



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (12/31/00)

Agency: Department of Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Repeal

(1) Date of adoption: June 18, 2002 *g dh*

(2) Purpose: Reduce the Customer Assisted Inspection Program (CAIP) Federal-State grade certification charges for fresh potatoes from 4-1/2 cents per cwt. to 3-1/2 cents per cwt. or thirty dollars per staff hour worked.

(3) Citation of existing rules affected by this order:

Repealed:

Amended: 16-400-045

Suspended:

(4) Statutory authority for adoption: 15.17 and 34.05 RCW

Other authority:

PERMANENT RULE ONLY

Adopted under notice filed as WSR 02-09-012 on April 5, 2002 (date).

Describe any changes other than editing from proposed to adopted version:

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR ____ on ____ (date)

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

(6) Effective date of rule:

Permanent Rules

- 31 days after filing
- Other (specify) ____ *

Emergency Rules

- Immediately
- Later (specify) ____

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

NAME (TYPE OR PRINT)

William E. Brookreson

SIGNATURE

TITLE

Deputy Director

DATE

6/18/02

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JUN 19 2002

TIME 9:15 AM

WSR 02-13-119 PM

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

| | | | | | | |
|---|-----|-------|---------|-------|----------|-------|
| Federal statute: | New | _____ | Amended | _____ | Repealed | _____ |
| Federal rules or standards: | New | _____ | Amended | _____ | Repealed | _____ |
| Recently enacted state statutes: | New | _____ | Amended | _____ | Repealed | _____ |

The number of sections adopted at the request of nongovernmental entity:

| | | | | | |
|-----|-------|---------|-------|----------|-------|
| New | _____ | Amended | _____ | Repealed | _____ |
|-----|-------|---------|-------|----------|-------|

The number of sections adopted in the agency's own initiative:

| | | | | | |
|-----|-------|---------|----------|----------|-------|
| New | _____ | Amended | <u>1</u> | Repealed | _____ |
|-----|-------|---------|----------|----------|-------|

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

| | | | | | |
|-----|-------|---------|-------|----------|-------|
| New | _____ | Amended | _____ | Repealed | _____ |
|-----|-------|---------|-------|----------|-------|

The number of sections adopted using:

| | | | | | | |
|---------------------------------------|-----|-------|---------|----------|----------|-------|
| Negotiated rule making: | New | _____ | Amended | _____ | Repealed | _____ |
| Pilot rule making: | New | _____ | Amended | _____ | Repealed | _____ |
| Other alternative rule making: | New | _____ | Amended | <u>1</u> | Repealed | _____ |

AMENDATORY SECTION (Amending WSR 01-18-052, filed 8/30/01, effective 9/30/01)

WAC 16-400-045 Grade and condition certificates--Customer assisted inspection program (CAIP) certification charges--Fruits and vegetables. Charges for grade and condition certificates for all fruits and vegetables issued under this section shall be:

(1) The minimum charge for grade and condition certificates for all fresh fruits and vegetables shall be nine dollars.

(2) Charges for grade and condition certificates for fresh market fruit and vegetables in containers - wrapped, place pack, face and fill, in bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins or in bags, per cwt. or fraction thereof:

(a) Federal-state grade certification shall be three-fourths of the cwt. rates specified in WAC 16-400-010 (2)(a) and 16-400-040 (2)(a), except: Federal-state grade certification for fresh potatoes shall be three and one-half cents per cwt., but not less than the hourly rate of thirty dollars per staff hour worked.

(b) Should the cwt. rate charges total less than thirty dollars per staff hour worked, additional certification charges shall be assessed to equal thirty dollars per hour worked.