



MEMORANDUM

Date: January 4, 2007

To: Kyle Thiessen, Code Reviser
Victor Moore, OFM Director
Joint Administrative Rules Review Committee
Agency Rule Coordinators:
Department of Corrections
Department of Ecology
Department of Fish and Wildlife
Department of Health
Department of Labor and Industries
Department of Natural Resources
Washington State Parks and Recreation Commission
Department of Social and Health Services
Department of Transportation

From: Teresa Norman, Rules Coordinator *Teresa Norman*
Washington State Department of Agriculture

Re: **Semi-Annual Rules Development Agenda**
January 1, 2007 to June 30, 2007

Attached is the Department of Agriculture's semi-annual rules development agenda for the period of January 1, 2007 through June 30, 2007. This document is being sent to you in compliance with RCW 34.05.314.

The department may undertake additional rule making activity as conditions warrant. If you have any questions, please call me at (360) 902-2043 or e-mail me at tnorman@agr.wa.gov.

Attachment

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Washington State Department of Agriculture
Semi-Annual Rules Agenda, January 1, 2007 – June 30, 2007
P.O. Box 42560, Olympia, WA 98504-2560

WAC Number **Rule Title** **Agency Contact** **Tentative Timeline** **Subject of Rulemaking**

CR-101 CR-102 CR-103

Agency Operations					
Chapter 16-08	Practice and Procedure	Dannie McQueen Administrative Regulations Program Manager Phone: (360) 902-1809	Expedited July 2006	February 2007	Updating the rules for adjudicative proceedings.
Chapter 16-06	Public Records	Dannie McQueen Administrative Regulations Program Manager Phone: (360) 902-1809	January 2007	April 2007	Amending WAC 16-06-210, the department public disclosure rule to include the 2006 legislative exemptions regarding animal identification and animal diseases.
Animal Services Division					
Chapter 16-30	Restricted Feedlots	Lynn Briscoe Special Assistant to the State Veterinarian Phone: (360) 902-1987	December 2006	January 2007	Title change to "Restricted Feedlots and Holding Facilities." Adding a restricted holding facility and eliminating the category II restricted feedlot.
Chapter 16-54	Animal Importation	Lynn Briscoe Special Assistant to the State Veterinarian Phone: (360) 902-1987	July 2006	February 2007	Rewrite rules in plain talk and bring them up-to-date with current disease requirements.
Chapter 16-59	Importation and Movement of Poultry and Hatching Eggs	Lynn Briscoe Special Assistant to the State Veterinarian Phone: (360) 902-1987	January 2007	June 2007	Title change to make this chapter regarding in-state poultry importation (move to WAC 16-54).
Chapter 16-70	Animal diseases – reporting	Lynn Briscoe Special Assistant to the State Veterinarian Phone: (360) 902-1987	July 2006	February 2007	Bring the reportable disease list in line with the World Organization of Animal Health's Terrestrial Animal Health Code.
Chapter 16-71	Equine Infectious Anemia	Lynn Briscoe Special Assistant to the State Veterinarian Phone: (360) 902-1987	January 2007	June 2007	Title change to "Equine Diseases Regulated in Washington State." Rewrite rules in plain talk and bring them up-to-date with current disease requirements; adding section on equine viral arteritis.
Chapter 16-86	Brucellosis and Tuberculosis in Cattle and Goats	Lynn Briscoe Special Assistant to the State Veterinarian Phone: (360) 902-1987	August 2006	January 2007	Title change to "Cattle Diseases Regulated in Washington State." Rewrite rules in plain talk and bring them up-to-date with current disease requirements.
Chapter 16-89	Sheep and Goat Scrapie Disease	Lynn Briscoe Special Assistant to the State	August 2006	February 2007	Rewrite rules in plain talk and bring them up-to-date with current disease requirements.

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WAC Number	Rule Title	Agency Contact	Tentative Timeline		Subject of Rulemaking
			CR-101	CR-102	
	Control				
Chapter 16-604	Public Livestock Markets	Veterinarian Phone: (360) 902-1987 Lynn Briscoe Special Assistant to the State Veterinarian Phone: (360) 902-1987	Expedited January 2007	March 2007	Correcting a reference to the Code of Federal Regulation, and adding an additional special sale day.
Chapter 16-610	Livestock Inspection and Identification	Leslie Alexander Livestock Identification Program Supervisor Phone: (509) 543-7383	July 2006	February 2007	Amend the section regarding fees and adopt a new section pertaining to the LID advisory committee.
New WAC	Dead Livestock Disposal	Lynn Briscoe Special Assistant to the State Veterinarian Phone: (360) 902-1987	December 2005	February 2007	Adopting rules related to the disposal of animals that have died from disease.
Commodity Inspection Division					
Chapter 16-240	WSDA Grain Inspection Program – Definitions, Standards, and Fees	Randy Deike Grain Inspection Program Manager (360) 902-1921	January 2007	TBD	Reduce fees and simplify the Grain Inspection Program fee schedule.
Chapter 16-301	General Seed Regulations	Victor Shaul Seed Program Operations Manager Phone: (509) 225-2630	December 2006	TBD	Phytosanitary field inspection application due dates; crucifer quarantine; other items as per seed industry requests.
Chapter 16-390	WSDA Fruit and Vegetable Inspection Districts, Inspection Fees and Other Charges	Jim Quigley Fruit and Vegetable Program Manager Phone: (360) 902-1883	January 2007	March 2007	Add in the hourly charge for performing GAP/GHP audits verifications, increasing to \$75.00 per audit hour by July 1, 2007.
Chapter 16-403	Standards for Apples Marketed Within the State of Washington	Jim Quigley Fruit and Vegetable Inspection Program Manager Phone: (360) 902-1883	Expedited January 2007	March 2007	Rewrite in a clear and readable format. No substantive changes.
Chapter 16-409	Standards for Asparagus	Jim Quigley Fruit and Vegetable Inspection Program Manager Phone: (360) 902-1883	October 2006	February 2007	Rewrite in plain talk. In response to an industry request, the department may be amending some of the grading standards.

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WAC Number	Rule Title	Agency Contact	Tentative Timeline		Subject of Rulemaking
			CR-101	CR-102 CR-103	
Chapter 16-414	Washington Standards for Cherries	Jim Quigley Fruit and Vegetable Inspection Program Manager Phone: (360) 902-1883	Expedited, December 2006	February 2007	Housekeeping changes, clarifying section titles for ease of use, replacing tables with standard text format. No substantive changes.
Chapter 16-436	Washington Standards for Peaches	Jim Quigley Fruit and Vegetable Inspection Program Manager Phone: (360) 902-1883	Expedited December 2006	February 2007	Rewrite in a clear and readable format. No new requirements.
Chapter 16-439	Pears, Summer and Fall	Jim Quigley Fruit and Vegetable Inspection Program Manager Phone: (360) 902-1883	Expedited December 2006	February 2007	Rewrite in a clear and readable format. No new requirements.
Chapter 16-442	Winter Pears	Jim Quigley Fruit and Vegetable Inspection Program Manager Phone: (360) 902-1883	Expedited April 2007	June 2007	Rewrite in a clear and readable format. No new requirements.
Food Safety & Consumer Services					
Chapter 16-06	Public Records	Nora Mena Program Manager Livestock Nutrient Management Program Phone: (360) 902-2894	February 2006	January 2007	Disclosure of certain information.
New WAC	Livestock Nutrient Management	Nora Mena Program Manager Livestock Nutrient Management Program Phone: (360) 902-2894	June 2007	September 2007	Violations and compliance process.
Pesticide Management Division					
Chapter 16-228	General pesticide rules	Ann Wick Program Development Program Manager Phone: (360) 902-2051	January 2007	February 2007	Define phenoxy pesticides, housekeeping changes
Chapter 16-230	Use of Chemicals and Chemically Treated	Ann Wick Program Development	January 2007	February 2007	Define rules relating to Use Restricted pesticides in County Orders

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			CR-101	CR-102	CR-103	
Chapter 16-231	Materials in Certain Counties Restricted Use Herbicides	Program Manager Phone: (360) 902-2051 Ann Wick Program Development Program Manager Phone: (360) 902-2051	January 2007	February 2007	April 2007	Define rules relating to Use Restricted pesticides, housekeeping
Chapter 16-232	Restricted Use Herbicides in Certain Counties	Ann Wick Program Development Program Manager Phone: (360) 902-2051	January 2007	February 2007	April 2007	Define rules relating to Use Restricted pesticides in County Orders
Chapter 16-230	Use of Chemicals and Chemically Treated Materials in Certain Counties	Cliff Weed Compliance Program Program Manager Phone: (360) 902-2036	March 2007	April 2007	May 2007	Modify the nozzle requirements for air and ground applications
Chapter 16-231	Restricted Use Herbicides	Cliff Weed Compliance Program Program Manager Phone: (360) 902-2036	March 2007	April 2007	May 2007	Modify the nozzle requirements for air and ground applications
Chapter 16-232	Restricted Use Herbicides in Certain Counties	Cliff Weed Compliance Program Program Manager Phone: (360) 902-2036	March 2007	April 2007	May 2007	Modify the nozzle requirements for air and ground applications
Chapter 16-228	Wood Destroying Organisms	Cliff Weed Compliance Program Program Manager Phone: (360) 902-2036	February 2007	March 2007	April 2007	Modify wood destroying requirements
Plant Protection Division						
New WAC	Weed-Free Forage	Tom Wessels Plant Services Program Manager Phone: (360) 902-1984	November 2006	February 2007	April 2007	The department is considering implementing a program to provide voluntary certification services for weed-free forage.
New WAC	Weights & Measures Penalties	Kirk Robinson Weights & Measures Program Manager Phone: (360) 902-1856	January 2007	March 2007	May 2007	The department is considering adopting penalty matrices related to violations of chapter 19.94 RCW.
New WAC	Motor Fuel Quality Penalties	Weights & Measures Program Manager	January 2007	March 2007	May 2007	The department is considering adopting penalty matrices related to violations of chapter 19.112 RCW.

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			CR-101	CR-102 CR-103	
Chapter 16-324	Rules for the Certification of Seed Potatoes	Kirk Robinson Phone: (360) 902-1856 Tom Wessels Plant Services Program Manager Phone: (360) 902-1984	November 2006	February 2007 April 2007	The department is proposing to revise the current seed potato certification rules to require compliance with the State National Harmonization Program for Seed Potatoes.
Chapter 16-401	Nursery Inspection Fees	Tom Wessels Plant Services Program Manager Phone: (360) 902-1984	January 2007	March 2007 May 2007	The department is considering increasing the nursery inspection fees and the permit fee for businesses exempted from a nursery dealer's license by the OFM fiscal growth factor for fiscal year 2008 (5.49%).
Chapter 16-470	Plant Pathology Fees	Tom Wessels Plant Services Program Manager Phone: (360) 902-1984	January 2007	March 2007 May 2007	The department is considering increasing the laboratory diagnostic hourly fees, nematode laboratory diagnostic fees, and post entry inspection services fee within the OFM fiscal growth factor for fiscal year 2008 (5.49%).
Chapter 16-482	Seed Potato Quarantine	Tom Wessels Plant Services Program Manager Phone: (360) 902-1984	November 2006	February 2007 April 2007	The department is considering revising the current seed potato quarantine to require all seed potatoes planted in Washington comply with the State National Harmonization Program for Seed Potatoes.
Chapter 16-484	Seed Potato Y-N Quarantine	Tom Wessels Plant Services Program Manager Phone: (360) 902-1984	November 2006	February 2007 April 2007	The department is considering repealing the current seed potato Y-N quarantine.
Chapter 16-623	Commission Merchant Act – Licensing Fees, Proof of Payment, Cargo Manifests & Registration of Acreage Commitments	Kirk Robinson Commission Merchants Program Manager Phone: (360) 902-1856	January 2007	March 2007 May 2007	The department is considering increasing the licensing fees for commission merchants, dealers, limited dealers, brokers, cash buyers, and agents within the OFM fiscal growth factor for fiscal year 2008 (5.49%).
Chapter 16-662	Weights and Measures – National Handbook	Kirk Robinson Weights and Measures Program Manager Phone: (360) 902-1856	September 2006	January 2007 February 2007	The department is proposing to adopt quality and labeling standards relative to liquid motor fuels (including biofuels).
Chapter 16-664	National Type Evaluation Program	Kirk Robinson Weights and Measures Program Manager Phone: (360) 902-1856	TBD	TBD	The department is considering amending the rule to accommodate devices dispensing alternative fuels.
Chapter 16-675	Calibration Services, Special Inspection and	Kirk Robinson Weights and Measures	January 2007	March 2007 May 2007	The department is considering increasing the hourly and device inspection/testing fees charged by the metrology

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	Testing Fees	Program Manager Phone: (360) 902-1856	CR-101	CR-102 CR-103
				laboratory within the OFM fiscal growth factor for fiscal year 2008 (5.49%).

Teresa Norman, Rules Coordinator