



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Department of Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of adoption: March 23, 1999

(2) Purpose: RCW 43.05.020 mandates departments to compile and maintain lists of those who provide technical assistance. This rule describes how the lists of technical assistance providers will be organized for the Department of Agriculture.

(3) Citation of existing rules affected by this order:
 Repealed: 16-05-005, 015, 020, 025, 030, 035, 045
 Amended: 16-05-010, 040
 Suspended:

(4) Statutory authority for adoption: RCW 43.05.020
 Other authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)
 Adopted under notice filed as WSR 99-05-022 on February 9, 1999 (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 or Expedited Rule Making
 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) James M. Jesernig
 SIGNATURE *James M. Jesernig*
 TITLE Director DATE March 24, 1999

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

MAR 31 1999

TIME 3:19 AM
 99-08-039 (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Federal statute:	New _____	Amended _____	Repealed _____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 a nongovernmental entity:

New _____ Amended _____ Repealed _____

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

New _____ Amended 2 Repealed 7

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

New _____ Amended 2 Repealed 7

The number of sections adopted using:

Negotiated rule making:	New _____	Amended _____	Repealed _____
Pilot rule making:	New _____	Amended _____	Repealed _____
Other alternative rule making:	New _____	Amended _____	Repealed _____

AMENDATORY SECTION (Amending Order 5098, filed 6/18/96, effective 7/19/96)

WAC 16-05-010 **What does an organization, company or individual have to do to get on the applicable list?** ((An organization, company or individual must write to the Washington state department of agriculture, provide the name of the organization, company or individual, address and telephone number, unified business identifier (UBI) number, authorized agent, a brief description of the type of technical assistance provided, and identify the department program. The document must include the signature of the person requesting his/her name be put on the list or the signature of the authorized agent of the company or organization who requests listing.)) Should an organization, company or individual wish to be included or removed from a technical assistance list of the department, a request must be made to the department via telephone, facsimile transmission, e-mail or address and request that their organization, company or individual name and pertinent information be added.

Requests may be directed to the department at the main department address and telephone number: Department of Agriculture, P.O. Box 42560, Olympia, Washington 98504-2560. Telephone: (360) 902-1800. Anyone contacting the department is encouraged to refer to the applicable division and program, by using the following organization description, by division and program as a guide.

(1) Director's office:

Legislative affairs.

Internal program review.

Policy development and review.

(2) Agency operations division:

Accounting, budget, payroll, forms and records, adjudicative proceedings, public disclosure, Washington Administrative Code filings, personnel office, information technology services, information office, international marketing and commodity commission and fairs commission activities.

(3) Commodity inspection division:

Fruit and vegetable inspection program for quality, grade, condition, size and pack.

State-wide grain inspection.

(4) Consumer and producer protection division:

Commission merchants program.

Livestock identification, brand registration and inspection.

Establishment of livestock markets.

Grain warehouse audit.

Weights and measures program.

Seed program regulates the quality and labeling of various

crop seeds in Washington.

(5) Food safety and animal health division:

Dairy inspection program.

Food processing program.

Organic food program.

Egg inspection program.

Animal health program.

(6) Laboratory services division:

Performs chemical and micro-biological analyses in support of the food safety and pesticide management programs.

Administers hop inspection and analyses.

Pest management program is responsible for nonnative insect detection and control, and plant pest and disease identification; develops and enforces plant quarantines.

Apiary program provides education and registration for Washington apiarists.

Nursery program certifies nursery stock and issues phytosanitary certificates for materials moving out-of-state.

(7) Pesticide management division:

Administers the regulations of pesticides, animal feeds and fertilizer laws, and waste disposal program broken down into three units of the division.

The compliance unit enforces state and federal pesticide laws, animal feed laws and fertilizer laws; investigates complaints of pesticide misuse.

The registration unit registers pesticides, fertilizers and animal feeds sold and used in the state.

The program development and certification unit conducts the waste pesticide disposal program; provides interagency coordination on pesticide-related issues; provides safety training on the use of pesticides, which includes public outreach and new program development; licenses pesticide application equipment, pesticide dealers, and commercial, public and private pesticide applicators, operators and consultants; approves recertification courses and tracks educational credits on pesticide licensees.

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WAC 16-05-040 **The department of agriculture is completely held harmless and not liable.** (1) The department will not perform any testing or background checks on requestors for inclusion on a department technical assistance list. The department will exercise reasonable care to include or delete names upon request ((if received by the department by May 15 of each year. The list will be published annually on or around July 1st of each year)). The department is not responsible for errors on ((the)) a technical assistance list. In addition, the inclusion of a name of an

individual, company or organization on ~~(the)~~ list should not be construed as an endorsement by the department. Customers using a technical assistance list for referral are encouraged to contact the better business bureau or the office of the attorney general, consumer protection unit, to determine whether a name selected is the subject of a complaint. Customers are also encouraged to check references of those on a list before they select an organization, company or individual to perform technical assistance.

(2) Any person who is on ~~(the)~~ a technical assistance list is prohibited from holding themselves out as an employee or agent of the Washington state department of agriculture or suggesting that the department endorses the services provided.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-05-005	How will the lists be developed?
WAC 16-05-015	Will the department of agriculture approve organizations, companies or individuals who request listing?
WAC 16-05-020	How often are lists changed or updated?
WAC 16-05-025	Does an applicant have to reapply each year to stay on the list?
WAC 16-05-030	How do I take my name off the list?
WAC 16-05-035	Each list will include consumer information.
WAC 16-05-045	Who to contact for inclusion, exclusion and copies of the list within the department.