

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1576

(1) I, Bob J. Mickelson, director of Department of Agriculture

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to: WAC 16-230-115 and WAC 16-230-120 relating to special program fees on 2,4-D herbicide distributed in this state

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. WSR 78-04-106 filed with the code reviser on 4-5-78. Such rules shall take effect:

X pursuant to RCW 34.04.040(2). at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04. (1977 c 19 § 2) that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

(a) This rule is promulgated pursuant to RCW 15.58 and 17.21 RCW and is intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW which directs that the

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the

(agency)

as authorized in RCW

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this agency is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

STATE OF WASHINGTON APPROVED AND ADOPTED May 31 19 78 FILED

By Bob J. Mickelson

Bob J. Mickelson, Director

Title

MAY 31 1978

CODE REVISER'S OFFICE

WSR 78-06-076



STATE OF
WASHINGTON

Dixy Lee Ray
Governor

DEPARTMENT OF AGRICULTURE

406 General Administration Building, Olympia, Washington 98504

For the purposes of legislative review of agency rules, the following statement is submitted.

1. Rules pertaining to special program fees on 2,4-D herbicide distributed in this state. (Statutory authority 15.58 and 17.21 RCW)
2. Amendments to change the dates for payment of fees.
3. Art Losey
406 General Administration Bldg.
Olympia, WA 98504
753-5062

Clarke Brown
2015 S. 1st Street
Yakima, WA 98903
575-2746

4. Proponents: Department of Agriculture
Jim Deisin
Bob VerBurg
Robert Fox

Opponents: None

5. No agency comments

I, Bob J. Mickelson, director of the department of agriculture of the state of Washington, by the authority vested in me under chapters 15.58 and 17.21 RCW after due notice and public hearing held in Yakima, Washington May 11, 1978, do hereby promulgate the following regulations relating to special program fees on 2, 4-D herbicide distributed in this state.

AMENDATORY SECTION (Order 1534, filed July 1, 1977)

WAC 16-230-115 PROCEDURE FOR COLLECTING SPECIAL PROGRAM FEES.

(1) Each first distributor of a restricted use herbicide in this state shall pay to the department a fee of five cents per pound of active ingredient of restricted use herbicide distributed by such person during the year beginning July 1, (~~(1977)~~)1978 and ending June 30, (~~(1978)~~)1979: PROVIDED, That when computing the pounds of active ingredient on which the fees must be paid, distribution for use outside the state by the first distributor may be excluded.

(2) When more than one first distributor is involved in the distribution of a restricted use herbicide the initial first distributor meeting the criteria of WAC 16-230-110(1) is responsible for reporting the pounds of active ingredient of restricted use herbicides and paying the fee, unless the reporting and paying of fees have been made by another distributor of restricted use herbicides as per WAC 16-230-115(3).

(3) Any distributor other (~~(then)~~)than the first distributor may act as an agent in paying the special program fee: PROVIDED, That written agreement exists between the distributors, and: PROVIDED FURTHER, That such written agreement has been approved by the director.

AMENDATORY SECTION (Order 1534, filed July 1, 1977)

WAC 16-230-120 PROCEDURE FOR SUBMITTING REPORTS. (1) Each person made responsible by these regulations for the payment of fees for restricted use herbicides distributed in this state shall file a report with the department on January 1, (~~(1978)~~)1979 and (~~(and)~~) July 1, (~~(1978)~~)1979 showing the number of pounds of such restricted use herbicides distributed during the six calendar months immediately preceding the date the report is due. When verifying such reports, the department may accept sales records or other records accurately reflecting the poundage sold. The appropriate fee, no less than the five dollar minimum fee, shall be remitted with the report. The person required to file the report and pay the fee shall have a thirty day grace period. Such grace period shall expire on January 30, (~~(1978)~~)1979 for the January 1, (~~(1978)~~)1979 report and July 30, (~~(1978)~~)1979 for the July 1, (~~(1978)~~)1979 report.