

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1645

(1) I, Errett Deck, deputy, director of Washington State Department of Agriculture

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

The inspection of corn and grain sorghums in WAC 16-212-085.

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

This action is taken pursuant to Notice No. filed with the code reviser

on Such rules shall take effect:

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

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

I, Errett Deck, 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: The Washington State Department of Agriculture has determined that corn and grain sorghums are inspected by a designated or delegated agency or the Federal Grain Inspection Service inspection program; that corn and grain sorghums are bought on the origin weights and grades; and, that the Washington State Department of Agriculture's additional inspection requirement causes delay in the handling of these corn and grain sorghums. This situation has been accentuated by increased shipments of corn and grain sorghums by railroads to licensed terminal elevators in this state. For these reasons, as deputy director of agriculture, I have determined that (See attachment) 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):

[X] (a) This rule is promulgated pursuant to RCW 22.09 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 August 27 1979

AUG 27 1979

By [Signature]

Deputy Director of Agriculture

Title

CODE REVISER'S OFFICE WSR 79-09-061

(2) Alternative B. Continued

corn and grain sorghums officially sampled by a delegated or designated agency or by the Federal Grain Inspection Service, and accompanied by written assurance that identity has been maintained shall be deemed to be sampled, inspected and/or graded by an employee of the department. This will facilitate the movement of corn and grain sorghums through the licensed terminal elevators in the public interest.

NEW SECTION

WAC 16-212-085 INSPECTION OF CORN OR GRAIN SORGHUM. For the purpose of RCW 22.09.210, any corn or grain sorghum which has been sampled, inspected, and/or graded under a designated or delegated agency or the Federal Grain Inspection Service inspection program and which has remained in the original container and has not lost its identity since such sampling, inspection, and/or grading shall be deemed to have been sampled, inspected and/or graded by an employee of the department under the supervision of a duly authorized inspector of the department; PROVIDED, That the warehouseman must give written assurance to a duly authorized inspector of the department that the corn or grain sorghum container has been officially sampled, inspected and/or graded as per this regulation; PROVIDED FURTHER, That any warehouseman who intentionally, negligently or carelessly gives such written assurance to a duly authorized inspector that the corn or grain sorghum container has been officially sampled, inspected and/or graded, when in fact it has not, will no longer be permitted to operate pursuant to this regulation.



STATE OF
WASHINGTON

Dixy Lee Ray
Governor

DEPARTMENT OF AGRICULTURE

406 General Administration Building, Olympia, Washington 98504

For the purpose of legislative review of agency rules, the following statement is submitted:

- (a) This rule relates to the inspection of corn or grain sorghum in the State of Washington (statutory authority RCW 22.09).
- (b) The emergency regulation provides that any corn or grain sorghum officially sampled by a delegated or designated agency or by the Federal Grain Inspection Service, and accompanied by written assurance that identity has been maintained shall be considered sampled, inspected and/or graded by an employee of the department. This will facilitate the movement of corn and grain sorghum through licensed terminal elevators.
- (c) Department of Agriculture
Grain and Chemical Division
Art G. Losey
406 General Administration Bldg., Olympia
753-5062
- (d) Proponents: Department of Agriculture
Opponents: None
- (e) No agency comments.