Chapter 16-390 WAC

FRUIT AND VEGETABLE INSPECTION FEES AND OTHER CHARGES

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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16-390-060 Certificate charges—Other agricultural commodities. [Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-19-040, § 16-390-060, filed 9/12/12, effective 10/13/12. Statutory Authority: RCW 15.17.030 and chapter 34.05 RCW. WSR 08-22-084, § 16-390-060, filed 11/4/08, effective 12/5/08. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. WSR 04-11-078, § 16-390-060, filed 5/18/04, effective 6/18/04.] Repealed by WSR 14-24-086, filed 12/1/14, effective 1/1/15. Statutory Authority: RCW 15.17.140(2), 15.17.040 [15.17.030], chapters 17.24 and 34.05 RCW.

16-390-100 Fruit and vegetable certificate fees. [Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-19-040, § 16-390-100, filed 9/12/12, effective 10/13/12. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. WSR 04-11-078, § 16-390-100, filed 5/18/04, effective 6/18/04.] Repealed by WSR 14-24-086, filed 12/1/14, effective 1/1/15. Statutory Authority: RCW 15.17.140 (2), 15.17.040 [15.17.030], chapters 17.24 and 34.05 RCW.

16-390-200 Platform inspection fees. [Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-19-040, § 16-390-200, filed 9/12/12, effective 10/13/12. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. WSR 04-11-078, § 16-390-200, filed 5/18/04, effective 6/18/04.] Repealed by WSR 14-24-086, filed 12/1/14, effective 1/1/15. Statutory Authority: RCW 15.17.140(2), 15.17.040 [15.17.-030], chapters 17.24 and 34.05 RCW.

16-390-210 Fumigation fees. [Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-19-040, § 16-390-210, filed 9/12/12, effective 10/13/12. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. WSR 04-11-078, § 16-390-210, filed 5/18/04, effective 6/18/04.] Repealed by WSR 14-24-086, filed 12/1/14, effective 1/1/15. Statutory Authority: RCW 15.17.140(2), 15.17.040 [15.17.030], chapters 17.24 and 34.05 RCW.

16-390-220 Field or orchard inspection fees. [Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-19-040, § 16-390-220, filed 9/12/12, effective 10/13/12. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25 § 309(2). WSR 05-12-054, § 16-390-220, filed 5/26/05, effective 6/26/05. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. WSR 04-11-078, § 16-390-220, filed 5/18/04, effective 6/18/04.] Repealed by WSR 14-24-086, filed 12/1/14, effective 1/1/15. Statutory Authority: RCW 15.17.140(2), 15.17.040 [15.17.030], chapters 17.24 and 34.05 RCW.

16-390-242 Fresh produce audit verification program fees for fruit and vegetable audit verification certificates. [Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-19-040, § 16-390-242, filed 9/12/12, effective 10/13/12. Statutory Authority: Chapters 15.17 and 34.05 RCW. WSR 07-16-084, § 16-390-242, filed 7/30/07, effective 8/30/07. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. WSR 04-11-078, § 16-390-242, filed 5/18/04, effective 6/18/04.] Repealed by WSR 14-24-086, filed 12/1/14, effective 1/1/15. Statutory Authority: RCW 15.17.140(2), 15.17.040 [15.17.030], chapters 17.24 and 34.05 RCW.

16-390-245 USDA positive lot identification fees. [Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-19-040, § 16-390-245, filed 9/12/12, effective 10/13/12. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. WSR 04-11-078, § 16-390-245, filed 5/18/04, effective 6/18/04.] Repealed by WSR 14-24-086, filed 12/1/14, effective 1/1/15. Statutory Authority: RCW 15.17.140 (2), 15.17.040 [15.17.030], chapters 17.24 and 34.05 RCW.

WAC 16-390-005 Definitions. "Certificate" means an official document issued by the director which reports certification results.

"Certificate of compliance" means a shipping document issued by the fruit and vegetable industry attesting that the identified fruits or vegetables are known to be in full compliance with provisions of chapter 15.17 RCW. The member of the fruit and vegetable industry issuing the certificate of compliance has the sole responsibility of fairly and accurately representing the quality and quantity of fruits and vegetables listed on the certificate of compliance.

"Certification" means the complete service performed by the director, from inspection through the issuance of any applicable documentation of the results of the inspection.

"Customer assisted inspection program (CAIP)" means a quality or condition inspection performed by industry using the United States Department of Agriculture (USDA) standards with verification and oversight by the director.

"CWT" means a hundredweight, a unit of measure equaling one hundred pounds.

"Director" means the director of the department of agriculture or the director's designated representative. As used in

this chapter, WSDA refers to the director unless the context states otherwise.

"Grade and condition certificate" means an official note sheet issued by the director confirming the results of an inspection.

"Hourly fee" means the fee charged for services based on the hours documented by each WSDA inspector providing the service. Hourly fees are charged based on increments of fifteen minutes, with time rounded up or down to the next fifteen minute interval as follows: Eight minutes into a quarter hour is rounded up to the full quarter hour. Less than eight minutes into a quarter hour is rounded down and not billed.

"Inspection" means the inspection by the director of any fruits or vegetables for the purpose of certification at any time prior to, during, or subsequent to harvest.

"Inspection service notification" means customer notification to the director of any request for inspection services.

"Lot" means, unless otherwise stated in this chapter, a distinct unit of fruits or vegetables.

"Regular business hours" means the hours between 8:00 a.m. and 5:00 p.m. Pacific time Monday through Friday except state holidays.

"Shipping permit" means a shipping document issued by the director attesting that the fruits or vegetables are known to be in compliance with the provisions of chapter 15.17 RCW and this chapter.

[Statutory Authority: RCW 15.17.140(2), 15.17.040 [15.17.030], chapters 17.24 and 34.05 RCW. WSR 14-24-086, § 16-390-005, filed 12/1/14, effective 1/1/15. Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-19-040, § 16-390-005, filed 9/12/12, effective 10/13/12. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. WSR 04-11-078, § 16-390-005, filed 5/18/04, effective 6/18/04.]

WAC 16-390-015 Minimum inspection fee. A minimum fee of one-half hour under the applicable hourly fee specified in WAC 16-390-025(1) will be charged for any inspection service.

[Statutory Authority: RCW 15.17.140(2), 15.17.040 [15.17.030], chapters 17.24 and 34.05 RCW. WSR 14-24-086, § 16-390-015, filed 12/1/14, effective 1/1/15.]

WAC 16-390-020 Certificate fee. There is a fee of twenty-five dollars for each certificate issued, EXCEPT that a grade and condition certificate will be issued upon completion of a certification with no additional fee beyond the applicable CWT or hourly fee.

[Statutory Authority: RCW 15.17.140(2), 15.17.040 [15.17.030], chapters 17.24 and 34.05 RCW. WSR 14-24-086, § 16-390-020, filed 12/1/14, effective 1/1/15. Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-19-040, § 16-390-020, filed 9/12/12, effective 10/13/12. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25 § 309(2). WSR 05-12-054, § 16-390-020, filed 5/26/05, effective 6/26/05. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. WSR 04-11-078, § 16-390-020, filed 5/18/04, effective 6/18/04.]

WAC 16-390-025 Hourly inspection fee. (1) Effective January 1, 2015, the hourly inspection fee is $65.00 per hour for regular hours and $97.50 for overtime and holiday hours for any inspection service that is not covered by CWT fees.

(2) Effective January 1, 2019, the hourly inspection fee is $75.00 per hour for regular hours and $112.50 per hour for overtime and holiday hours for any inspection service that is not covered by CWT fees.

(3) An additional fee amounting to three regular hours, plus the inspection fees for time worked, at the applicable hourly fee specified in this section will be charged when inspection service notification is not given prior to the end of normal business hours on the day preceding any weekend or holiday inspection work.

[Statutory Authority: RCW 15.17.030, 15.17.150, 2016 c 229, and chapter 34.05 RCW. WSR 16-18-035, § 16-390-025, filed 8/30/16, effective 9/30/16. Statutory Authority: RCW 15.17.140(2), 15.17.040 [15.17.030], chapters 17.24 and 34.05 RCW. WSR 14-24-086, § 16-390-025, filed 12/1/14, effective 1/1/15.]

WAC 16-390-030 Fruit and vegetable CWT fees. The following inspection and certification services are charged fees based on the stated CWT fee, provided that if the applied CWT fee would result in a charge less than the applicable hourly fee under WAC 16-390-025 for the staff hours worked, the applicable hourly fee will be assessed.

(1) Effective January 1, 2015, the fee for federal-state grade and condition certification for all fresh and processing fruits, vegetables, and nuts, except in-state processing potatoes, is $0.175 per CWT or fraction thereof.

(2) Effective January 1, 2019, the fee for federal-state grade and condition certification for all fresh and processing fruits, vegetables, and nuts, except in-state processing potatoes, is $0.185 per CWT or fraction thereof.

(3) In-state processing potatoes are charged the following fees:

(a) Effective January 1, 2015, the fee to determine the percentage of potatoes meeting U.S. No. 1 or U.S. No. 2 fresh potato grades as listed in the United States Grades for Potatoes (U.S. Potato Standards) is $0.038 per CWT or fraction thereof.

(b) Effective January 1, 2019, the fee to establish a percentage of potatoes meeting U.S. No. 1 or U.S. No. 2 fresh potato grades as listed in the United States Grades for Potatoes (U.S. Potato Standards) is $0.043 per CWT or fraction thereof.

(c) Effective January 1, 2015, the fee to establish a percentage of dirt, rot, and green is $0.021 per CWT or fraction thereof.

(d) Effective January 1, 2019, the fee to determine the percentage of dirt, rot, and green is $0.023 per CWT or fraction thereof.

(e) Contracts may be negotiated with the potato processing industry for inspection services to meet specific inspection requests, but not for less than the equivalent hourly fee specified in WAC 16-390-025 for the staff hours worked.

[Statutory Authority: RCW 15.17.030, 15.17.150, 2016 c 229, and chapter 34.05 RCW. WSR 16-18-035, § 16-390-030, filed 8/30/16, effective 9/30/16. Statutory Authority: RCW 15.17.140(2), 15.17.040 [15.17.030], chapters 17.24 and 34.05 RCW. WSR 14-24-086, § 16-390-030, filed 12/1/14, effective 1/1/15. Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-19-040, § 16-390-030, filed 9/12/12, effective 10/13/12. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25 § 309(2). WSR 05-12-054, § 16-390-030, filed 5/26/05, effective 6/26/05. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. WSR 04-11-078, § 16-390-030, filed 5/18/04, effective 6/18/04.]

WAC 16-390-040 Customer assisted inspection program (CAIP) certification charges. The fees for federal-state grade and condition CAIP certification for all fresh mar-

ket fruits and vegetables in any type of containers are one-half of the applicable CWT fees specified in WAC 16-390-030, but not less than the applicable equivalent hourly fee specified in WAC 16-390-025 for the staff hours worked.

[Statutory Authority: RCW 15.17.140(2), 15.17.040 [15.17.030], chapters 17.24 and 34.05 RCW. WSR 14-24-086, § 16-390-040, filed 12/1/14, effective 1/1/15. Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-19-040, § 16-390-040, filed 9/12/12, effective 10/13/12. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. WSR 04-11-078, § 16-390-040, filed 5/18/04, effective 6/18/04.]

WAC 16-390-150 Shipping permits and certificates of compliance for apples, apricots, asparagus, Italian prunes, peaches, pears, and sweet cherries. (1) Each shipment of apples, apricots, asparagus, Italian prunes, peaches, pears, and sweet cherries must be covered by a shipping permit or certificate of compliance. No shipping permit or certificate of compliance will be issued unless the sweet cherries are determined to be free from live Western cherry fruit fly (*Rhagoletis indifferens*) larvae at the time of shipment.

(2) In-state shipments of apples, apricots, asparagus, Italian prunes, peaches, pears, and sweet cherries to processors do not require a shipping permit or certificate of compliance.

(3) A shipping permit or certificate of compliance may be issued without additional charge if the lot has been issued a grade and condition certificate.

(4) If a lot has not been issued a grade and condition certificate, a shipping permit or certificate of compliance will be issued only after the lot is in full compliance with chapter 15.17 RCW and will be subject to a charge of two-thirds the applicable CWT fee specified in WAC 16-390-030, but not less than $5.00.

(5) A shipping permit or certificate of compliance to ship a lot of apples or pears to a processing plant outside the state is five dollars.

[Statutory Authority: RCW 15.17.140(2), 15.17.040 [15.17.030], chapters 17.24 and 34.05 RCW. WSR 14-24-086, § 16-390-150, filed 12/1/14, effective 1/1/15. Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-19-040, § 16-390-150, filed 9/12/12, effective 10/13/12. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25 § 309(2). WSR 05-12-054, § 16-390-150, filed 5/26/05, effective 6/26/05. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. WSR 04-11-078, § 16-390-150, filed 5/18/04, effective 6/18/04.]

WAC 16-390-230 Apple maggot survey fees. The fee for the apple maggot survey program on all apples grown or packed in Washington state and introduced into commerce for sale or shipment as fresh apples is $.015 per CWT. This fee is assessed by the director on all certificates of compliance and all shipping permits.

[Statutory Authority: RCW 15.17.140(2), 15.17.040 [15.17.030], chapters 17.24 and 34.05 RCW. WSR 14-24-086, § 16-390-230, filed 12/1/14, effective 1/1/15. Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-19-040, § 16-390-230, filed 9/12/12, effective 10/13/12. Statutory Authority: Chapters 15.17, 17.24, and 34.05 RCW. WSR 08-21-068, § 16-390-230, filed 10/13/08, effective 11/13/08. Statutory Authority: Chapters 15.17 and 34.05 RCW. WSR 06-19-008, § 16-390-230, filed 9/8/06, effective 10/9/06. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. WSR 04-11-078, § 16-390-230, filed 5/18/04, effective 6/18/04.]

WAC 16-390-240 USDA audit verification and terminal market inspection fees. (1) The fee for USDA audit verification services are $92.00 per hour as per the authority of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621).

(2) Mileage related to audit verification services is charged at the rate established by the Washington state office of financial management at the time the service was performed.

(3) The fee for terminal market inspection services is $74.00 per hour, $151.00 per lot for a carlot equivalent of each product, and $125.00 per lot for one-half carlot equivalent or less of each product. The fee for each additional lot of the same product is $69.00. The overtime fee is an additional $38.00 per hour. The fee for a holiday is an additional $74.00 per hour. The mileage fee related to terminal market inspection services is $1.32 per mile. USDA fees for lots and mileage are regulated by 7 C.F.R. 51.38 and 51.40, respectively, and are current as of August 5, 2014.

[Statutory Authority: RCW 15.17.140(2), 15.17.040 [15.17.030], chapters 17.24 and 34.05 RCW. WSR 14-24-086, § 16-390-240, filed 12/1/14, effective 1/1/15. Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-19-040, § 16-390-240, filed 9/12/12, effective 10/13/12. Statutory Authority: Chapters 15.17 and 34.05 RCW. WSR 07-16-084, § 16-390-240, filed 7/30/07, effective 8/30/07. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. WSR 04-11-078, § 16-390-240, filed 5/18/04, effective 6/18/04.]

WAC 16-390-250 Other services and fees. (1) Other services not involving certification services, provided to other agencies, commissions, growers, businesses, and organizations are charged at the applicable hourly fee specified in WAC 16-390-025.

(2) Other inspection and certification services, such as bean, pea, lentil, hay or straw certification provided to other programs in the department, other agencies, commissions, growers, businesses, and organizations are charged at the applicable hourly fee specified in WAC 16-390-025.

(3) The fee for facsimile or electronic transmission of inspection documents not provided with certification services is five dollars per transmission.

(4) The fee for a certified copy of an original certificate is five dollars.

[Statutory Authority: RCW 15.17.140(2), 15.17.040 [15.17.030], chapters 17.24 and 34.05 RCW. WSR 14-24-086, § 16-390-250, filed 12/1/14, effective 1/1/15. Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-19-040, § 16-390-250, filed 9/12/12, effective 10/13/12. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. WSR 04-11-078, § 16-390-250, filed 5/18/04, effective 6/18/04.]

WAC 16-390-260 Overtime and holiday charges. All certification services performed outside of regular business hours are charged a fee equivalent to the applicable overtime fee specified in WAC 16-390-025 unless an applicable CWT fee meets or exceeds the overtime fee.

[Statutory Authority: RCW 15.17.140(2), 15.17.040 [15.17.030], chapters 17.24 and 34.05 RCW. WSR 14-24-086, § 16-390-260, filed 12/1/14, effective 1/1/15. Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-19-040, § 16-390-260, filed 9/12/12, effective 10/13/12. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. WSR 04-11-078, § 16-390-260, filed 5/18/04, effective 6/18/04.]

WAC 16-390-270 Waived fees. Certificate of compliance fees may be waived for fruits and vegetables donated to bona fide nonprofit organizations. The shipping containers must be conspicuously labeled or marked "not for resale."

[Statutory Authority: RCW 15.17.140(2), 15.17.040 [15.17.030], chapters 17.24 and 34.05 RCW. WSR 14-24-086, § 16-390-270, filed 12/1/14, effective 1/1/15. Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-19-040, § 16-390-270, filed 9/12/12, effective 10/13/12. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. WSR 04-11-078, § 16-390-270, filed 5/18/04, effective 6/18/04.]

WAC 16-390-280 Payment and collection of fees and charges. (1) All fees and charges for services rendered are due within thirty days after the date of the billing statement.

(2) If payment is not received within thirty days, service may be withheld until the delinquent account is paid in full.

(3) The director may assess a penalty of eighteen percent per annum on all unpaid account balances thirty days after billing.

[Statutory Authority: RCW 15.17.140(2), 15.17.040 [15.17.030], chapters 17.24 and 34.05 RCW. WSR 14-24-086, § 16-390-280, filed 12/1/14, effective 1/1/15. Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-19-040, § 16-390-280, filed 9/12/12, effective 10/13/12. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. WSR 04-11-078, § 16-390-280, filed 5/18/04, effective 6/18/04.]