



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Washington State Department of Agriculture	<input checked="" type="checkbox"/> Permanent Rule
(1) Date of adoption: November 16, 1999	<input type="checkbox"/> Emergency Rule
	<input type="checkbox"/> Expedited Adoption
	<input type="checkbox"/> Expedited Repeal

(2) Purpose: To establish a fee for hop oil constituent analysis, a new service to be offered by the Washington State Department of Agriculture Chemical and Hop Laboratory in Yakima. Also clarifies the existing text by converting it into clear and readable format.

(3) Citation of existing rules affected by this order:
 Repealed: WAC 16-218-001
 Amended: WAC 16-218-010 and WAC 16-218-02001
 Suspended:

(4) Statutory authority for adoption: RCW 22.09.790
 Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)
 Adopted under notice filed as WSR 99-20-135 on October 6, 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 Repeal
 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)
 Jim Jesernig
Signature

Title
 Director
Date
 November 16, 1999

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
 STATE OF WASHINGTON
 FILED

NOV 16 1999

TIME 9:32 AM
 99-23-073 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	<u>1</u>	Repealed	-----
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The number of sections adopted in the agency's own initiative:

New	-----	Amended	<u>2</u>	Repealed	<u>1</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	-----	Amended	<u>2</u>	Repealed	<u>1</u>
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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>2</u>	Repealed	<u>1</u>

AMENDATORY SECTION (Amending WSR 93-15-069, filed 7/16/93, effective 8/16/93)

WAC 16-218-010 Schedule of fees for physical grading. The schedule of fees, payable to the department for certification of hops pursuant to the standards established by the Federal Grain Inspection Service of the United States Department of Agriculture shall be as follows:

(1) Lot inspection. One dollar and twenty-five cents per bale in each lot, minimum charge shall be thirty dollars.

(2) Sample inspection. Thirty-five dollars per unofficial sample submitted.

(3) Supplemental certificates. Five dollars per certificate.

(4) Appeal inspection. Charges for appeal inspections shall be made by the Federal Grain Inspection Service, Portland, Oregon, and payment for appeal inspections shall be made to them.

(5) ~~((Extra copies. A charge of two dollars per set shall be made for typing extra copies of a certificate when requested by the original applicant or other financially interested party.~~

~~(6))~~ Extra time and mileage charges. If through no fault of the inspection service, lots of hops cannot be sampled at the time such sampling has been requested by the applicant or there is an undue delay in making a lot of hops available for sampling, extra time and mileage charges shall be assessed. Fees for hourly wages shall be charged at the current established sampler hourly rate and mileage shall be charged at the rate established by the state office of financial management.

To be considered available for sampling and certification, each and every bale in the lot of hops shall be readily accessible so that each bale may be properly stenciled and samples drawn from those bales selected by the inspector.

AMENDATORY SECTION (Amending WSR 97-05-003, filed 2/5/97, effective 3/8/97)

WAC 16-218-02001 Schedule of charges for chemical analyses of hops, hop extract, hop pellets or hop powder. The following is the schedule of charges for chemical analyses of hops, hop extract, hop pellets or hop powder:

(1) Official samples of hops drawn by department personnel shall be composited either from the cores drawn for grade analysis, or from cores specifically drawn on a schedule for brewing value only. ~~((Charges for analysis are: Thirty-five cents per bale,~~

with a minimum charge of thirty dollars for the ASBC spectrophotometric with moisture, thirty cents per bale, with a minimum charge of thirty dollars for the ASBC spectrophotometric without moisture, and ASBC or EBC conductometric methods.) A minimum charge of \$30.00 per sample is established for each of the analyses listed in this subsection:

- (a) ASBC spectrophotometric with moisture \$0.35/bale
- (b) ASBC spectrophotometric without moisture \$0.30/bale
- (c) ASBC conductometric \$0.30/bale
- (d) EBC conductometric \$0.30/bale

An official brewing value certificate shall be used.

(2) Extra time and mileage charges. If through no fault of the inspection service, lots of hops cannot be sampled at the time such sampling has been requested by the applicant or there is an undue delay in making a lot of hops available for sampling, extra time and mileage charges shall be assessed. Fees for hourly wages shall be charged at the current established sampler hourly rate and mileage shall be charged at the rate established by the state office of financial management.

To be considered available for sampling and certification, each and every bale in the lot of hops shall be readily accessible so that each bale may be properly stenciled and samples drawn from those bales selected by the inspector.

(3) The following fees shall be charged by the department for samples submitted to the chemical and hop laboratory for analysis:

- (a) ~~ASBC~~ spectrophotometric .. \$30.00
- (b) ~~ASBC~~ conductometric ... \$30.00
- (c) ~~EBC~~ conductometric \$30.00
- (d) ~~EBC~~ conductometric (Wollmer, Zurich, Mebak, Verzele, Ganzlin and hard and/or soft resins) \$60.00
- (e) ~~Spectro~~ Spectrophotometric of tannins, Wollmer, etc \$55.00
- (f) Methylene chloride \$80.00
- (g) Tannin \$55.00
- (h) Ash \$20.00
- (i) SO₂ \$25.00
- (j) H₂O \$10.00
- (k) HPLC \$100.00
- (l) Total oil \$25.00
- (m) Oil constituents analysis \$145.00
- (n) Wort test, particle size \$10.00

(4) A fee shall be charged by the department for any other analysis not listed in this section such as isoconversion products from alpha and beta resins and possible adulterants such as residues. Fees shall be based on labor costs, laboratory equipment costs, chemical and material costs, administrative and overhead

costs.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-218-001

Promulgation.