntosh and Golden Delicious varieties and not less than forty (40) pounds for all other varieties. ()~~

~~02. Closed Cartons. Apples not tray or cell packed are fairly well filled or the pack is sufficiently tight to prevent any appreciable movement of the apples. ()~~

~~03. Wooden Boxes or Baskets Packs. Sufficiently tight to prevent any appreciable movement of apples within containers when the packages are closed. Each wrapped apple is to be completely enclosed by its individual wrapper. ()~~

~~04. Reasonably Representative. Apples on the shown face of any container are reasonably representative in size, color, and quality of the contents. ()~~

~~05. Tolerances. In order to allow for variations incident to proper packing, not more than ten percent (10%) of the containers in any lot may fail to meet these requirements. ()~~

131. MARKING REQUIREMENTS.

~~The numerical count or the minimum diameter of the apples packed in a closed container is indicated on the container. ()~~

~~01. When Numerical Count is not Shown. The minimum diameter will be plainly stamped, stenciled, or otherwise marked on the container in terms of whole inches, or whole inches and not less than one eighth (1/8) inch fractions thereof. ()~~

~~02. The Word “Minimum”. Or its abbreviation, when following a diameter size marking, means that the apples are of the size marked or larger. ()~~

130132. SCORABLE DEFECTS.

01. Injury. Any specific defect defined in this subsection or an equally objectionable variation of any one (1) of these defects, any other defect, or any combination of defects, that more than slightly detracts from the appearance or the edible or shipping quality of the apple. The following specific defects are considered as injury: ()

a. Russeting in the stem cavity or calyx basin that cannot be seen when the apple is placed stem end or calyx end down on a flat surface, is not considered in determining whether or not an apple is injured by russeting. Smooth net-like russeting outside of the stem cavity or calyx basin is considered as injury when an aggregate area of more than ten percent (10%) of the surface is covered, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russeting when the appearance is affected to a greater extent than the above amount permitted. ()

b. Sunburn or sprayburn, when the discolored area does not blend into the normal color of the fruit. ()

c. Dark brown or black limb rubs that affect a total area of more than one-fourth (1/4) inch in diameter, except that light brown limb rubs of a russet character are considered under the definition of injury by russeting. The area refers to that area of a circle of the specified diameter. ()

d. Hail marks, drought spots, other similar depressions or scars. ()

i. When the skin is broken, whether healed or unhealed; ()

ii. When there is appreciable discoloration of the surface; ()

- iii. When any surface indentation exceeds one-sixteenth (1/16) inch in depth; ()
- iv. When any surface indentation exceeds one-eighth inch (1/8) in diameter; or ()
- v. When the aggregate affected area of such spots exceeds one-half (1/2) inch in diameter. The area refers to that of a circle of the specified diameter. ()
- e. Disease. ()
 - i. Cedar rust infection that affects a total area of more than three-sixteenths (3/16) inch in diameter. The area refers to that of a circle of the specified diameter. ()
 - ii. Sooty blotch or fly speck that is thinly scattered over more than five percent (5%) of the surface, or dark, heavily concentrated spots that affect an area of more than one-fourth (1/4) inch in diameter. The area refers to that of a circle of the specified diameter. ()
 - iii. Red skin spots that are thinly scattered over more than one-tenth (1/10) of the surface, or dark, heavily concentrated spots that affect an area of more than one-fourth (1/4) inch in diameter. ()
- f. Insects. ()
 - i. Any healed sting or healed stings that affect a total area of more than one-eighth (1/8) inch in diameter including any encircling discolored rings. The area refers to that of a circle of the specified diameter. ()
 - ii. Worm holes. ()

02. Damage. Any specific defect defined in this subsection or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, that materially detracts from the appearance, or the edible or shipping quality of the apple. The following specific defects are considered damage:()

- a. Russetting in the stem cavity or calyx basin that cannot be seen when the apple is placed stem end or calyx end down on a flat surface, is not considered in determining whether or not an apple is damaged by russetting, except that excessively rough or bark-like russetting in the stem cavity or calyx basin shall be considered as damage when the appearance of the apple is materially affected. The following types and amounts of russetting outside of the stem cavity or calyx basin are considered as damage: ()
 - i. Russetting that is excessively rough on Roxbury Russet and other similar varieties. ()
 - ii. Smooth net-like russetting, when an aggregate area of more than fifteen percent (15%) of the surface is covered, and the color of the russetting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russetting when the appearance is affected to a greater extent than the above amount permitted. ()
 - iii. Smooth solid russetting, when an aggregate area of more than five percent (5%) of the surface is covered, and the pattern and color of the russetting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous solid russetting when the appearances affected to a greater extent than the above amount permitted. ()
 - iv. Slightly rough russetting that covers an aggregate area of more than one-half (1/2) inch in diameter. ()
 - v. Rough russetting that covers an aggregate area of more than one-fourth (1/4) inch in diameter. ()
- b. Sunburn or sprayburn that has caused blistering or cracking of the skin, or when the discolored

area does not blend into the normal color of the fruit unless the injury can be classed as russetting. ()

c. Limb rubs that affect a total area of more than one-half (1/2) inch in diameter, except that light brown limb rubs of a russet character are considered under the definition of damage by russetting. ()

d. Hail marks, drought spots, other similar depressions or scars. ()

i. When any unhealed mark is present; ()

ii. When any surface indentation exceeds one-eighth (1/8) inch in depth; ()

iii. When the skin has not been broken and the aggregate affected area exceeds one-half (1/2) inch in diameter. The area refers to that of a circle of the specified diameter; or ()

iv. When the skin has been broken and well healed, and the aggregate affected area exceeds one-fourth (1/4) inch in diameter. ()

e. Stem or calyx cracks that are not well healed, or well healed stem or calyx cracks that exceed an aggregate length of one-fourth (1/4) inch. ()

f. Invisible water core existing around the core and extending to water core in the vascular bundles; or surrounding the vascular bundles when the affected area surrounding three (3) or more vascular bundles meet or coalesce; or existing in more than slight degree outside the circular area formed by the vascular bundles. ()

g. Disease. ()

i. Scab spots that affects a total area of more than one-fourth (1/4) inch in diameter. The area refers to that of a circle of the specified diameter. ()

ii. Cedar rust infection that affects a total area of more than one-fourth (1/4) inch in diameter. The area refers to that of a circle of the specified diameter. ()

iii. Sooty blotch or fly speck that is thinly scattered over more than one-tenth (1/10) of the surface, or dark, heavily concentrated spots that affect an area of more than one-half (1/2) inch in diameter. The area refers to that of a circle of the specified diameter. ()

iv. Red skin spots that are thinly scattered over more than one-tenth (1/10) of the surface, or dark, heavily concentrated spots that affect an area of more than one-half (1/2) inch in diameter. The area refers to that of a circle of the specified diameter. ()

h. Insects. ()

i. Any healed sting or healed stings that affect a total area of more than three-sixteenths (3/16) inch in diameter including any encircling discolored rings. The area refers to that of a circle of the specified diameter. ()

ii. Worm holes. ()

03. Serious Damage. Any specific defect defined in this subsection 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, or the edible or shipping quality of the apple. The following specific defects are considered as serious damage: ()

a. The following types and amounts of russetting are considered as serious damage: Smooth solid russetting, when more than one-half (1/2) of the surface in the aggregate is covered, including any russetting in the stem cavity or calyx basin, or slightly rough, or excessively rough or bark-like russetting, that detracts from the

appearance of the fruit to a greater extent than the amount of smooth solid russeting permitted: Provided, that any amount of russeting is permitted on Roxbury Russet and other similar varieties. ()

b. Sunburn or sprayburn that seriously detracts from the appearance of the fruit. ()

c. Limb rubs that affect more than one-tenth (1/10) of the surface in the aggregate. ()

d. Hail marks, drought spots, or scars, if they materially deform or disfigure the fruit, or if such defects affect more than one-tenth (1/10) of the surface in the aggregate: Provided, that no hail marks that are unhealed are permitted and not more than an aggregate area of one-half (1/2) inch is allowed for well healed hail marks where the skin has been broken. The area refers to that of a circle of the specified diameter. ()

e. Stem or calyx cracks that are not well healed, or well healed stem or calyx cracks that exceed an aggregate length of one-half (1/2) inch. ()

f. Visible water core that affects an area of more than one-half (1/2) inch in diameter. ()

g. Disease. ()

i. Scab spots that affect a total area of more than three-fourths (3/4) inch in a circle of the specified diameter. ()

ii. Cedar rust infection that affects a total area of more than three-fourths (3/4) inch in diameter. The area refers to that of a circle of the specified diameter. ()

iii. Sooty blotch or fly speck that affects more than one-third (1/3) of the surface. ()

iv. Red skin spots that affect more than one-third (1/3) of the surface. ()

v. Bitter pit or Jonathan spot that is thinly scattered over more than one-tenth (1/10) of the surface and does not materially deform or disfigure the fruit. ()

h. Insects. ()

i. Healed stings that affect a total area of more than one-fourth (1/4) inch in diameter including any encircling discolored rings. The area refers to that of a circle of the specified diameter. ()

ii. Worm holes. ()

133. — DIAMETER.

~~When measuring for minimum size, "diameter" means the greatest right angles to a line from stem to blossom end. When measuring for maximum size, "diameter" means the smallest dimension of the apple, determined by passing the apple through a round opening in any position.~~ ()

134. — IDAHO CONDITION STANDARDS.

~~THESE STANDARDS MAY BE APPLIED TO DOMESTIC SHIPMENTS OF APPLES, AND MAY BE REFERRED TO AS "IDAHO CONDITION STANDARDS."~~ ()

~~01. — Maturity. Not more than five percent (5%) of the apples in any lot are further advanced in maturity than firm ripe.~~ ()

~~02. — Storage Scab. Not more than five percent (5%) of the apples in any lot are damaged by storage scab.~~ ()

~~03. — Affected by Condition Factors. Not more than a total of five percent (5%) of the apples in any lot are affected by scald, internal breakdown, freezing injury, or decay; or damaged by water core, bitter pit,~~

~~Jonathan spot, or other condition factors: NOTE: "Damage by water core" means externally invisible water core existing around the core and extending to water core in the vascular bundles; or surrounding the vascular bundles when the affected areas surrounding three (3) or more vascular bundles meet or coalesce; or existing in more than slight degree outside the circular area formed by the vascular bundles; or any externally visible water core. Provided, that:~~ ()

~~a. Not more than a total of two percent (2%) is allowed for apples affected by decay and soft scald;~~ ()

~~b. Not more than two percent (2%) is allowed for apples affected by internal breakdown; and~~ ()

~~c. Not more than two percent (2%) is allowed for apples affected by slight scald.~~ ()

~~04. Container Packs. Will comply with packing requirements specified in Section 130 of this chapter.~~ ()

~~05. Tolerances. Any lot of apples is considered as meeting the Idaho Condition Standards if the entire lot averages within the requirements specified: Provided, that no package in any lot has more than double the percentages specified, except that for packages that contain ten (10) pounds or less, individual packages in any lot may have not more than three (3) times the tolerance or one (1) apple (whichever is the greater amount).~~ ()

~~135.— 149. (RESERVED)~~

~~150. SUMMER APPLES.~~

~~Summer apples are defined as all apples such as Early McIntosh, Beacon, Tydeman Red, Lodi, Yellow Transparent, and all other similar varieties ripening before Jonathans; excluding Jonathans, Arkansas Black, Spitzenburg, King David, Winesap, Red Sport varieties, Delicious Stayman, Vanderpool, Black Twig, McIntosh and Rome Beauty. Note: Winter Banana variety may also be packed under Summer Grades.~~ ()

~~151. SUMMER APPLE GRADES.~~

~~01. Idaho Summer Extra Fancy. Apples of one (1) variety that are mature, hand picked, clean, sound, fairly well formed and free from visible watercore, broken skin and from damage caused by insects, disease, mechanical injury or other causes. Each apple has the amount of color hereinafter specified for apples in this grade. Caution: To be certified on an Export Form Certificate, all apples must meet U.S. No. 1 grade requirements.~~ ()

~~a. "Fairly well formed" means that the apple has the normal shape one half (1/2) of the apple may deviate slightly or that the apple may be slightly flattened as by frost injury.~~ ()

~~b. "Damage" means any defect that materially affects the appearance or the edible or shipping qualities of the apple.~~ ()

~~c. The following are not considered damage.~~ ()

~~i. Slight handling bruises or box bruises, such as are incidental to good commercial handling in the preparation of a tight pack.~~ ()

~~ii. Sunburn or sprayburn when the normal color of the apple is not seriously affected, and there is no blistering or cracking of the skin, and the discolored area blends into the normal coloring of the apple.~~ ()

~~iii. Dark colored limb rubs not to exceed one half (1/2) inch in the aggregate area. Limb rubs of a light brown or russet character are governed by the definition covering solid russetting.~~ ()

~~iv. Smooth russetting at the stem or calyx end provided that such russetting is not visible for more than one half (1/2) inch when the apple is placed with the russet end down on a flat surface.~~ ()

~~v. Smooth net like russeting that does not cover an aggregate area of more than ten percent (10%) of the surface and net like russeting on the colored portions of the apple that does not materially detract from its appearance are not counted in computing the ten percent (10%) mentioned above. ()~~

~~vi. Hail marks, drought spots or other similar depressions or scars where there is no appreciable discoloration, except as later noted, other than russeting, or when any individual indentation does not exceed one-fourth (1/4) inch in diameter or the total area affected does not exceed one fourth (1/4) inch in diameter. One discolored unbroken area not to exceed one eighth (1/8) inch in diameter is allowed. ()~~

~~vii. Scab spots affecting an aggregate area not to exceed three eighths (3/8) inch in diameter. ()~~

~~viii. Any healed stings affecting an aggregate area not to exceed three sixteenths (3/16) inch in diameter. ()~~

~~ix. Slight aphid sign on thrip marks that do not roughen or pebble the surface of the apple. ()~~

~~x. Any defect or defects not listed above that affect the appearance or quality of the apple not more than the defects listed above. ()~~

~~**02. Quality of Idaho Summer Fancy Apples.** Idaho Summer Fancy Apples consist of apples of one (1) variety that are mature, hand picked, sound, not badly misshapen and free from visible watercore, serious damage caused by insects, disease, mechanical injuries or other causes, and free from soft bruises or broken skin (except that apples may have skin punctures not exceeding one fourth (1/4) inch diameter). ()~~

~~**03. Combination Idaho Extra Fancy and Fancy.** In Summer Apple Grades, when Extra Fancy and Fancy are packed together, the boxes may be marked "Combination Idaho Summer Extra Fancy and Fancy." The package must contain at least fifty percent (50%) of the Extra Fancy Grade. Tray packs are to be well filled, having not less than thirty six (36) pounds net weight of apples. ()~~

152. SCORABLE DEFECTS OF SUMMER APPLES.

~~**01. Punctured Apples.** CAUTION: Punctured apples do not meet the requirements of the Export Apple Act and cannot be certified on an export certificate. Each apple will have the amount of color hereinafter specified for apples of this grade. ()~~

~~**02. Not Badly Misshapen.** The apple may be more irregularly misshapen than defined above, but must not be deformed to the extent of materially affecting its utility or general appearance. ()~~

~~**03. Serious Damage.** Any injury or defect or a combination thereof that seriously detracts from the appearance of the apple. The following are not considered serious damage: ()~~

~~a. Sunburn or sprayburn that does not seriously detract from the appearance of the apple. ()~~

~~b. Limb rubs affecting an aggregate area not to exceed three fourths (3/4) inch. ()~~

~~c. Smooth solid russeting affecting an area of not more than one half (1/2) the surface in the aggregate, including russeting of the stem basin, or bark-like russeting that does not seriously detract from the appearance of the apple. ()~~

~~d. Growth cracks when no crack exceeds one half (1/2) inch in length. ()~~

~~e. Hail marks, drought spots or other similar depressions that do not exceed an aggregate area of ten percent (10%) of the surface. Slight injury means that no individual area may exceed three-fourths (3/4) inch in diameter of discolored area. The discolored area may be a light brown or black or may be a russeted area, and the skin may or may not be broken; if broken, the area must be well healed. ()~~

- ~~f. Scab spots affecting an aggregate area not to exceed three fourths (3/4) inch. ()~~
- ~~g. Not to exceed two (2) stings, each having an encircling hard ring or slight depression, providing no sting exceeds one eighth (1/8) inch in diameter, exclusive of any encircling ring. ()~~
- ~~h. Aphis pebbling or thrip marks not seriously affecting the appearance of the apple. ()~~
- ~~i. Any defect or defects not listed above that does not affect the appearance of the apple more than the defects listed above. ()~~

~~153. COLOR REQUIREMENTS FOR SUMMER APPLES.~~

~~For the Idaho Summer Apple Grades, the color percentage listed below refers to color of blush, shades of red, or stripes of red characteristic of the variety. For green and yellow varieties, no color is required in Extra Fancy or Fancy.~~

Characteristic Table

Extra Fancy	Fancy
33 1/3%	15%

~~133154. -- 219. (RESERVED)~~

SUBCHAPTER B – CONTROLLED ATMOSPHERE STORAGE

220. APPLES, CONTROLLED ATMOSPHERE REGISTRATION.

01. Registration. Any person who owns or operates a controlled atmosphere room or storage building for apples in Idaho, and any person who engages in this State in the business of packing or repacking apples so treated in this State or any other state and who intends to, or does, represent such apples as having been exposed to “controlled atmosphere” storage, shall register with the Director on a form prescribed by the Director. ()

02. Registration Period. The registration period for owners or operators of controlled atmosphere rooms or storage buildings in this State commences on September 1 and end on August 31 of each year, and for packers or repackers of apples that have been held in a controlled atmosphere room or storage building in this State or in any other state, the registration period extends for a period not to exceed one (1) year. Owners or operators of such rooms or storage buildings shall register on or before September 1 of each year. ()

03. Interstate Registration. Any person who owns or operates a controlled atmosphere room or storage building located outside of Idaho or who engages at a place outside of this State in the business of packing or repacking apples that have been held in controlled atmosphere storage and who intends to, or does, market in the state of Idaho apples so treated and represented as having been exposed to “controlled atmosphere” storage, shall register with the Director in the same manner as required of any person within the State unless such person has registered with the proper authorities in the state of origin and has been assigned a comparable registration number or CA identification under authority of laws or rules of such state that at least conform to the provisions of these rules. ()

04. Written Agreement. The Director will assign each approved registrant a registration number preceded by the letters CA. The Director shall require from each applicant for registration, an agreement in writing in the form required by the Director that the apples so treated or packed or repacked by said applicant will be or have been kept in a room or storage building with not more than five percent (5%) oxygen for a minimum of not less than forty-five (45) days for Gala and Jonagold varieties and not less than sixty (60) days for other apples, and that

the oxygen level in such room or storage building will be or has been reduced to five percent (5%) within twenty (20) days after the date of sealing of the storage room, and including any other pertinent facts as may be required by the Director to assure that the apples in question have been so treated. ()

05. Refusal Upon Violation. The Director may refuse to approve an application for registration and refuse to issue a registration number if the applicant previously has violated any of the provisions of these rules, or has failed or refused to furnish the information or evidence required by these rules. ()

06. Required Air Components Determinations. Each owner or operator of a controlled atmosphere room or storage building in this state shall make the required air components determinations as to the percentage of carbon dioxide and oxygen and temperature at least once each day and maintains a record in the form as required by the Director of Agriculture, including the name and address of the owner or operator, room number or numbers, room capacity, lot identification, quantity in each lot, date of sealing, date of opening; a daily record of date and time of test, percentage of carbon dioxide, percentage of oxygen and the temperature. ()

07. Written Reports. Each owner or operator of a controlled atmosphere room or storage building in this state will submit to the Idaho Director of Agriculture, within ten (10) days after the date of sealing, a written report pertaining to each room showing the owner's room number, or numbers, date of sealing, and variety and quantity of apples contained therein. ()

08. Maintaining Identity. The identity of all apples represented as having been exposed to "controlled atmosphere" storage will be maintained from the original room or storage building where they were treated through the various channels of trade to the retailer. ()

09. Investigations. Enforcing officers may investigate and examine records and invoices relating to any transactions in order to determine the identity of apples represented as having been exposed to controlled atmosphere storage and in this connection gives consideration to the presence of CA storage registration numbers on invoices submitted in transactions by the owners or operators and a combination of both the CA storage and packer or repacker's CA registration number on invoices submitted in transactions by said packer or repacker. ()

221. APPLES REPRESENTED AS HAVING BEEN EXPOSED TO "CONTROLLED ATMOSPHERE" STORAGE.

01. Registration Number -- Owner/Operator. Each container and consumer package of such apples moved into the channels of trade by the owner or operator of a controlled atmosphere room or storage building located in Idaho or by any other person, will be marked with said owner or operator's assigned registration number. ()

02. Registration Number -- Packer/Repacker. Each container and consumer package of such apples received from an owner or operator of a controlled atmosphere room or storage building located either in Idaho or in another state and that are packed or repacked by another person in this state, will be marked with the said packer or repacker's assigned registration number. ()

03. Controlled Atmosphere (CA) Identification. Each container and consumer package of such apples moved into the channels of trade in Idaho by the owner or operator of a controlled atmosphere room or storage building located outside of Idaho or by any other person or by a packer or repacker of such apples engaged in such business outside of Idaho will be marked with the proper registration number or CA identification. Such registration number or CA identification is the registration number assigned by the Director to such owner or operator of a CA plant or to such packer or repacker as the case may be or a comparable registration number of identification assigned under authority of laws or regulations of another state that at least conform to the provisions of Subsection 22~~00~~.04 above. ()

04. Labeling Requirements. The registration number or other identification required to be marked on containers is in letters or figures at least one-half (1/2) inch in height, and all such markings are clear and conspicuous and in a place readily visible to the purchaser, and shall meet the rule requirements of Sections 22-801 and 22-802, Idaho Code. ()

05. Inspection and Certification. All apples sold as Controlled Atmosphere apples must be inspected and certified as to grade and condition and be marked with a state lot number in addition to the CA number. ()

06. Conditions and Standards. At the time of shipment, all apples shipped and marked with a CA number will meet the U.S. condition and maturity standards for Export. ()

07. Reinspection. Apples not shipped within a period of two (2) weeks after inspection and certification must be reinspected. ()

08. Failure to Meet Requirements. Failure to meet any one of the requirements noted above will prohibit such apples from being sold as CA storage apples or the containers marked as such. ()

222. -- 999. (RESERVED)



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BRAD LITTLE, GOVERNOR
CELIA GOULD, DIRECTOR

Negotiated Rulemaking - IDAPA 02.02.02 - Rules Governing Grading and Controlled Atmosphere Storage of Apples

April 4, 2022, 1:30 PM MST
ISDA, Virtual Meeting/Conference Call

Stake Holders

None present

ISDA Employees

Chanel Tewalt
Lloyd Knight
Jared Stuart
Laura Thomas
Jennifer Crumrine
Katy DeVries
Dallas Burkhalter

Negotiated Rulemaking began at 1:35 PM MST.

No stakeholders present.

Comments are open until April 29, 2022.

Closed Meeting at 1:36 PM MST.

**02.02.02 – RULES GOVERNING ~~APPLE GRADING AND CONTROLLED-~~
ATMOSPHERE STORAGE OF APPLES**

000. LEGAL AUTHORITY.

~~This chapter is adopted under the legal authority of Sections 22-702, 22-802, and 22-803 Idaho Code. ()~~

001. ~~TITLE AND SCOPE.~~

~~01. Title. The title of this chapter is IDAPA 02.02.02, "Rules Governing Apple Grading and Controlled Atmosphere Storage of Apples." ()~~

012. Scope. These rules govern the criteria and grades for Idaho Apples and Idaho Summer Apples, including color requirements, defects, tolerances, packing, and marking. These rules also govern registration requirements and prescribe the maximum oxygen levels for sealed controlled atmosphere storage of apples. ()

002. -- 008. (RESERVED)

009. INCORPORATION BY REFERENCE.

~~01. United States Standards for Apples. This rule incorporates CFR Title 7 Subtitle B Chapter I Subchapter C Part 51, Subpart B: <https://www.ecfr.gov/current/title-7/subtitle-B/chapter-I/subchapter-C/part-51/subpart-B>~~

~~02. United States Standards for Apples for Processing. This rule incorporates CFR Title 7, Subtitle B, Chapter I, Subchapter C, Part 51, Subpart C: <https://www.ecfr.gov/current/title-7/subtitle-B/chapter-I/subchapter-C/part-51/subpart-C>.~~

010. DEFINITIONS.

The following definitions apply in the interpretation and enforcement of this chapter: ()

01. Carefully Hand-Picked. Apples do not show evidence of rough handling or of having been on the ground. ()

~~02. Clean. Apples are free from excessive dirt, dust, spray residue and other foreign material. ()~~

~~03. Fairly Well Formed. Apple may be slightly abnormal in shape but not to an extent that detracts materially from its appearance. ()~~

04. Lot. Any group of containers of apples from one (1) grower or orchard and of one (1) variety and that is set apart or is separate from any other group or groups by some evidence such as a lot number or similar mark of identification. ()

~~05. Mature. Apples have reached the stage of development that will ensure the proper completion of the ripening process. Before a mature apple becomes overripe, it will show varying degrees of firmness, depending upon the stage of the ripening process. The following terms are used for describing different stages of firmness of apples: ()~~

~~a. "Hard" means apples with a tenacious flesh and starchy flavor. ()~~

~~b. "Firm" means apples with a tenacious flesh, but that are becoming crisp with a slightly starchy flavor, except the Delicious variety. ()~~

Commented [LK1]: Laura Thomas - Possibly not necessary. May remove.

Commented [LK2R1]: Laura Thomas confirms, Idaho apple grades are for fresh/consumer grades, so this IBR is unnecessary. 3/27/22

~~c. “Firm ripe” means apples with crisp flesh except that the flesh of the Gano, Ben Davis, and Rome Beauty varieties may be slightly mealy. ()~~

~~d. “Ripe” means apples with mealy flesh and soon to become soft for the variety. ()~~

~~06. **Override.** Apples that are dead ripe, with flesh very mealy or soft, and past commercial utility. ()~~

~~07. **Packer or Repacker.** A person other than an owner or operator of a controlled atmosphere storage plant who removes apples from the containers in which they were treated and places them into other containers or replaces them into the original containers. ()~~

~~08. **Seriously Deformed.** Apple is so badly misshapen that its appearance is seriously affected. ()~~

Commented [LK3]: Laura – this is in Controlled Atmosphere and not in the federal rule or USDA reference, need to keep.

111. – 119. (RESERVED)

SUBCHAPTER A – APPLE GRADES

120. GRADES.

01. **Idaho Extra Fancy.** “Idaho Extra Fancy” consists of apples of one (1) variety that are mature but not override except that Red Delicious and Delicious are not further advanced in maturity than “Firm ripe” ~~as defined in Subsection 010.05.e.~~ All “Idaho Extra Fancy” apples are to be carefully hand-picked, clean, fairly well formed; free from decay, internal browning, internal breakdown, scald, bitter pit, scab, Jonathan spot, freezing injury, visible water core, and broken skins and bruises except those that are slight and incident to proper handling and packing. The apple is also free from injury caused by smooth net-like russeting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, disease, insects, or other means; and free from damage by smooth solid, slightly rough or rough russeting, or stem or calyx cracks, and free from damage by invisible water core after January 31st of the year following the year of production. Each apple of this grade has the amount of color specified in US Standards for Grades of Apples, Section 121 for the variety. ()

02. **Idaho Fancy.** “Idaho Fancy” consists of apples of one (1) variety that are mature but not override except that Red Delicious and Delicious are not further advanced in maturity than “Firm ripe” ~~as defined in Subsection 010.05.e.~~ All “Idaho Fancy” apples shall be carefully hand-picked, clean, fairly well formed; free from decay, internal browning, internal breakdown, bitter pit, Jonathan spot, scald, freezing injury, visible water core, and broken skins and bruises except those that are incident to proper handling and packing. The apples are also free from damage caused by russeting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, stem or calyx cracks, disease, insects, invisible water core after January 31st of the year following the year of production, or damage by other means. Each apple of this grade has the amount of color specified in US Standards for Grades of Apples Section 121 for the variety. ()

03. **Idaho No. 1.** The requirements of this grade are the same as for “Idaho Fancy” except for color, russeting, and invisible water core. In this grade less color is required for all varieties with the exception of the yellow and green varieties other than Golden Delicious. Apples of this grade are free from excessive damage caused by russeting, which means that apples meet the russeting requirements for “Idaho Fancy” as defined under the definitions of “damage by russeting,” except the aggregate area of an apple that may be covered by smooth net-like russeting does not exceed twenty-five percent (25%); and the aggregate area of an apple that may be covered by smooth solid russeting does not exceed ten percent (10%); Provided, that in the case of the Yellow Newtown or similar varieties the aggregate area of an apple that may be covered with smooth solid russeting. ~~This grade has the amount of color specified in US Standards for Grades of Apples, Subsection 010.05.e. for the variety.~~ There is no requirement in this grade pertaining to invisible water core. ()

~~a. **Idaho No. 1 Early** consists of apples that meet the requirements of Idaho No.1 grade except as to color and maturity, and meet a minimum size requirement. Apples of this grade have no color requirements, need not be mature, grade is provided for varieties such as Duchess, Gravenstein, Red June, Twenty Ounce, Wealthy,~~

~~Williams, Yellow Transparent, and Lodi, or other varieties that are normally marketed during the summer months.~~

~~ab. Idaho No. 1 Hail consists of apples that meet the requirements of Idaho No. 1 grade except that hail marks where the skin has not been broken, and well healed hail marks where the skin has been broken, are permitted, provided the apples are fairly well formed. ()~~

~~04. Idaho Utility. "Idaho Utility" consists of apples of one (1) variety that are mature but not overripe, carefully hand-picked, not seriously deformed, free from decay, internal browning, internal breakdown, scald, and freezing injury. The apples are also free from serious damage caused by dirt or other foreign matter, broken skins, bruises, russeting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, stem or calyx cracks, visible water core, disease, insects, or other means. ()~~

~~05. Combination Grades. ()~~

~~a. Combinations of the above grades may be used as follows: ()~~

~~i. Combination Idaho Extra Fancy and Idaho Fancy; ()~~

~~ii. Combination Idaho Fancy and Idaho No. 1; ()~~

~~iii. Combination Idaho No. 1 and Idaho Utility; ()~~

~~b. Combinations other than these are not permitted in connection with the Idaho apple grades. When combination grades are packed, at least fifty percent (50%) of the apples in any lot will meet the requirements of the higher grade in the combination. ()~~

~~121. — COLOR REQUIREMENTS.~~

~~In addition to the requirement specified for the grades set forth in Subsections 120.01 through 120.05, apples of these grades have the percentage of color specified for the variety in Table I appearing below. For the solid red varieties, the percentage stated refers to the area of the surface that must be covered with a good shade of solid red characteristic of the variety. Provided, that an apple having color of a lighter shade of solid red or striped red than that considered as a good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of good red characteristic of the variety required for the grade. For the striped red varieties, the percentage stated refers to the area of the surface in which the stripes of a good shade of red characteristic of the variety predominates over stripes of lighter red, green, or yellow. However, an apple having color of a lighter shade than that considered as a good shade of red characteristic of the variety, may be admitted to a grade, provided it has sufficient additional area covered, so that the apple has as good an appearance as one with the minimum percentage of stripes of a good red characteristic of the variety required for the grade. Faded brown stripes are not considered as color except in the case of the Gary Baldwin variety. Color standards will be determined by Official USDA Visual Aids for apples. APL-CC-1~~

~~Table 1 — Color Requirements for Specified Idaho Grades of Apples by Variety~~

VARIETY	IDAHO-EXTRA-FANCY-PERCENT	IDAHO-FANCY-PERCENT	IDAHO-NO. 1-PERCENT
ALL SOLID-RED-VARIETIES:	66	40	25
Other Similar Varieties — (1)	66	40	25
Red Sport Varieties — (2)	66	40	25

STRIPED OR PARTIALLY RED:			
Jonathan	66	33	25
McIntosh	50	33	25
Cortland	50	33	25
Other Similar Varieties--(3)	50	33	25
Rome Beauty	50	33	15
Stayman	50	33	15
York-Imperial	50	33	15
Baldwin	50	25	15
Ben-Davis	50	25	15
Delicious	50	25	15
Mammoth-Black-Twig	50	25	15
Turley	50	25	15
Wagener	50	25	15
Wealthy	50	25	15
Willow-Twig	50	25	15
Northern-Spy	50	25	15
Other Similar Varieties--(4)	50	25	15
Hubbardston	50	15	10
Stark	50	15	10
Other Similar Varieties	50	15	10
Red-June	50	15	(5)
Red-Gravenstein	50	15	(5)
Williams	50	15	(5)
Other Similar Varieties	50	15	(5)
Gravenstein	25	10	(8)
Duchess	25	10	(5)

Other Similar Varieties—(6)	25	10	(5)
RED-CHEEKED OR BLUSHED:			
Maiden-Blush	(7)	(5)	(8)
Twenty-Ounce	(7)	(5)	(8)
Winter-Banana	(7)	(5)	(8)
Other Similar Varieties	(7)	(5)	(8)
Green Varieties	(9)	(9)	(9)
Yellow Varieties	(9)	(9)	(9)
Golden-Delicious	(10)	(10)	(9)
<p>(1) Arkansas-Black, Beacon, Detroit Red, Esopus-Spitzenburg, King-David, Lowry, Minjon. (2) When Red Sport varieties are specified as such, they shall meet the color requirements specified for Red Sport varieties. (3) Haralson, Kendall, Macoun, Snow (Fameuse). (4) Bonum, Early McIntosh, Limbertwig, Milton, Nero, Paragon, Melba. (5) Tinge of color. (6) Red Astrachan, Smokehouse, Summer-Rambo, Dudley. (7) Blush-Cheek. (8) None. (9) Characteristic ground color. (10) Seventy-five (75%) percent or more of the surface of the apple shall show white or light green predominating over the green color.</p>			

()

121422. UNCLASSIFIED DESIGNATION.

“Unclassified” consists of apples that have not been classified in conformity with any of the foregoing grades. The term “unclassified” is not a grade within the meaning of these standards, but is provided as a designation to show that no definite grade has been applied to the lot. ()

122423. TOLERANCES.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified: ()

01. Defects. ()

a. Idaho Extra Fancy, Idaho Fancy, Idaho No. 1, Idaho No. 1 Early and Idaho No. 1 Hail grades: Ten percent (10%) of the apples in any lot may fail to meet the requirements of the grade, but not more than one-half (1/2) of this amount, or five percent (5%), is allowed for apples that are seriously damaged, including therein not more than one percent (1%) for apples affected by decay or internal breakdown. ()

b. Idaho Utility grade: Ten percent (10%) of the apples in any lot may fail to meet the requirements of the grade, but not more than one-half (1/2) of this amount, or five percent (5%), is allowed for apples that are seriously damaged by insects, and including in the total tolerance not more than one percent (1%) for apples affected by decay or internal breakdown. ()

02. Applying Tolerances to Combination Grades. When applying tolerances to combination grades, no part of any tolerance is allowed to reduce, for the lot as a whole, the fifty percent (50%) of apples of the higher grade required in the combination but individual containers will not have less than forty percent (40%) of the higher grade. ()

03. Size. When size is designated by the numerical count for a container, not more than five percent (5%) of the apples in the lot may vary more than one fourth (1/4) inch in diameter. When size is designated by minimum or maximum diameter, not more than five percent (5%) of the apples in any lot may be smaller than the designated minimum and not more than ten percent (10%) may be larger than the designated maximum. ()

04. Firmness. Not more than five percent (5%) of the apples in any lot of Red Delicious and Delicious varieties can be further advanced in maturity than "Firm ripe" as defined in Subsection 010.05.e. Provided, the Idaho No. 1, Idaho No. 1 Hail, and Idaho Utility grades are exempt from this requirement. ()

~~124. APPLICATION OF TOLERANCES. THE CONTENTS OF INDIVIDUAL SAMPLES IN THE LOT ARE SUBJECT TO THE FOLLOWING LIMITATION, PROVIDED THAT THE AVERAGES FOR THE ENTIRE LOT ARE WITHIN THE TOLERANCES SPECIFIED FOR THE GRADE: ()~~

~~**01. Samples That Contain More Than Ten (10) Pounds.** Not more than one and one-half (1 1/2) times a specified tolerance of ten percent (10%) or more and not more than double a tolerance of less than ten percent (10%), except that at least one (1) apple that is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any sample. ()~~

~~**02. Samples That Contain Ten (10) Pounds or Less.** Not over ten percent (10%) of the sample may have more than three (3) times the tolerance specified, except that at least one (1) defective apple may be permitted in any sample. Provided, that not more than one (1) apple or more than six percent (6%) (whichever is the larger amount) may be seriously damaged by insects or affected by decay or internal breakdown. ()~~

~~123~~125. CALCULATION OF PERCENTAGES.

01. When Numerical Count is Marked On Container. Percentages are calculated on the basis of count. ()

02. When Minimum Diameter or Minimum and Maximum Diameters are Marked on Container. Percentages are calculated on the basis of weight. ()

03. Apples are in Bulk. Percentages are calculated on the basis of weight. ()

~~124~~126. CONDITION AFTER STORAGE OR TRANSIT. Decay, scald, or any other deterioration that may have developed on apples after they have been in storage or transit are considered as affecting condition and not the grade. ()

~~125~~127. -- 129. (RESERVED)

~~130. PACKING REQUIREMENTS.~~

~~**01. Tray or Cell Packed.** Apples in cartons are arranged according to approved and recognized methods. Packs are to be at least fairly tight or fairly well filled. ()~~

~~**a.** "Fairly tight" apples are of the proper size for molds or cell compartments in which they are packed, and that molds or cells are filled in such a way that no more than slight movement of apples within molds or cells is possible. The top layer of apples, or any pad or space filler over the top layer of apples is to be not more than three-fourths (3/4) inch below the top of the carton. ()~~

~~_____ b. _____ “Fairly well filled” means that the net weight of apples in containers ranging from two thousand one hundred cubic inches (2,100 cu. in.) to two thousand nine hundred cubic inches (2,900 cu. in.) capacity is not less than thirty-seven (37) pounds for Courtland, Gravenstein, Jonathan, McIntosh and Golden Delicious varieties and not less than forty (40) pounds for all other varieties. ()~~

~~_____ 02. _____ Closed Cartons. Apples not tray or cell packed are fairly well filled or the pack is sufficiently tight to prevent any appreciable movement of the apples. ()~~

~~_____ 03. _____ Wooden Boxes or Baskets Packs. Sufficiently tight to prevent any appreciable movement of apples within containers when the packages are closed. Each wrapped apple is to be completely enclosed by its individual wrapper. ()~~

~~_____ 04. _____ Reasonably Representative. Apples on the shown face of any container are reasonably representative in size, color, and quality of the contents. ()~~

~~_____ 05. _____ Tolerances. In order to allow for variations incident to proper packing, not more than ten percent (10%) of the containers in any lot may fail to meet these requirements. ()~~

131. MARKING REQUIREMENTS.

~~The numerical count or the minimum diameter of the apples packed in a closed container is indicated on the container. ()~~

~~_____ 01. _____ When Numerical Count is not Shown. The minimum diameter will be plainly stamped, stenciled, or otherwise marked on the container in terms of whole inches, or whole inches and not less than one eighth (1/8) inch fractions thereof. ()~~

~~_____ 02. _____ The Word “Minimum”. Or its abbreviation, when following a diameter size marking, means that the apples are of the size marked or larger. ()~~

130132. SCORABLE DEFECTS.

01. Injury. Any specific defect defined in this subsection or an equally objectionable variation of any one (1) of these defects, any other defect, or any combination of defects, that more than slightly detracts from the appearance or the edible or shipping quality of the apple. The following specific defects are considered as injury: ()

a. Russeting in the stem cavity or calyx basin that cannot be seen when the apple is placed stem end or calyx end down on a flat surface, is not considered in determining whether or not an apple is injured by russeting. Smooth net-like russeting outside of the stem cavity or calyx basin is considered as injury when an aggregate area of more than ten percent (10%) of the surface is covered, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russeting when the appearance is affected to a greater extent than the above amount permitted. ()

b. Sunburn or sprayburn, when the discolored area does not blend into the normal color of the fruit. ()

c. Dark brown or black limb rubs that affect a total area of more than one-fourth (1/4) inch in diameter, except that light brown limb rubs of a russet character are considered under the definition of injury by russeting. The area refers to that area of a circle of the specified diameter. ()

d. Hail marks, drought spots, other similar depressions or scars. ()

i. When the skin is broken, whether healed or unhealed; ()

ii. When there is appreciable discoloration of the surface; ()

- iii. When any surface indentation exceeds one-sixteenth (1/16) inch in depth; ()
- iv. When any surface indentation exceeds one-eighth inch (1/8) in diameter; or ()
- v. When the aggregate affected area of such spots exceeds one-half (1/2) inch in diameter. The area refers to that of a circle of the specified diameter. ()

e. Disease. ()

i. Cedar rust infection that affects a total area of more than three-sixteenths (3/16) inch in diameter. The area refers to that of a circle of the specified diameter. ()

ii. Sooty blotch or fly speck that is thinly scattered over more than five percent (5%) of the surface, or dark, heavily concentrated spots that affect an area of more than one-fourth (1/4) inch in diameter. The area refers to that of a circle of the specified diameter. ()

iii. Red skin spots that are thinly scattered over more than one-tenth (1/10) of the surface, or dark, heavily concentrated spots that affect an area of more than one-fourth (1/4) inch in diameter. ()

f. Insects. ()

i. Any healed sting or healed stings that affect a total area of more than one-eighth (1/8) inch in diameter including any encircling discolored rings. The area refers to that of a circle of the specified diameter. ()

ii. Worm holes. ()

02. Damage. Any specific defect defined in this subsection or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, that materially detracts from the appearance, or the edible or shipping quality of the apple. The following specific defects are considered damage:()

a. Russetting in the stem cavity or calyx basin that cannot be seen when the apple is placed stem end or calyx end down on a flat surface, is not considered in determining whether or not an apple is damaged by russetting, except that excessively rough or bark-like russetting in the stem cavity or calyx basin shall be considered as damage when the appearance of the apple is materially affected. The following types and amounts of russetting outside of the stem cavity or calyx basin are considered as damage: ()

i. Russetting that is excessively rough on Roxbury Russet and other similar varieties. ()

ii. Smooth net-like russetting, when an aggregate area of more than fifteen percent (15%) of the surface is covered, and the color of the russetting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russetting when the appearance is affected to a greater extent than the above amount permitted. ()

iii. Smooth solid russetting, when an aggregate area of more than five percent (5%) of the surface is covered, and the pattern and color of the russetting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous solid russetting when the appearances affected to a greater extent than the above amount permitted. ()

iv. Slightly rough russetting that covers an aggregate area of more than one-half (1/2) inch in diameter. ()

v. Rough russetting that covers an aggregate area of more than one-fourth (1/4) inch in diameter. ()

b. Sunburn or sprayburn that has caused blistering or cracking of the skin, or when the discolored

area does not blend into the normal color of the fruit unless the injury can be classed as russetting. ()

c. Limb rubs that affect a total area of more than one-half (1/2) inch in diameter, except that light brown limb rubs of a russet character are considered under the definition of damage by russetting. ()

d. Hail marks, drought spots, other similar depressions or scars. ()

i. When any unhealed mark is present; ()

ii. When any surface indentation exceeds one-eighth (1/8) inch in depth; ()

iii. When the skin has not been broken and the aggregate affected area exceeds one-half (1/2) inch in diameter. The area refers to that of a circle of the specified diameter; or ()

iv. When the skin has been broken and well healed, and the aggregate affected area exceeds one-fourth (1/4) inch in diameter. ()

e. Stem or calyx cracks that are not well healed, or well healed stem or calyx cracks that exceed an aggregate length of one-fourth (1/4) inch. ()

f. Invisible water core existing around the core and extending to water core in the vascular bundles; or surrounding the vascular bundles when the affected area surrounding three (3) or more vascular bundles meet or coalesce; or existing in more than slight degree outside the circular area formed by the vascular bundles. ()

g. Disease. ()

i. Scab spots that affects a total area of more than one-fourth (1/4) inch in diameter. The area refers to that of a circle of the specified diameter. ()

ii. Cedar rust infection that affects a total area of more than one-fourth (1/4) inch in diameter. The area refers to that of a circle of the specified diameter. ()

iii. Sooty blotch or fly speck that is thinly scattered over more than one-tenth (1/10) of the surface, or dark, heavily concentrated spots that affect an area of more than one-half (1/2) inch in diameter. The area refers to that of a circle of the specified diameter. ()

iv. Red skin spots that are thinly scattered over more than one-tenth (1/10) of the surface, or dark, heavily concentrated spots that affect an area of more than one-half (1/2) inch in diameter. The area refers to that of a circle of the specified diameter. ()

h. Insects. ()

i. Any healed sting or healed stings that affect a total area of more than three-sixteenths (3/16) inch in diameter including any encircling discolored rings. The area refers to that of a circle of the specified diameter. ()

ii. Worm holes. ()

03. Serious Damage. Any specific defect defined in this subsection 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, or the edible or shipping quality of the apple. The following specific defects are considered as serious damage: ()

a. The following types and amounts of russetting are considered as serious damage: Smooth solid russetting, when more than one-half (1/2) of the surface in the aggregate is covered, including any russetting in the stem cavity or calyx basin, or slightly rough, or excessively rough or bark-like russetting, that detracts from the

appearance of the fruit to a greater extent than the amount of smooth solid russeting permitted: Provided, that any amount of russeting is permitted on Roxbury Russet and other similar varieties. ()

b. Sunburn or sprayburn that seriously detracts from the appearance of the fruit. ()

c. Limb rubs that affect more than one-tenth (1/10) of the surface in the aggregate. ()

d. Hail marks, drought spots, or scars, if they materially deform or disfigure the fruit, or if such defects affect more than one-tenth (1/10) of the surface in the aggregate: Provided, that no hail marks that are unhealed are permitted and not more than an aggregate area of one-half (1/2) inch is allowed for well healed hail marks where the skin has been broken. The area refers to that of a circle of the specified diameter. ()

e. Stem or calyx cracks that are not well healed, or well healed stem or calyx cracks that exceed an aggregate length of one-half (1/2) inch. ()

f. Visible water core that affects an area of more than one-half (1/2) inch in diameter. ()

g. Disease. ()

i. Scab spots that affect a total area of more than three-fourths (3/4) inch in a circle of the specified diameter. ()

ii. Cedar rust infection that affects a total area of more than three-fourths (3/4) inch in diameter. The area refers to that of a circle of the specified diameter. ()

iii. Sooty blotch or fly speck that affects more than one-third (1/3) of the surface. ()

iv. Red skin spots that affect more than one-third (1/3) of the surface. ()

v. Bitter pit or Jonathan spot that is thinly scattered over more than one-tenth (1/10) of the surface and does not materially deform or disfigure the fruit. ()

h. Insects. ()

i. Healed stings that affect a total area of more than one-fourth (1/4) inch in diameter including any encircling discolored rings. The area refers to that of a circle of the specified diameter. ()

ii. Worm holes. ()

133. — DIAMETER.

~~When measuring for minimum size, "diameter" means the greatest right angles to a line from stem to blossom end. When measuring for maximum size, "diameter" means the smallest dimension of the apple, determined by passing the apple through a round opening in any position.~~ ()

134. — IDAHO CONDITION STANDARDS.

~~THESE STANDARDS MAY BE APPLIED TO DOMESTIC SHIPMENTS OF APPLES, AND MAY BE REFERRED TO AS "IDAHO CONDITION STANDARDS."~~ ()

~~01. — Maturity. Not more than five percent (5%) of the apples in any lot are further advanced in maturity than firm ripe.~~ ()

~~02. — Storage Scab. Not more than five percent (5%) of the apples in any lot are damaged by storage scab.~~ ()

~~03. — Affected by Condition Factors. Not more than a total of five percent (5%) of the apples in any lot are affected by scald, internal breakdown, freezing injury, or decay; or damaged by water core, bitter pit,~~

Jonathan spot, or other condition factors: NOTE: "Damage by water core" means externally invisible water core existing around the core and extending to water core in the vascular bundles; or surrounding the vascular bundles when the affected areas surrounding three (3) or more vascular bundles meet or coalesce; or existing in more than slight degree outside the circular area formed by the vascular bundles; or any externally visible water core. Provided, that: ()

a. Not more than a total of two percent (2%) is allowed for apples affected by decay and soft scald; ()

b. Not more than two percent (2%) is allowed for apples affected by internal breakdown; and ()

c. Not more than two percent (2%) is allowed for apples affected by slight scald. ()

04. ~~Container Packs.~~ Will comply with packing requirements specified in Section 130 of this chapter. ()

05. ~~Tolerances.~~ Any lot of apples is considered as meeting the Idaho Condition Standards if the entire lot averages within the requirements specified: Provided, that no package in any lot has more than double the percentages specified, except that for packages that contain ten (10) pounds or less, individual packages in any lot may have not more than three (3) times the tolerance or one (1) apple (whichever is the greater amount). ()

135. — 149. — (RESERVED)

150. — SUMMER APPLES.

Summer apples are defined as all apples such as Early McIntosh, Beacon, Tydeman Red, Lodi, Yellow Transparent, and all other similar varieties ripening before Jonathans; excluding Jonathans, Arkansas Black, Spitzenburg, King David, Winesap, Red Sport varieties, Delicious Stayman, Vanderpool, Black Twig, McIntosh and Rome Beauty. Note: Winter Banana variety may also be packed under Summer Grades. ()

151. — SUMMER APPLE GRADES:

01. ~~Idaho Summer Extra Fancy.~~ Apples of one (1) variety that are mature, hand-picked, clean, sound, fairly well formed and free from visible watercore, broken skin and from damage caused by insects, disease, mechanical injury or other causes. Each apple has the amount of color hereinafter specified for apples in this grade. Caution: To be certified on an Export Form Certificate, all apples must meet U.S. No. 1 grade requirements. ()

a. "Fairly well formed" means that the apple has the normal shape one-half (1/2) of the apple may deviate slightly or that the apple may be slightly flattened as by frost injury. ()

b. "Damage" means any defect that materially affects the appearance or the edible or shipping qualities of the apple. ()

c. The following are not considered damage. ()

i. Slight handling bruises or box bruises, such as are incidental to good commercial handling in the preparation of a tight pack. ()

ii. Sunburn or sprayburn when the normal color of the apple is not seriously affected, and there is no blistering or cracking of the skin, and the discolored area blends into the normal coloring of the apple. ()

iii. Dark colored limb rubs not to exceed one-half (1/2) inch in the aggregate area. Limb rubs of a light brown or russet character are governed by the definition covering solid russetting. ()

iv. Smooth russetting at the stem or calyx end provided that such russetting is not visible for more than one-half (1/2) inch when the apple is placed with the russet end down on a flat surface. ()

~~v. Smooth net-like russeting that does not cover an aggregate area of more than ten percent (10%) of the surface and net-like russeting on the colored portions of the apple that does not materially detract from its appearance are not counted in computing the ten percent (10%) mentioned above. ()~~

~~vi. Hail marks, drought spots or other similar depressions or scars where there is no appreciable discoloration, except as later noted, other than russeting, or when any individual indentation does not exceed one-fourth (1/4) inch in diameter or the total area affected does not exceed one-fourth (1/4) inch in diameter. One discolored unbroken area not to exceed one-eighth (1/8) inch in diameter is allowed. ()~~

~~vii. Scab spots affecting an aggregate area not to exceed three-eighths (3/8) inch in diameter. ()~~

~~viii. Any healed stings affecting an aggregate area not to exceed three-sixteenths (3/16) inch in diameter. ()~~

~~ix. Slight aphid sign on thrip marks that do not roughen or pebble the surface of the apple. ()~~

~~x. Any defect or defects not listed above that affect the appearance or quality of the apple not more than the defects listed above. ()~~

~~02. Quality of Idaho Summer Fancy Apples. Idaho Summer Fancy Apples consist of apples of one (1) variety that are mature, hand-picked, sound, not badly misshapen and free from visible watercore, serious damage caused by insects, disease, mechanical injuries or other causes, and free from soft bruises or broken skin (except that apples may have skin punctures not exceeding one-fourth (1/4) inch diameter). ()~~

~~03. Combination Idaho Extra Fancy and Fancy. In Summer Apple Grades, when Extra Fancy and Fancy are packed together, the boxes may be marked "Combination Idaho Summer Extra Fancy and Fancy." The package must contain at least fifty percent (50%) of the Extra Fancy Grade. Tray packs are to be well filled, having not less than thirty-six (36) pounds net weight of apples. ()~~

152. SCORABLE DEFECTS OF SUMMER APPLES:

~~01. Punctured Apples. CAUTION: Punctured apples do not meet the requirements of the Export Apple Act and cannot be certified on an export certificate. Each apple will have the amount of color hereinafter specified for apples of this grade. ()~~

~~02. Not Badly Misshapen. The apple may be more irregularly misshapen than defined above, but must not be deformed to the extent of materially affecting its utility or general appearance. ()~~

~~03. Serious Damage. Any injury or defect or a combination thereof that seriously detracts from the appearance of the apple. The following are not considered serious damage: ()~~

~~a. Sunburn or sprayburn that does not seriously detract from the appearance of the apple. ()~~

~~b. Limb rubs affecting an aggregate area not to exceed three-fourths (3/4) inch. ()~~

~~c. Smooth solid russeting affecting an area of not more than one-half (1/2) the surface in the aggregate, including russeting of the stem basin, or bark-like russeting that does not seriously detract from the appearance of the apple. ()~~

~~d. Growth cracks when no crack exceeds one-half (1/2) inch in length. ()~~

~~e. Hail marks, drought spots or other similar depressions that do not exceed an aggregate area of ten percent (10%) of the surface. Slight injury means that no individual area may exceed three-fourths (3/4) inch in diameter of discolored area. The discolored area may be a light brown or black or may be a russeted area, and the skin may or may not be broken; if broken, the area must be well healed. ()~~

~~f. Scab spots affecting an aggregate area not to exceed three-fourths (3/4) inch. ()~~

~~g. Not to exceed two (2) stings, each having an encircling hard ring or slight depression, providing no sting exceeds one-eighth (1/8) inch in diameter, exclusive of any encircling ring. ()~~

~~h. Aphis pebbling or thrip marks not seriously affecting the appearance of the apple. ()~~

~~i. Any defect or defects not listed above that does not affect the appearance of the apple more than the defects listed above. ()~~

153. COLOR REQUIREMENTS FOR SUMMER APPLES.

~~For the Idaho Summer Apple Grades, the color percentage listed below refers to color of blush, shades of red, or stripes of red characteristic of the variety. For green and yellow varieties, no color is required in Extra Fancy or Fancy.~~

Characteristic Table

Extra-Fancy	Fancy
33-1/3%	15%

~~133154. – 219. (RESERVED)~~

SUBCHAPTER B – CONTROLLED ATMOSPHERE STORAGE

220. APPLES, CONTROLLED ATMOSPHERE REGISTRATION.

01. Registration. Any person who owns or operates a controlled atmosphere room or storage building for apples in Idaho, and any person who engages in this State in the business of packing or repacking apples so treated in this State or any other state and who intends to, or does, represent such apples as having been exposed to “controlled atmosphere” storage, shall register with the Director on a form prescribed by the Director. ()

02. Registration Period. The registration period for owners or operators of controlled atmosphere rooms or storage buildings in this State commences on September 1 and end on August 31 of each year, and for packers or repackers of apples that have been held in a controlled atmosphere room or storage building in this State or in any other state, the registration period extends for a period not to exceed one (1) year. Owners or operators of such rooms or storage buildings shall register on or before September 1 of each year. ()

03. Interstate Registration. Any person who owns or operates a controlled atmosphere room or storage building located outside of Idaho or who engages at a place outside of this State in the business of packing or repacking apples that have been held in controlled atmosphere storage and who intends to, or does, market in the state of Idaho apples so treated and represented as having been exposed to “controlled atmosphere” storage, shall register with the Director in the same manner as required of any person within the State unless such person has registered with the proper authorities in the state of origin and has been assigned a comparable registration number or CA identification under authority of laws or rules of such state that at least conform to the provisions of these rules. ()

04. Written Agreement. The Director will assign each approved registrant a registration number preceded by the letters CA. The Director shall require from each applicant for registration, an agreement in writing in the form required by the Director that the apples so treated or packed or repacked by said applicant will be or have been kept in a room or storage building with not more than five percent (5%) oxygen for a minimum of not less than forty-five (45) days for Gala and Jonagold varieties and not less than sixty (60) days for other apples, and that

Commented [LK4]: Laura – talked to federal program manager about CFR and difference between “cold treatment” and “controlled atmosphere storage”...may have additional language.

the oxygen level in such room or storage building will be or has been reduced to five percent (5%) within twenty (20) days after the date of sealing of the storage room, and including any other pertinent facts as may be required by the Director to assure that the apples in question have been so treated. ()

05. Refusal Upon Violation. The Director may refuse to approve an application for registration and refuse to issue a registration number if the applicant previously has violated any of the provisions of these rules, or has failed or refused to furnish the information or evidence required by these rules. ()

06. Required Air Components Determinations. Each owner or operator of a controlled atmosphere room or storage building in this state shall make the required air components determinations as to the percentage of carbon dioxide and oxygen and temperature at least once each day and maintains a record in the form as required by the Director of Agriculture, including the name and address of the owner or operator, room number or numbers, room capacity, lot identification, quantity in each lot, date of sealing, date of opening; a daily record of date and time of test, percentage of carbon dioxide, percentage of oxygen and the temperature. ()

07. Written Reports. Each owner or operator of a controlled atmosphere room or storage building in this state will submit to the Idaho Director of Agriculture, within ten (10) days after the date of sealing, a written report pertaining to each room showing the owner's room number, or numbers, date of sealing, and variety and quantity of apples contained therein. ()

08. Maintaining Identity. The identity of all apples represented as having been exposed to "controlled atmosphere" storage will be maintained from the original room or storage building where they were treated through the various channels of trade to the retailer. ()

09. Investigations. Enforcing officers may investigate and examine records and invoices relating to any transactions in order to determine the identity of apples represented as having been exposed to controlled atmosphere storage and in this connection gives consideration to the presence of CA storage registration numbers on invoices submitted in transactions by the owners or operators and a combination of both the CA storage and packer or repacker's CA registration number on invoices submitted in transactions by said packer or repacker. ()

221. APPLES REPRESENTED AS HAVING BEEN EXPOSED TO "CONTROLLED ATMOSPHERE" STORAGE.

01. Registration Number -- Owner/Operator. Each container and consumer package of such apples moved into the channels of trade by the owner or operator of a controlled atmosphere room or storage building located in Idaho or by any other person, will be marked with said owner or operator's assigned registration number. ()

02. Registration Number -- Packer/Repacker. Each container and consumer package of such apples received from an owner or operator of a controlled atmosphere room or storage building located either in Idaho or in another state and that are packed or repacked by another person in this state, will be marked with the said packer or repacker's assigned registration number. ()

03. Controlled Atmosphere (CA) Identification. Each container and consumer package of such apples moved into the channels of trade in Idaho by the owner or operator of a controlled atmosphere room or storage building located outside of Idaho or by any other person or by a packer or repacker of such apples engaged in such business outside of Idaho will be marked with the proper registration number or CA identification. Such registration number or CA identification is the registration number assigned by the Director to such owner or operator of a CA plant or to such packer or repacker as the case may be or a comparable registration number of identification assigned under authority of laws or regulations of another state that at least conform to the provisions of Subsection 22-90.04 above. ()

04. Labeling Requirements. The registration number or other identification required to be marked on containers is in letters or figures at least one-half (1/2) inch in height, and all such markings are clear and conspicuous and in a place readily visible to the purchaser, and shall meet the rule requirements of Sections 22-801 and 22-802, Idaho Code. ()

05. Inspection and Certification. All apples sold as Controlled Atmosphere apples must be inspected and certified as to grade and condition and be marked with a state lot number in addition to the CA number. ()

06. Conditions and Standards. At the time of shipment, all apples shipped and marked with a CA number will meet the U.S. condition and maturity standards for Export. ()

~~**07. Reinspection.** Apples not shipped within a period of two (2) weeks after inspection and certification must be reinspected. ()~~

08. Failure to Meet Requirements. Failure to meet any one of the requirements noted above will prohibit such apples from being sold as CA storage apples or the containers marked as such. ()

222. – 999. (RESERVED)

Commented [LK5]: Laura Thomas comment that this should be removed. Reinspection does not occur within the two week period. Reinspections are based on shipping time limits listed in the Export Certification Manual. 3/27/22



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BRAD LITTLE, GOVERNOR

CELIA GOULD, DIRECTOR

“(8) The requirements of this section shall apply to the director’s promulgation of new rules as well as the amendment, extension, or renewal of rules in effect on the effective date of this act.”

1. Is this a new rule or amendment to current rule?

2. Is the proposed rule broader in scope or more stringent than federal law or regulations, or does it propose to regulate an activity not regulated by the federal government? Yes No
 - a. If yes, which portions of the proposed rule?

3. Is the proposed rule pursuant to:
 - a. Title 22, Chapter 49 (Beef Cattle Environmental Control Act)? Yes No
 - b. Title 25, Chapter 38 (Ag Odor Management Act)? Yes No
 - c. Title 37, Chapter 4 (Sanitary Inspection of Dairy Products) Yes No
 - d. Title 37, Chapter 6 (Dairy Environmental Control Act) Yes No
 - e. If yes to any of the above:
 - i. List the peer-reviewed science and supporting studies (conducted in accordance with sound and objective scientific practices) utilized by the agency.

 - ii. List the data that the agency utilized including site-specific, local, statewide, and regional data, including economic information.

iii. Explain how the rules are consistent with applicable legislative findings, policy, and intent; (for example, provide legislative bills or intent language).

iv. Has the agency made available for public review and comment, all scientific studies, (listed in subsection i. above) including underlying methodology, that have been relied upon by the director?

v. Have interested parties submitted economic feasibility data? Yes No
(Please attach data when submitting this document.)

4. Does the proposed rule propose a standard necessary to protect human health and the environment?
 Yes No If yes, Please complete subsections a-e. If no, please proceed to question 4.

a. Identify each population or receptor addressed by an estimate of public health effects or environmental effects.

- b. Identify the expected risk or central estimate of risk for the specific population or receptor.
- c. Identify each appropriate upper bound or lower bound estimate of risk.
- d. Identify each significant uncertainty identified in the process of the assessment of public health effects or environmental effects and any studies that would assist in resolving the uncertainty.
- e. Identify studies known to the agency that support, are directly relevant to, or fail to support any estimate of public health effects or environmental effects and the methodology used to reconcile inconsistencies in the data.
5. Does the notice for the proposed rule include information that the rule is boarder in scope or more stringent than federal law or regulations, or does it propose to regulate an activity not regulated by the federal government?
Yes No

Information Compiled by: Jared Stuart

Title: Administrator

Date: 7/6/2022

**02.02.02 – RULES GOVERNING APPLE GRADING AND ~~CONTROLLED-~~
ATMOSPHERE STORAGE OF APPLES**

000. LEGAL AUTHORITY.

~~This chapter is adopted under the legal authority of~~ Sections 22-702, 22-802, and 22-803 Idaho Code. ()

~~001. TITLE AND SCOPE.~~

~~01. Title. The title of this chapter is IDAPA 02.02.02, “Rules Governing Apple Grading and Controlled Atmosphere Storage of Apples.” ()~~

012. Scope. These rules govern the criteria and grades for Idaho Apples and Idaho Summer Apples, including color requirements, defects, tolerances, packing, and marking. These rules also govern registration requirements and prescribe the maximum oxygen levels for sealed controlled atmosphere storage of apples. ()

002. -- 008. (RESERVED)

009. INCORPORATION BY REFERENCE.

01. United States Standards for Apples. This rule incorporates CFR Title 7 Subtitle B Chapter I Subchapter C Part 51, Subpart B: <https://www.ecfr.gov/current/title-7/subtitle-B/chapter-I/subchapter-C/part-51/subpart-B>; published Nov. 19, 2002.

010. DEFINITIONS.

The following definitions apply in the interpretation and enforcement of this chapter: ()

01. Carefully Hand-Picked. Apples do not show evidence of rough handling or of having been on the ground. ()

~~02. Clean. Apples are free from excessive dirt, dust, spray residue and other foreign material. ()~~

~~03. Fairly Well Formed. Apple may be slightly abnormal in shape but not to an extent that detracts materially from its appearance. ()~~

04. Lot. Any group of containers of apples from one (1) grower or orchard and of one (1) variety and that is set apart or is separate from any other group or groups by some evidence such as a lot number or similar mark of identification. ()

~~05. Mature. Apples have reached the stage of development that will ensure the proper completion of the ripening process. Before a mature apple becomes overripe, it will show varying degrees of firmness, depending upon the stage of the ripening process. The following terms are used for describing different stages of firmness of apples: ()~~

~~a. “Hard” means apples with a tenacious flesh and starchy flavor. ()~~

~~b. “Firm” means apples with a tenacious flesh, but that are becoming crisp with a slightly starchy flavor, except the Delicious variety. ()~~

~~c. “Firm ripe” means apples with crisp flesh except that the flesh of the Gano, Ben Davis, and Rome Beauty varieties may be slightly mealy. ()~~

~~d. “Ripe” means apples with mealy flesh and soon to become soft for the variety. ()~~

~~06. Overripe. Apples that are dead ripe, with flesh very mealy or soft, and past commercial utility.~~ ()

0507. Packer or Repacker. A person other than an owner or operator of a controlled atmosphere storage plant who removes apples from the containers in which they were treated and places them into other containers or replaces them into the original containers. ()

~~08. Seriously Deformed. Apple is so badly misshapen that its appearance is seriously affected.~~ ()

011. -- 119. (RESERVED)

SUBCHAPTER A – APPLE GRADES

120. GRADES.

01. Idaho Extra Fancy. “Idaho Extra Fancy” consists of apples of one (1) variety that are mature but not overripe except that Red Delicious and Delicious are not further advanced in maturity than “Firm ripe” ~~as defined in Subsection 010.05.e.~~ All “Idaho Extra Fancy” apples are to be carefully hand-picked, clean, fairly well formed; free from decay, internal browning, internal breakdown, scald, bitter pit, scab, Jonathan spot, freezing injury, visible water core, and broken skins and bruises except those that are slight and incident to proper handling and packing. The apple is also free from injury caused by smooth net-like russeting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, disease, insects, or other means; and free from damage by smooth solid, slightly rough or rough russeting, or stem or calyx cracks, and free from damage by invisible water core after January 31st of the year following the year of production. Each apple of this grade has the amount of color specified in US Standards for Grades of Apples, Section 121 for the variety. ()

02. Idaho Fancy. “Idaho Fancy” consists of apples of one (1) variety that are mature but not overripe except that Red Delicious and Delicious are not further advanced in maturity than “Firm ripe” ~~as defined in Subsection 010.05.e.~~ All “Idaho Fancy” apples shall be carefully hand-picked, clean, fairly well formed; free from decay, internal browning, internal breakdown, bitter pit, Jonathan spot, scald, freezing injury, visible water core, and broken skins and bruises except those that are incident to proper handling and packing. The apples are also free from damage caused by russeting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, stem or calyx cracks, disease, insects, invisible water core after January 31st of the year following the year of production, or damage by other means. Each apple of this grade has the amount of color specified in US Standards for Grades of Apples Section 121 for the variety. ()

03. Idaho No. 1. The requirements of this grade are the same as for “Idaho Fancy” except for color, russeting, and invisible water core. In this grade less color is required for all varieties with the exception of the yellow and green varieties other than Golden Delicious. Apples of this grade are free from excessive damage caused by russeting, which means that apples meet the russeting requirements for “Idaho Fancy” as defined under the definitions of “damage by russeting,” except the aggregate area of an apple that may be covered by smooth net-like russeting does not exceed twenty-five percent (25%); and the aggregate area of an apple that may be covered by smooth solid russeting does not exceed ten percent (10%): Provided, that in the case of the Yellow Newtown or similar varieties the aggregate area of an apple that may be covered with smooth solid russeting. ~~This grade has the amount of color specified in US Standards for Grades of Apples, Subsection 010.05.e. for the variety.~~ There is no requirement in this grade pertaining to invisible water core. ()

~~a. Idaho No. 1 Early consists of apples that meet the requirements of Idaho No. 1 grade except as to color and maturity, and meet a minimum size requirement. Apples of this grade have no color requirements, need not be mature, grade is provided for varieties such as Duchess, Gravenstein, Red June, Twenty Ounce, Wealthy, Williams, Yellow Transparent, and Lodi, or other varieties that are normally marketed during the summer months.~~ ()

a.b. Idaho No. 1 Hail consists of apples that meet the requirements of Idaho No. 1 grade except that hail marks where the skin has not been broken, and well healed hail marks where the skin has been broken, are

permitted, provided the apples are fairly well formed. ()

04. Idaho Utility. “Idaho Utility” consists of apples of one (1) variety that are mature but not overripe, carefully hand-picked, not seriously deformed, free from decay, internal browning, internal breakdown, scald, and freezing injury. The apples are also free from serious damage caused by dirt or other foreign matter, broken skins, bruises, russeting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, stem or calyx cracks, visible water core, disease, insects, or other means. ()

05. Combination Grades. ()

a. Combinations of the above grades may be used as follows: ()

i. Combination Idaho Extra Fancy and Idaho Fancy; ()

ii. Combination Idaho Fancy and Idaho No. 1; ()

iii. Combination Idaho No. 1 and Idaho Utility; ()

b. Combinations other than these are not permitted in connection with the Idaho apple grades. When combination grades are packed, at least fifty percent (50%) of the apples in any lot will meet the requirements of the higher grade in the combination. ()

~~121.—COLOR REQUIREMENTS.~~

~~In addition to the requirement specified for the grades set forth in Subsections 120.01 through 120.05, apples of these grades have the percentage of color specified for the variety in Table I appearing below. For the solid red varieties, the percentage stated refers to the area of the surface that must be covered with a good shade of solid red characteristic of the variety: Provided, that an apple having color of a lighter shade of solid red or striped red than that considered as a good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of good red characteristic of the variety required for the grade. For the striped red varieties, the percentage stated refers to the area of the surface in which the stripes of a good shade of red characteristic of the variety predominates over stripes of lighter red, green, or yellow. However, an apple having color of a lighter shade than that considered as a good shade of red characteristic of the variety, may be admitted to a grade, provided it has sufficient additional area covered, so that the apple has as good an appearance as one with the minimum percentage of stripes of a good red characteristic of the variety required for the grade. Faded brown stripes are not considered as color except in the case of the Gary Baldwin variety. Color standards will be determined by Official USDA Visual Aids for apples. APL-CC-1~~

~~Table 1—Color Requirements for Specified Idaho Grades of Apples by Variety~~

VARIETY	IDAHO EXTRA-FANCY PERCENT	IDAHO FANCY PERCENT	IDAHO NO. 1 PERCENT
ALL SOLID RED VARIETIES:	66	40	25
Other Similar Varieties—(1)	66	40	25
Red Sport Varieties—(2)	66	40	25
STRIPED OR PARTIALLY RED:			
Jonathan	66	33	25

McIntosh	50	33	25
Cortland	50	33	25
Other Similar Varieties—(3)	50	33	25
Rome-Beauty	50	33	45
Stayman	50	33	45
York-Imperial	50	33	45
Baldwin	50	25	45
Ben-Davis	50	25	45
Delicious	50	25	45
Mammoth-Black-Twig	50	25	45
Turley	50	25	45
Wagener	50	25	45
Wealthy	50	25	45
Willow-Twig	50	25	45
Northern-Spy	50	25	45
Other Similar Varieties—(4)	50	25	45
Hubbardston	50	45	40
Stark	50	45	40
Other Similar Varieties	50	45	40
Red-June	50	45	(5)
Red-Gravenstein	50	45	(5)
Williams	50	45	(5)
Other Similar Varieties	50	45	(5)
Gravenstein	25	40	(8)
Duchess	25	40	(5)
Other Similar Varieties—(6)	25	40	(5)
RED-CHEEKED-OR-BLUSHED:			

Maiden-Blush	(7)	(5)	(8)
Twenty-Ounce	(7)	(5)	(8)
Winter-Banana	(7)	(5)	(8)
Other-Similar-Varieties	(7)	(5)	(8)
Green-Varieties	(9)	(9)	(9)
Yellow-Varieties	(9)	(9)	(9)
Golden-Delicious	(10)	(10)	(9)
(1) Arkansas-Black, Beacon, Detroit-Red, Esopus-Spitzenburg, King-David, Lowry, Minjon. (2) When Red-Sport varieties are specified as such, they shall meet the color requirements specified for Red-Sport varieties. (3) Haralson, Kendall, Macoun, Snow (Fameuse). (4) Bonum, Early-McIntosh, Limbertwig, Milton, Nero, Paragon, Melba. (5) Tinge-of-color. (6) Red-Astrachan, Smokehouse, Summer-Rambo, Dudley. (7) Blush-Cheek. (8) None. (9) Characteristic-ground-color. (10) Seventy-five (75%) percent or more of the surface of the apple shall show white or light green predominating over the green color.			

()

121122. UNCLASSIFIED DESIGNATION.

“Unclassified” consists of apples that have not been classified in conformity with any of the foregoing grades. The term “unclassified” is not a grade within the meaning of these standards, but is provided as a designation to show that no definite grade has been applied to the lot. ()

122123. TOLERANCES.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified: ()

01. Defects. ()

a. Idaho Extra Fancy, Idaho Fancy, Idaho No. 1, Idaho No. 1 Early and Idaho No. 1 Hail grades: Ten percent (10%) of the apples in any lot may fail to meet the requirements of the grade, but not more than one-half (1/2) of this amount, or five percent (5%), is allowed for apples that are seriously damaged, including therein not more than one percent (1%) for apples affected by decay or internal breakdown. ()

b. Idaho Utility grade: Ten percent (10%) of the apples in any lot may fail to meet the requirements of the grade, but not more than one-half (1/2) of this amount, or five percent (5%), is allowed for apples that are seriously damaged by insects, and including in the total tolerance not more than one percent (1%) for apples affected by decay or internal breakdown. ()

02. Applying Tolerances to Combination Grades. When applying tolerances to combination grades, no part of any tolerance is allowed to reduce, for the lot as a whole, the fifty percent (50%) of apples of the higher grade required in the combination but individual containers will not have less than forty percent (40%) of the higher grade. ()

03. Size. When size is designated by the numerical count for a container, not more than five percent (5%) of the apples in the lot may vary more than one fourth (1/4) inch in diameter. When size is designated by minimum or maximum diameter, not more than five percent (5%) of the apples in any lot may be smaller than the designated minimum and not more than ten percent (10%) may be larger than the designated maximum. ()

04. Firmness. Not more than five percent (5%) of the apples in any lot of Red Delicious and Delicious varieties can be further advanced in maturity than "Firm ripe" as defined in Subsection 010.05.e. Provided, the Idaho No. 1, Idaho No. 1 Hail, and Idaho Utility grades are exempt from this requirement. ()

~~**124. APPLICATION OF TOLERANCES.**~~

~~**THE CONTENTS OF INDIVIDUAL SAMPLES IN THE LOT ARE SUBJECT TO THE FOLLOWING LIMITATION, PROVIDED THAT THE AVERAGES FOR THE ENTIRE LOT ARE WITHIN THE TOLERANCES SPECIFIED FOR THE GRADE:**~~ ()

~~**01. Samples That Contain More Than Ten (10) Pounds.** Not more than one and one half (1 1/2) times a specified tolerance of ten percent (10%) or more and not more than double a tolerance of less than ten percent (10%), except that at least one (1) apple that is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any sample.~~ ()

~~**02. Samples That Contain Ten (10) Pounds or Less.** Not over ten percent (10%) of the sample may have more than three (3) times the tolerance specified, except that at least one (1) defective apple may be permitted in any sample: Provided, that not more than one (1) apple or more than six percent (6%) (whichever is the larger amount) may be seriously damaged by insects or affected by decay or internal breakdown.~~ ()

~~**123125. CALCULATION OF PERCENTAGES.**~~

01. When Numerical Count is Marked On Container. Percentages are calculated on the basis of count. ()

02. When Minimum Diameter or Minimum and Maximum Diameters are Marked on Container. Percentages are calculated on the basis of weight. ()

03. Apples are in Bulk. Percentages are calculated on the basis of weight. ()

~~**124126. CONDITION AFTER STORAGE OR TRANSIT.**~~

Decay, scald, or any other deterioration that may have developed on apples after they have been in storage or transit are considered as affecting condition and not the grade. ()

~~**125127. -- 129. (RESERVED)**~~

~~**130. PACKING REQUIREMENTS.**~~

~~**01. Tray or Cell Packed.** Apples in cartons are arranged according to approved and recognized methods. Packs are to be at least fairly tight or fairly well filled.~~ ()

~~**a.** "Fairly tight" apples are of the proper size for molds or cell compartments in which they are packed, and that molds or cells are filled in such a way that no more than slight movement of apples within molds or cells is possible. The top layer of apples, or any pad or space filler over the top layer of apples is to be not more than three fourths (3/4) inch below the top of the carton.~~ ()

~~**b.** "Fairly well filled" means that the net weight of apples in containers ranging from two thousand one hundred cubic inches (2,100 cu. in.) to two thousand nine hundred cubic inches (2,900 cu. in.) capacity is not less than thirty seven (37) pounds for Courtland, Gravenstein, Jonathan, McIntosh and Golden Delicious varieties and not less than forty (40) pounds for all other varieties.~~ ()

~~**02. Closed Cartons.** Apples not tray or cell packed are fairly well filled or the pack is sufficiently~~

~~tight to prevent any appreciable movement of the apples. ()~~

~~**03. Wooden Boxes or Baskets Packs.** Sufficiently tight to prevent any appreciable movement of apples within containers when the packages are closed. Each wrapped apple is to be completely enclosed by its individual wrapper. ()~~

~~**04. Reasonably Representative.** Apples on the shown face of any container are reasonably representative in size, color, and quality of the contents. ()~~

~~**05. Tolerances.** In order to allow for variations incident to proper packing, not more than ten percent (10%) of the containers in any lot may fail to meet these requirements. ()~~

131. MARKING REQUIREMENTS.

~~The numerical count or the minimum diameter of the apples packed in a closed container is indicated on the container. ()~~

~~**01. When Numerical Count is not Shown.** The minimum diameter will be plainly stamped, stenciled, or otherwise marked on the container in terms of whole inches, or whole inches and not less than one eighth (1/8) inch fractions thereof. ()~~

~~**02. The Word "Minimum".** Or its abbreviation, when following a diameter size marking, means that the apples are of the size marked or larger. ()~~

130132. SCORABLE DEFECTS.

01. Injury. Any specific defect defined in this subsection or an equally objectionable variation of any one (1) of these defects, any other defect, or any combination of defects, that more than slightly detracts from the appearance or the edible or shipping quality of the apple. The following specific defects are considered as injury: ()

a. Russeting in the stem cavity or calyx basin that cannot be seen when the apple is placed stem end or calyx end down on a flat surface, is not considered in determining whether or not an apple is injured by russeting. Smooth net-like russeting outside of the stem cavity or calyx basin is considered as injury when an aggregate area of more than ten percent (10%) of the surface is covered, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russeting when the appearance is affected to a greater extent than the above amount permitted. ()

b. Sunburn or sprayburn, when the discolored area does not blend into the normal color of the fruit. ()

c. Dark brown or black limb rubs that affect a total area of more than one-fourth (1/4) inch in diameter, except that light brown limb rubs of a russet character are considered under the definition of injury by russeting. The area refers to that area of a circle of the specified diameter. ()

d. Hail marks, drought spots, other similar depressions or scars. ()

i. When the skin is broken, whether healed or unhealed; ()

ii. When there is appreciable discoloration of the surface; ()

iii. When any surface indentation exceeds one-sixteenth (1/16) inch in depth; ()

iv. When any surface indentation exceeds one-eighth inch (1/8) in diameter; or ()

v. When the aggregate affected area of such spots exceeds one-half (1/2) inch in diameter. The area refers to that of a circle of the specified diameter. ()

- e. Disease. ()
 - i. Cedar rust infection that affects a total area of more than three-sixteenths (3/16) inch in diameter. The area refers to that of a circle of the specified diameter. ()
 - ii. Sooty blotch or fly speck that is thinly scattered over more than five percent (5%) of the surface, or dark, heavily concentrated spots that affect an area of more than one-fourth (1/4) inch in diameter. The area refers to that of a circle of the specified diameter. ()
 - iii. Red skin spots that are thinly scattered over more than one-tenth (1/10) of the surface, or dark, heavily concentrated spots that affect an area of more than one-fourth (1/4) inch in diameter. ()
- f. Insects. ()
 - i. Any healed sting or healed stings that affect a total area of more than one-eighth (1/8) inch in diameter including any encircling discolored rings. The area refers to that of a circle of the specified diameter. ()
 - ii. Worm holes. ()
- 02. Damage.** Any specific defect defined in this subsection or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, that materially detracts from the appearance, or the edible or shipping quality of the apple. The following specific defects are considered damage:()
 - a. Russetting in the stem cavity or calyx basin that cannot be seen when the apple is placed stem end or calyx end down on a flat surface, is not considered in determining whether or not an apple is damaged by russetting, except that excessively rough or bark-like russetting in the stem cavity or calyx basin shall be considered as damage when the appearance of the apple is materially affected. The following types and amounts of russetting outside of the stem cavity or calyx basin are considered as damage: ()
 - i. Russetting that is excessively rough on Roxbury Russet and other similar varieties. ()
 - ii. Smooth net-like russetting, when an aggregate area of more than fifteen percent (15%) of the surface is covered, and the color of the russetting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russetting when the appearance is affected to a greater extent than the above amount permitted. ()
 - iii. Smooth solid russetting, when an aggregate area of more than five percent (5%) of the surface is covered, and the pattern and color of the russetting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous solid russetting when the appearances affected to a greater extent than the above amount permitted. ()
 - iv. Slightly rough russetting that covers an aggregate area of more than one-half (1/2) inch in diameter. ()
 - v. Rough russetting that covers an aggregate area of more than one-fourth (1/4) inch in diameter. ()
 - b. Sunburn or sprayburn that has caused blistering or cracking of the skin, or when the discolored area does not blend into the normal color of the fruit unless the injury can be classed as russetting. ()
 - c. Limb rubs that affect a total area of more than one-half (1/2) inch in diameter, except that light brown limb rubs of a russet character are considered under the definition of damage by russetting. ()
 - d. Hail marks, drought spots, other similar depressions or scars. ()

- i. When any unhealed mark is present; ()
 - ii. When any surface indentation exceeds one-eighth (1/8) inch in depth; ()
 - iii. When the skin has not been broken and the aggregate affected area exceeds one-half (1/2) inch in diameter. The area refers to that of a circle of the specified diameter; or ()
 - iv. When the skin has been broken and well healed, and the aggregate affected area exceeds one-fourth (1/4) inch in diameter. ()
 - e. Stem or calyx cracks that are not well healed, or well healed stem or calyx cracks that exceed an aggregate length of one-fourth (1/4) inch. ()
 - f. Invisible water core existing around the core and extending to water core in the vascular bundles; or surrounding the vascular bundles when the affected area surrounding three (3) or more vascular bundles meet or coalesce; or existing in more than slight degree outside the circular area formed by the vascular bundles. ()
 - g. Disease. ()
 - i. Scab spots that affects a total area of more than one-fourth (1/4) inch in diameter. The area refers to that of a circle of the specified diameter. ()
 - ii. Cedar rust infection that affects a total area of more than one-fourth (1/4) inch in diameter. The area refers to that of a circle of the specified diameter. ()
 - iii. Sooty blotch or fly speck that is thinly scattered over more than one-tenth (1/10) of the surface, or dark, heavily concentrated spots that affect an area of more than one-half (1/2) inch in diameter. The area refers to that of a circle of the specified diameter. ()
 - iv. Red skin spots that are thinly scattered over more than one-tenth (1/10) of the surface, or dark, heavily concentrated spots that affect an area of more than one-half (1/2) inch in diameter. The area refers to that of a circle of the specified diameter. ()
 - h. Insects. ()
 - i. Any healed sting or healed stings that affect a total area of more than three-sixteenths (3/16) inch in diameter including any encircling discolored rings. The area refers to that of a circle of the specified diameter. ()
 - ii. Worm holes. ()
- 03. Serious Damage.** Any specific defect defined in this subsection 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, or the edible or shipping quality of the apple. The following specific defects are considered as serious damage: ()
- a. The following types and amounts of russetting are considered as serious damage: Smooth solid russetting, when more than one-half (1/2) of the surface in the aggregate is covered, including any russetting in the stem cavity or calyx basin, or slightly rough, or excessively rough or bark-like russetting, that detracts from the appearance of the fruit to a greater extent than the amount of smooth solid russetting permitted: Provided, that any amount of russetting is permitted on Roxbury Russet and other similar varieties. ()
 - b. Sunburn or sprayburn that seriously detracts from the appearance of the fruit. ()
 - c. Limb rubs that affect more than one-tenth (1/10) of the surface in the aggregate. ()

- d. Hail marks, drought spots, or scars, if they materially deform or disfigure the fruit, or if such defects affect more than one-tenth (1/10) of the surface in the aggregate: Provided, that no hail marks that are unhealed are permitted and not more than an aggregate area of one-half (1/2) inch is allowed for well healed hail marks where the skin has been broken. The area refers to that of a circle of the specified diameter. ()
- e. Stem or calyx cracks that are not well healed, or well healed stem or calyx cracks that exceed an aggregate length of one-half (1/2) inch. ()
- f. Visible water core that affects an area of more than one-half (1/2) inch in diameter. ()
- g. Disease. ()
- i. Scab spots that affect a total area of more than three-fourths (3/4) inch in a circle of the specified diameter. ()
- ii. Cedar rust infection that affects a total area of more than three-fourths (3/4) inch in diameter. The area refers to that of a circle of the specified diameter. ()
- iii. Sooty blotch or fly speck that affects more than one-third (1/3) of the surface. ()
- iv. Red skin spots that affect more than one-third (1/3) of the surface. ()
- v. Bitter pit or Jonathan spot that is thinly scattered over more than one-tenth (1/10) of the surface and does not materially deform or disfigure the fruit. ()
- h. Insects. ()
- i. Healed stings that affect a total area of more than one-fourth (1/4) inch in diameter including any encircling discolored rings. The area refers to that of a circle of the specified diameter. ()
- ii. Worm holes. ()

133. — DIAMETER.

~~When measuring for minimum size, “diameter” means the greatest right angles to a line from stem to blossom end. When measuring for maximum size, “diameter” means the smallest dimension of the apple, determined by passing the apple through a round opening in any position.~~ ()

134. — IDAHO CONDITION STANDARDS.

~~THESE STANDARDS MAY BE APPLIED TO DOMESTIC SHIPMENTS OF APPLES, AND MAY BE REFERRED TO AS “IDAHO CONDITION STANDARDS.”~~ ()

~~01. — Maturity. Not more than five percent (5%) of the apples in any lot are further advanced in maturity than firm ripe.~~ ()

~~02. — Storage Scab. Not more than five percent (5%) of the apples in any lot are damaged by storage scab.~~ ()

~~03. — Affected by Condition Factors. Not more than a total of five percent (5%) of the apples in any lot are affected by scald, internal breakdown, freezing injury, or decay; or damaged by water core, bitter pit, Jonathan spot, or other condition factors: NOTE: “Damage by water core” means externally invisible water core existing around the core and extending to water core in the vascular bundles; or surrounding the vascular bundles when the affected areas surrounding three (3) or more vascular bundles meet or coalesce; or existing in more than slight degree outside the circular area formed by the vascular bundles; or any externally visible water core. Provided, that:~~ ()

~~a. Not more than a total of two percent (2%) is allowed for apples affected by decay and soft scald; ()~~

~~b. Not more than two percent (2%) is allowed for apples affected by internal breakdown; and ()~~

~~c. Not more than two percent (2%) is allowed for apples affected by slight scald. ()~~

~~04. Container Packs. Will comply with packing requirements specified in Section 130 of this chapter. ()~~

~~05. Tolerances. Any lot of apples is considered as meeting the Idaho Condition Standards if the entire lot averages within the requirements specified: Provided, that no package in any lot has more than double the percentages specified, except that for packages that contain ten (10) pounds or less, individual packages in any lot may have not more than three (3) times the tolerance or one (1) apple (whichever is the greater amount). ()~~

~~135. -- 149. (RESERVED)~~

~~150. SUMMER APPLES.~~

~~Summer apples are defined as all apples such as Early McIntosh, Beacon, Tydeman Red, Lodi, Yellow Transparent, and all other similar varieties ripening before Jonathans; excluding Jonathans, Arkansas Black, Spitzenburg, King David, Winesap, Red Sport varieties, Delicious Stayman, Vanderpool, Black Twig, McIntosh and Rome Beauty. Note: Winter Banana variety may also be packed under Summer Grades. ()~~

~~151. SUMMER APPLE GRADES.~~

~~01. Idaho Summer Extra Fancy. Apples of one (1) variety that are mature, hand picked, clean, sound, fairly well formed and free from visible watercore, broken skin and from damage caused by insects, disease, mechanical injury or other causes. Each apple has the amount of color hereinafter specified for apples in this grade. Caution: To be certified on an Export Form Certificate, all apples must meet U.S. No. 1 grade requirements. ()~~

~~a. "Fairly well formed" means that the apple has the normal shape one half (1/2) of the apple may deviate slightly or that the apple may be slightly flattened as by frost injury. ()~~

~~b. "Damage" means any defect that materially affects the appearance or the edible or shipping qualities of the apple. ()~~

~~c. The following are not considered damage. ()~~

~~i. Slight handling bruises or box bruises, such as are incidental to good commercial handling in the preparation of a tight pack. ()~~

~~ii. Sunburn or sprayburn when the normal color of the apple is not seriously affected, and there is no blistering or cracking of the skin, and the discolored area blends into the normal coloring of the apple. ()~~

~~iii. Dark colored limb rubs not to exceed one half (1/2) inch in the aggregate area. Limb rubs of a light brown or russet character are governed by the definition covering solid russetting. ()~~

~~iv. Smooth russetting at the stem or calyx end provided that such russetting is not visible for more than one half (1/2) inch when the apple is placed with the russet end down on a flat surface. ()~~

~~v. Smooth net like russetting that does not cover an aggregate area of more than ten percent (10%) of the surface and net like russetting on the colored portions of the apple that does not materially detract from its appearance are not counted in computing the ten percent (10%) mentioned above. ()~~

~~vi. Hail marks, drought spots or other similar depressions or scars where there is no appreciable~~

~~discoloration, except as later noted, other than russeting, or when any individual indentation does not exceed one-fourth (1/4) inch in diameter or the total area affected does not exceed one fourth (1/4) inch in diameter. One discolored unbroken area not to exceed one eighth (1/8) inch in diameter. ()~~

~~vii. Scab spots affecting an aggregate area not to exceed three eighths (3/8) inch in diameter. ()~~

~~viii. Any healed stings affecting an aggregate area not to exceed three sixteenths (3/16) inch in diameter. ()~~

~~ix. Slight aphid sign on thrip marks that do not roughen or pebble the surface of the apple. ()~~

~~x. Any defect or defects not listed above that affect the appearance or quality of the apple not more than the defects listed above. ()~~

~~**02. Quality of Idaho Summer Fancy Apples.** Idaho Summer Fancy Apples consist of apples of one (1) variety that are mature, hand picked, sound, not badly misshapen and free from visible watercore, serious damage caused by insects, disease, mechanical injuries or other causes, and free from soft bruises or broken skin (except that apples may have skin punctures not exceeding one fourth (1/4) inch diameter). ()~~

~~**03. Combination Idaho Extra Fancy and Fancy.** In Summer Apple Grades, when Extra Fancy and Fancy are packed together, the boxes may be marked "Combination Idaho Summer Extra Fancy and Fancy." The package must contain at least fifty percent (50%) of the Extra Fancy Grade. Tray packs are to be well filled, having not less than thirty-six (36) pounds net weight of apples. ()~~

~~152. SCORABLE DEFECTS OF SUMMER APPLES.~~

~~**01. Punctured Apples.** CAUTION: Punctured apples do not meet the requirements of the Export Apple Act and cannot be certified on an export certificate. Each apple will have the amount of color hereinafter specified for apples of this grade. ()~~

~~**02. Not Badly Misshapen.** The apple may be more irregularly misshapen than defined above, but must not be deformed to the extent of materially affecting its utility or general appearance. ()~~

~~**03. Serious Damage.** Any injury or defect or a combination thereof that seriously detracts from the appearance of the apple. The following are not considered serious damage: ()~~

~~a. Sunburn or sprayburn that does not seriously detract from the appearance of the apple. ()~~

~~b. Limb rubs affecting an aggregate area not to exceed three fourths (3/4) inch. ()~~

~~c. Smooth solid russeting affecting an area of not more than one-half (1/2) the surface in the aggregate, including russeting of the stem basin, or bark like russeting that does not seriously detract from the appearance of the apple. ()~~

~~d. Growth cracks when no crack exceeds one half (1/2) inch in length. ()~~

~~e. Hail marks, drought spots or other similar depressions that do not exceed an aggregate area of ten percent (10%) of the surface. Slight injury means that no individual area may exceed three fourths (3/4) inch in diameter of discolored area. The discolored area may be a light brown or black or may be a russeted area, and the skin may or may not be broken; if broken, the area must be well healed. ()~~

~~f. Scab spots affecting an aggregate area not to exceed three fourths (3/4) inch. ()~~

~~g. Not to exceed two (2) stings, each having an encircling hard ring or slight depression, providing no sting exceeds one eighth (1/8) inch in diameter, exclusive of any encircling ring. ()~~

~~h. Aphis pebbling or thrip marks not seriously affecting the appearance of the apple. ()~~

~~i. Any defect or defects not listed above that does not affect the appearance of the apple more than the defects listed above. ()~~

~~153. COLOR REQUIREMENTS FOR SUMMER APPLES.~~

~~For the Idaho Summer Apple Grades, the color percentage listed below refers to color of blush, shades of red, or stripes of red characteristic of the variety. For green and yellow varieties, no color is required in Extra Fancy or Fancy.~~

Characteristic Table

Extra Fancy	Fancy
33 1/3%	15%

~~133154. -- 219. (RESERVED)~~

SUBCHAPTER B – CONTROLLED ATMOSPHERE STORAGE

220. APPLES, CONTROLLED ATMOSPHERE REGISTRATION.

01. Registration. Any person who owns or operates a controlled atmosphere room or storage building for apples in Idaho, and any person who engages in this State in the business of packing or repacking apples so treated in this State or any other state and who intends to, or does, represent such apples as having been exposed to “controlled atmosphere” storage, shall register with the Director on a form prescribed by the Director. ()

02. Registration Period. The registration period for owners or operators of controlled atmosphere rooms or storage buildings in this State commences on September 1 and end on August 31 of each year, and for packers or repackers of apples that have been held in a controlled atmosphere room or storage building in this State or in any other state, the registration period extends for a period not to exceed one (1) year. Owners or operators of such rooms or storage buildings shall register on or before September 1 of each year. ()

03. Interstate Registration. Any person who owns or operates a controlled atmosphere room or storage building located outside of Idaho or who engages at a place outside of this State in the business of packing or repacking apples that have been held in controlled atmosphere storage and who intends to, or does, market in the state of Idaho apples so treated and represented as having been exposed to “controlled atmosphere” storage, shall register with the Director in the same manner as required of any person within the State unless such person has registered with the proper authorities in the state of origin and has been assigned a comparable registration number or CA identification under authority of laws or rules of such state that at least conform to the provisions of these rules. ()

04. Written Agreement. The Director will assign each approved registrant a registration number preceded by the letters CA. The Director shall require from each applicant for registration, an agreement in writing in the form required by the Director that the apples so treated or packed or repacked by said applicant will be or have been kept in a room or storage building with not more than five percent (5%) oxygen for a minimum of not less than forty-five (45) days for Gala and Jonagold varieties and not less than sixty (60) days for other apples, and that the oxygen level in such room or storage building will be or has been reduced to five percent (5%) within twenty (20) days after the date of sealing of the storage room, and including any other pertinent facts as may be required by the Director to assure that the apples in question have been so treated. ()

05. Refusal Upon Violation. The Director may refuse to approve an application for registration and refuse to issue a registration number if the applicant previously has violated any of the provisions of these rules, or

has failed or refused to furnish the information or evidence required by these rules. ()

06. Required Air Components Determinations. Each owner or operator of a controlled atmosphere room or storage building in this state shall make the required air components determinations as to the percentage of carbon dioxide and oxygen and temperature at least once each day and maintains a record in the form as required by the Director of Agriculture, including the name and address of the owner or operator, room number or numbers, room capacity, lot identification, quantity in each lot, date of sealing, date of opening; a daily record of date and time of test, percentage of carbon dioxide, percentage of oxygen and the temperature. ()

07. Written Reports. Each owner or operator of a controlled atmosphere room or storage building in this state will submit to the Idaho Director of Agriculture, within ten (10) days after the date of sealing, a written report pertaining to each room showing the owner's room number, or numbers, date of sealing, and variety and quantity of apples contained therein. ()

08. Maintaining Identity. The identity of all apples represented as having been exposed to "controlled atmosphere" storage will be maintained from the original room or storage building where they were treated through the various channels of trade to the retailer. ()

09. Investigations. Enforcing officers may investigate and examine records and invoices relating to any transactions in order to determine the identity of apples represented as having been exposed to controlled atmosphere storage and in this connection gives consideration to the presence of CA storage registration numbers on invoices submitted in transactions by the owners or operators and a combination of both the CA storage and packer or repacker's CA registration number on invoices submitted in transactions by said packer or repacker. ()

221. APPLES REPRESENTED AS HAVING BEEN EXPOSED TO "CONTROLLED ATMOSPHERE" STORAGE.

01. Registration Number -- Owner/Operator. Each container and consumer package of such apples moved into the channels of trade by the owner or operator of a controlled atmosphere room or storage building located in Idaho or by any other person, will be marked with said owner or operator's assigned registration number. ()

02. Registration Number -- Packer/Repacker. Each container and consumer package of such apples received from an owner or operator of a controlled atmosphere room or storage building located either in Idaho or in another state and that are packed or repacked by another person in this state, will be marked with the said packer or repacker's assigned registration number. ()

03. Controlled Atmosphere (CA) Identification. Each container and consumer package of such apples moved into the channels of trade in Idaho by the owner or operator of a controlled atmosphere room or storage building located outside of Idaho or by any other person or by a packer or repacker of such apples engaged in such business outside of Idaho will be marked with the proper registration number or CA identification. Such registration number or CA identification is the registration number assigned by the Director to such owner or operator of a CA plant or to such packer or repacker as the case may be or a comparable registration number of identification assigned under authority of laws or regulations of another state that at least conform to the provisions of Subsection 22-801.04 above. ()

04. Labeling Requirements. The registration number or other identification required to be marked on containers is in letters or figures at least one-half (1/2) inch in height, and all such markings are clear and conspicuous and in a place readily visible to the purchaser, and shall meet the rule requirements of Sections 22-801 and 22-802, Idaho Code. ()

05. Inspection and Certification. All apples sold as Controlled Atmosphere apples must be inspected and certified as to grade and condition and be marked with a state lot number in addition to the CA number. ()

06. Conditions and Standards. At the time of shipment, all apples shipped and marked with a CA number will meet the U.S. condition and maturity standards for Export. ()

~~07. — **Reinspection.** Apples not shipped within a period of two (2) weeks after inspection and certification must be reinspected. ()~~

08. Failure to Meet Requirements. Failure to meet any one of the requirements noted above will prohibit such apples from being sold as CA storage apples or the containers marked as such. ()

222. -- 999. (RESERVED)