

Chapter 16-240 WAC

WSDA GRAIN INSPECTION PROGRAM—DEFINITIONS, STANDARDS, AND FEES

(Formerly chapter 16-239 WAC)

WAC	
16-240-010	Definitions.
16-240-020	Washington state grain and commodity service points.
16-240-030	Commodities covered by chapter 22.09 RCW.
16-240-032	Grades and standards adopted by Washington state.
16-240-034	Service requests.
16-240-036	Permanent staffing requests.
16-240-038	Revenue minimum determination.
16-240-039	USDA, GIPSA, FGIS administrative fee.
16-240-040	Official commercial inspection services.
16-240-042	Payment of fees and charges.
16-240-043	Minimum operating fund balance fee adjustment.
16-240-044	GIPSA, FGIS scale authorization.
16-240-046	Straight time rate.
16-240-048	Rates for working outside established business hours (overtime).
16-240-050	Calculating travel time, mileage and per diem.
16-240-052	Fees for stowage examination.
16-240-054	Service cancellation fee.
16-240-056	Fees for dedicated staff time.
16-240-060	WSDA grain program hourly rates, fees and cancellation fees.
16-240-070	Fees for services under the United States Grain Standards Act.
16-240-080	Fees for services under the Agricultural Marketing Act of 1946.
16-240-090	Fees for other services performed by WSDA.

WAC 16-240-010 Definitions. "Business day" means Monday through Friday, excluding state holidays.

"Department" means the Washington state department of agriculture.

"Federal fiscal year" means October 1st through September 30th for GIPSA, FGIS.

"Fee" means any charge made by the department for:

- (1) Inspecting and handling any commodity; or
- (2) Any service related to weighing or storing grains or commodities.

"Fiscal year" means July 1st through June 30th for the state of Washington.

"GIPSA, FGIS" means the United States Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, Federal Grain Inspection Service.

"Metric ton" means two thousand two hundred four and six-tenths pounds.

"Minimum operating fund balance" or "MOFB" means six months of grain inspection program operating expenses to ensure stable service delivery, meet future needs, and protect against financial instability. The factors that the department considers when setting the annual MOFB under WAC 16-240-043 include the projected program staff salary and benefits; costs of the program's goods and services, including transportation; costs associated with the department's administrative support of the program; and any additional costs associated with program oversight by USDA/FGIS.

"Official commercial inspection services" means a contractual agreement between the applicant and the department for services specified by the applicant that will be provided at an applicant's facility.

"Revenue minimum" means the amount of revenue that must be collected by the department to offset expenses. In order to act as an official inspection agency under the United States Grain Standards Act and the Agricultural Marketing Act of 1946, the program must collect revenue to offset expenses. The grain inspection program is supported entirely by the fees it generates from the services it provides as required by RCW 22.09.790. The circumstances under which charges occur to collect the revenue minimum are stated in WAC 16-240-038.

"Service point" means the Washington state department of agriculture offices and surrounding service areas authorized by the Federal Grain Inspection Service to provide sampling, inspecting, weighing, and certification services.

"Shift" means an established period of staffing for up to twelve hours at transloading facilities or up to eight hours at export port or domestic service point locations. Service requests in excess of the established period would require requesting an additional shift. Any work beyond the established shift period constitutes an additional shift.

"Unstaffed export locations" means a facility that does not have a permanent staffing request in place for day, night, swing, or graveyard shifts.

"USDA" means the United States Department of Agriculture.

[Statutory Authority: RCW 22.09.020 and chapter 34.05 RCW. WSR 17-19-051, § 16-240-010, filed 9/13/17, effective 10/14/17; WSR 16-12-076, § 16-240-010, filed 5/27/16, effective 7/1/16. Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-21-064, § 16-240-010, filed 10/17/12, effective 11/17/12. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. WSR 05-11-058, § 16-240-010, filed 5/17/05, effective 6/17/05.]

WAC 16-240-020 Washington state grain and commodity service points. The offices located in the following cities are service points for providing sampling, inspecting, weighing, and certification services.

- (1) Service points:
 - (a) Colfax.
 - (b) Kalama (North).
 - (c) Kalama (South).
 - (d) Longview.
 - (e) Olympia.
 - (f) Othello.
 - (g) Pasco.

- (h) Quincy.
- (i) Seattle.
- (j) Spokane.
- (k) Tacoma.
- (l) Vancouver.

(2) Aberdeen has been delegated to Washington state as a service point by the Federal Grain Inspection Service. Services for Aberdeen are as follows:

(a) Services for Aberdeen may be requested through the Tacoma grain inspection office.

(b) Travel time and mileage will be charged from Tacoma to Aberdeen for all services requested at Aberdeen until a permanent staff is established.

(3) Inspection points may be added or deleted within the department's delegated and designated service area.

[Statutory Authority: RCW 22.09.020 and chapter 34.05 RCW. WSR 17-19-051, § 16-240-020, filed 9/13/17, effective 10/14/17; WSR 16-12-076, § 16-240-020, filed 5/27/16, effective 7/1/16. Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-21-064, § 16-240-020, filed 10/17/12, effective 11/17/12. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. WSR 05-11-058, § 16-240-020, filed 5/17/05, effective 6/17/05.]

WAC 16-240-030 Commodities covered by chapter 22.09 RCW. Commodities covered under chapter 22.09 RCW and this chapter with respect to sampling, inspection, weighing, and quality or constituent determinations include all:

- (1) Grains with standards or inspection criteria established under the United States Grain Standards Act;
- (2) Commodities with standards or inspection criteria established under the Agricultural Marketing Act;
- (3) Commodities with standards or inspection criteria established under Washington state standards; and
- (4) By-products resulting from conditioning or processing the grains and commodities listed in this section.

[Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. WSR 05-11-058, § 16-240-030, filed 5/17/05, effective 6/17/05.]

WAC 16-240-032 Grades and standards adopted by Washington state. Washington state adopts the following grades and standards:

(1) The grades and standards established by the United States Department of Agriculture from August 1, 1984, and as subsequently amended, that apply to all grains and commodities regulated by this chapter.

(2) The procedures to sample, grade, test and weigh grains and commodities, established by the regulations and instructions under the United States Grain Standards Act and the Agricultural Marketing Act of 1946, and as subsequently amended.

[Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-21-064, § 16-240-032, filed 10/17/12, effective 11/17/12. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. WSR 05-11-058, § 16-240-032, filed 5/17/05, effective 6/17/05.]

WAC 16-240-034 Service requests. An applicant must place a service request in order to ensure staffing:

(1) Service requests must be received by the inspection office by 2:00 p.m. of the last business day before the requested service.

(a) The notification requirement allows the department to secure adequate staffing to supply the requested service and to accommodate leave or adjust staffing for anticipated workloads.

(b) The notification requirement applies even if there is permanent staffing at the location (see WAC 16-240-036).

(c) Failure to meet the notification requirement may result in denial of service.

(2) Service requests beyond the office's usual scope or volume will be provided only if adequate numbers of qualified employees are available.

(3) The department reserves the right to determine the number of personnel necessary to provide the requested service.

[Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. WSR 05-11-058, § 16-240-034, filed 5/17/05, effective 6/17/05.]

WAC 16-240-036 Permanent staffing requests. An applicant may request the department to establish permanent staffing on shifts as shown below:

(1) Requests for permanent staffing of day, night, swing, or graveyard shifts must be made in writing at least seven business days prior to the shift(s) that are requested.

(a) Requests for permanent staffing of any night, swing or graveyard shift will be deemed to include a request for permanent staffing of the day shift.

(b) The requested shift(s) will be established if the department has an adequate number of trained personnel.

(c) Confirmation of staffing requirements must be received by the inspection office by 2:00 p.m. each business day for the next service day, including requests for weekend days, for Mondays, or for holidays, which must be requested by 2:00 p.m. on the last business day of the week (see WAC 16-240-034).

(d) Failure to meet the notification requirement may result in denial of service.

(2) When the department is able to staff the permanent night, swing, or graveyard shift(s) requested by the applicant, the overtime rate established under WAC 16-240-048 will be waived for the requested shift(s).

(3) Once established, permanent shifts will continue until canceled by the requesting party or canceled by the department for good cause.

(a) Cancellation requests must be received, in writing, giving at least fifteen business days' notice.

(b) Applicants will be charged for any shifts established at their request until the cancellation notice period has expired.

[Statutory Authority: RCW 22.09.020 and chapter 34.05 RCW. WSR 17-19-051, § 16-240-036, filed 9/13/17, effective 10/14/17. Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-21-064, § 16-240-036, filed 10/17/12, effective 11/17/12. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under

the Federal Grain Inspection, Packers and Stockyards Administration. WSR 05-11-058, § 16-240-036, filed 5/17/05, effective 6/17/05.]

WAC 16-240-038 Revenue minimum determination.

The circumstances under which the department adjusts rates to meet the revenue minimum are as follows:

(1) When the daily volume of work at a service location at the established fees does not generate revenue at least equal to the straight time hourly rate per hour, per employee, a sufficient additional amount, calculated by using the straight time hourly rate per hour, per employee, will be added to the established fee amount to meet the revenue minimum, except as provided in subsection (2) of this section.

(2) The daily revenue minimum charge applies only to the Tier 1 metric tonnage rate shown in WAC 16-240-070 (2)(b) at USGSA Table 1 and in WAC 16-240-080 (2)(b) at AMA Table 1. When either a Tier 2 or Tier 3 rate is in effect (WAC 16-240-043, 16-240-070, and 16-240-080), export locations will not be subject to daily revenue minimum charges during the Tier 2 or Tier 3 rate period allowed under WAC 16-240-043.

(3) Work volume daily averaging at export locations will be determined as follows:

(a) When the daily volume of work at a service location at the established fees does not generate revenue equivalent to the straight time hourly rate per hour, per employee, including applicable supervisory and clerical employee hours, according to the staffing needs at the facility, the department will charge an additional fee, except as provided in subsection (2) of this section.

(b) The straight time hourly rate will be charged per hour, per employee.

(c) Service cancellation fees, WAC 16-240-054, are not considered to be revenue under daily averaging.

(4) Work volume monthly averaging at export locations will be determined as follows:

(a) When the applicant has requested the department to establish one or more permanent shifts, the applicant may request, in writing, that the revenue minimum required for staffing at the location be determined based on the completed invoices for the calendar month, instead of paying the fees for daily volume of work.

(b) Under this subsection (4), and except for when the work volume monthly averaging for the revenue minimum is determined under (a) of this subsection, when the monthly volume of work at the established fees does not generate revenue equivalent to the straight time hourly rate per hour, per employee, including applicable supervisory and clerical employee hours, according to the staffing needs at the facility, a sufficient additional amount, calculated by using the straight time hourly rate per hour, per employee, will be added to the established fee amount to meet the revenue minimum for each month during which work volume monthly averaging applies. As provided under (f) of this subsection, this revenue minimum adjustment applies only during any month when Tier 1 rates are in effect.

(c) At export locations, the request for monthly averaging stays in effect until canceled.

(d) An applicant's written request to establish or cancel monthly averaging for the coming month must be received by 2:00 p.m. of the last business day in the month.

(e) Service cancellation fees under WAC 16-240-054 are not considered to be revenue under monthly averaging.

(f) The monthly revenue minimum charge applies only to the Tier 1 rate shown in USGSA Table 1 under WAC 16-240-070 (2)(b) and AMA Table 1 under WAC 16-240-080 (2)(b) of this schedule. When either the Tier 2 or Tier 3 rate is in effect, export locations will not be subject to daily revenue minimum charges during the Tier 2 or Tier 3 rate period allowed under WAC 16-240-043.

(i) Upon the applicant's written notification to the department, the monthly revenue minimum will not be applied to the month in which an export facility resumes operations after an extended downtime. This exception for maintenance or repair is available once per fiscal year.

(ii) When the department provides services at a nonexport location or a transloading facility, and the hourly, unit, and applicable travel fees do not cover the cost of providing the service, a sufficient additional amount calculated by using the straight time hourly rate per hour, per employee, will be added to the established fee amount to meet the revenue minimum.

[Statutory Authority: RCW 22.09.020 and chapter 34.05 RCW. WSR 17-19-051, § 16-240-038, filed 9/13/17, effective 10/14/17; WSR 16-12-076, § 16-240-038, filed 5/27/16, effective 7/1/16. Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-21-064, § 16-240-038, filed 10/17/12, effective 11/17/12. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. WSR 05-11-058, § 16-240-038, filed 5/17/05, effective 6/17/05.]

WAC 16-240-039 USDA, GIPSA, FGIS administrative fee. The United States Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, Federal Grain Inspection Service charges a per metric ton administrative fee for export and other grain handled by facilities in the Washington state department of agriculture service area.

(1) Washington state department of agriculture will invoice and collect GIPSA's administrative fee at the current GIPSA tonnage calculation or charge on behalf of GIPSA and will pass through the fee to GIPSA, FGIS.

(2) Washington state department of agriculture will charge the federal fiscal year administrative fee established by GIPSA, FGIS under the guidelines established by GIPSA for collecting the fee.

[Statutory Authority: RCW 22.09.020 and chapter 34.05 RCW. WSR 17-19-051, § 16-240-039, filed 9/13/17, effective 10/14/17; WSR 16-12-076, § 16-240-039, filed 5/27/16, effective 7/1/16.]

WAC 16-240-040 Official commercial inspection services. The department may provide on-site official commercial inspection services, at the applicant's request, when all of the following conditions are met:

(1) As applicable under 7 C.F.R. § 800.46, appropriate space and security must be provided by the applicant.

(2) The applicant must provide a written document fully describing the services requested so the department can determine appropriate staffing levels and develop a guarantee of expenses proposal.

(3) The department must be able to provide appropriate licensed personnel to accomplish the service requested.

(4) An adequate provision for fees is negotiated.

[Statutory Authority: RCW 22.09.020 and chapter 34.05 RCW. WSR 17-19-051, § 16-240-040, filed 9/13/17, effective 10/14/17; WSR 16-12-076, § 16-240-040, filed 5/27/16, effective 7/1/16. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. WSR 05-11-058, § 16-240-040, filed 5/17/05, effective 6/17/05.]

WAC 16-240-042 Payment of fees and charges. (1)

All department fees and charges for services rendered are due within thirty days of the statement date. Interest at the rate of one percent per month, or fraction thereof, shall accrue on any balance owed after thirty days of the statement date.

(2) If the department does not receive payment within thirty days:

(a) The department may withhold services until the delinquent account is paid; and

(b) The department may require the customer to prepay for subsequent services.

[Statutory Authority: RCW 22.09.020 and chapter 34.05 RCW. WSR 17-19-051, § 16-240-042, filed 9/13/17, effective 10/14/17. Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-21-064, § 16-240-042, filed 10/17/12, effective 11/17/12. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. WSR 05-11-058, § 16-240-042, filed 5/17/05, effective 6/17/05.]

WAC 16-240-043 Minimum operating fund balance fee adjustment. The department shall establish the minimum operating fund balance amount on the first business day of July each year.

(1) At the time the minimum operating fund balance amount is established, if the fund balance is above the new minimum operating fund balance amount by at least ten percent, the metric ton vessel rate and the approved automated weighing system rate per metric ton under WAC 16-240-070 (2)(b) at USGSA Table 1 shall be the next lower tier rate beginning August 1st of that year, and the metric ton vessel rate and the approved automated weighing systems rate per metric ton under WAC 16-240-080 (2)(b) at AMA Table 1 shall be the next lower tier rate beginning August 1st of that year.

(2) At the time the minimum operating fund balance amount is established, if the fund balance is below the new minimum operating fund balance by at least ten percent, the metric ton vessel rate and the approved automated weighing systems rate per metric ton under WAC 16-240-070 (2)(b) at USGSA Table 1 shall be the next higher tier rate beginning August 1st of that year, and the metric ton vessel rate and the approved automated weighing systems rate per metric ton under WAC 16-240-080 (2)(b) at AMA Table 1 shall be the next higher tier rate beginning August 1st of that year.

(3) If after three months at the Tier 2 rate the fund balance is not reduced to or projected by the department to achieve reduction to the minimum operating fund balance within the following six months, the metric ton vessel rate and approved automated weighing system rate per metric ton under WAC 16-240-070 (2)(b) at USGSA Table 1 shall be the Tier 3 rate beginning the first day of the following month, and the metric ton vessel rate and the approved automated weighing systems rate per metric ton under WAC 16-240-

080 (2)(b) at AMA Table 1 shall be the Tier 3 rate beginning the first day of the following month.

(4) The department may review the status of the minimum operating fund balance any month during each fiscal year. On the first business day of the month following such review, if the fund balance is above the minimum operating balance by at least ten percent, the next lower tier rate under this section shall apply. If the fund balance is below the minimum operating fund balance by at least ten percent, the next higher tier rate under this section shall apply. Any change in the rates required under this subsection shall take effect beginning the first day of the following month. The department shall give notice of any rate change as provided under subsection (5) of this section.

(5) The department shall post notice of each year's current minimum operating fund balance amount on the department's WSDAgrades.com web site within three business days of the date in July when that amount is established under this section.

(6) The department shall post notice of the rates established under subsection (1) through (4) of this section on the department's WSDAgrades.com web site within three business days of the date the department determines the rates. The posted notice shall identify the rate for each affected category of service and the date each rate takes effect. Notice is not required to be posted when an established rate does not change following review under this section.

(7) By email or other means, the department may provide optional additional notice to current customers and to any other interested persons of the minimum operating fund balance established under this section and notice of any rates established or changed under subsections (1) through (4) of this section. Such optional additional notice should be given within the same times as the required notices under subsections (5) and (6) of this section. This subsection (7) shall not affect the validity of any rates established or changed under this section.

[Statutory Authority: RCW 22.09.020 and chapter 34.05 RCW. WSR 17-19-051, § 16-240-043, filed 9/13/17, effective 10/14/17; WSR 16-12-076, § 16-240-043, filed 5/27/16, effective 7/1/16. Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-21-064, § 16-240-043, filed 10/17/12, effective 11/17/12.]

WAC 16-240-044 GIPSA, FGIS scale authorization.

The United States Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, Federal Grain Inspection Service (USDA, GIPSA, FGIS) has delegated official scale testing and scale authorization authority to the department.

(1) The GIPSA, FGIS scale authorization fee established in WAC 16-240-060, per hour, per employee is charged when GIPSA, FGIS scale authorization services are performed.

(2) In addition to the hourly GIPSA, FGIS scale authorization fee; the department may charge travel time at the scale authorization hourly rate, mileage beyond ten miles from the scale specialist's assigned office location, per diem, or overtime, if applicable.

(3) All scales in Washington state under USDA, GIPSA, FGIS jurisdiction must comply with the following testing requirements:

(a) Scales must be tested and certified for accuracy at least twice each year by an authorized Washington state department of agriculture scale specialist or a USDA, GIPSA, FGIS scale specialist.

(b) When tested by the department or by USDA, GIPSA, FGIS, a seal must be placed on the scales. This seal must be dated and must indicate approval or rejection.

(c) When scales are tested, copies of the test report must be:

- (i) Forwarded to USDA, GIPSA, FGIS;
 - (ii) Maintained by the department; and
 - (iii) Maintained at the facility where the scale is located.
- (4) The scale authorization fee is charged in one-half hour increments.

[Statutory Authority: RCW 22.09.020 and chapter 34.05 RCW. WSR 17-19-051, § 16-240-044, filed 9/13/17, effective 10/14/17; WSR 16-12-076, § 16-240-044, filed 5/27/16, effective 7/1/16. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. WSR 05-11-058, § 16-240-044, filed 5/17/05, effective 6/17/05.]

WAC 16-240-046 Straight time rate. The department will charge the straight time hourly rate per hour, per employee, including applicable supervisory and clerical employee hours, as cited below.

(1) An hourly rate is specified in the schedule of fees adopted under this chapter.

(2) No other straight time hourly rate is established in the schedule of fees under this chapter.

(3) The revenue minimum under WAC 16-240-038 may apply.

(4) No contractual agreement supersedes the straight time rate other than for official commercial inspection services provided under WAC 16-240-040.

(5) The straight time hourly rate is charged in one-half hour increments.

[Statutory Authority: RCW 22.09.020 and chapter 34.05 RCW. WSR 17-19-051, § 16-240-046, filed 9/13/17, effective 10/14/17; WSR 16-12-076, § 16-240-046, filed 5/27/16, effective 7/1/16. Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-21-064, § 16-240-046, filed 10/17/12, effective 11/17/12. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. WSR 05-11-058, § 16-240-046, filed 5/17/05, effective 6/17/05.]

WAC 16-240-048 Rates for working outside established business hours (overtime). In addition to regular inspection and weighing fees and any applicable hourly rate, the department will charge the overtime rate per hour, per employee, including applicable supervisory and clerical employee hours, when a service is requested:

- (1) Anytime on Saturdays, Sundays, or holidays.
- (2) Before or after regularly scheduled office hours, Monday through Friday, except as provided in WAC 16-240-036 for an established permanent staffing request.
- (3) During established meal periods on any shift.
- (4) For services requested at unstaffed export locations.
- (5) Overtime is charged in one-half hour increments.

[Statutory Authority: RCW 22.09.020 and chapter 34.05 RCW. WSR 17-19-051, § 16-240-048, filed 9/13/17, effective 10/14/17; WSR 16-12-076, § 16-240-048, filed 5/27/16, effective 7/1/16. Statutory Authority: 2003 1st sp.s. c

(9/13/17)

25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. WSR 05-11-058, § 16-240-048, filed 5/17/05, effective 6/17/05.]

WAC 16-240-050 Calculating travel time, mileage and per diem. The rules for charging travel time, mileage, and per diem are as follows:

(1) Travel time: When department personnel perform services at locations other than service points, the applicant, in addition to the fee for the service performed, must pay the department for travel time as follows:

(a) Travel time for each department employee from the established service location to the inspection point and return at the hourly rates in effect at the time the service is performed; except

(b) Travel time for scale authorization is charged from the scale specialist's assigned office location to the scale location and return at the hourly scale authorization rate shown in WAC 16-240-060, USGSA—AMA—WSDA Table 1.

(2) Mileage: Mileage will be charged to inspection locations beyond ten miles from a service point location. Mileage will be charged from the service point location to the inspection point and return.

(a) For scale authorization services on scales located beyond ten miles from the scale specialist's assigned office location, mileage will be charged from the scale specialist's assigned office location to the scale location and return.

(b) Mileage will be prorated among applicants when multiple service stops can be scheduled during a single service trip.

(c) The mileage rate is charged according to the state of Washington office of financial management private vehicle mileage reimbursement rate in effect at the time the service is performed.

(3) Per diem: Per diem may be charged when an employee is required to travel to provide services. The charge will be at the rate established by the state of Washington office of financial management that is in effect at the time the service is performed.

[Statutory Authority: RCW 22.09.020 and chapter 34.05 RCW. WSR 17-19-051, § 16-240-050, filed 9/13/17, effective 10/14/17. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. WSR 05-11-058, § 16-240-050, filed 5/17/05, effective 6/17/05.]

WAC 16-240-052 Fees for stowage examination. (1) The following rules apply for fees for stowage examination services on vessels or ocean-going barges.

(a) At anchor stowage examination services will be conducted at the convenience of the designated grain inspection office during daylight hours under safe working and weather conditions.

(b) The applicant is responsible for securing licensed tug or water taxi to provide safe transportation to and from the anchor point.

(c) Two vessel or ship's agent representatives will accompany each WSDA inspector performing stowage examination services.

(d) In addition to the fee in USGSA Table 8 under WAC 16-240-070 (2)(b), the department may charge, as applicable, the following fees:

- WAC 16-240-048 (rates outside of established business hours);
- WAC 16-240-050 (travel, mileage beyond ten miles, per diem);
- WAC 16-240-054 (service cancellation fee).

(2) The following rules apply for fees for other stowage examination services:

(a) Fees for stowage examination services will not be charged when official sampling and inspection occurs at the time of loading or when official check loading is performed, unless the applicant requests an official stowage examination certificate.

(b) The stowage examination requirement associated with service at the time of loading may be waived in accordance with GIPSA, FGIS Directive 9020.1, available from United States Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, Federal Grain Inspection Service.

(c) The applicant is responsible for assuring stowage space is readily accessible to inspection personnel.

[Statutory Authority: RCW 22.09.020 and chapter 34.05 RCW. WSR 17-19-051, § 16-240-052, filed 9/13/17, effective 10/14/17. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. WSR 05-11-058, § 16-240-052, filed 5/17/05, effective 6/17/05.]

WAC 16-240-054 Service cancellation fee. A service cancellation fee applies when service is requested and then canceled.

(1) When an applicant requests a shift to provide service before or after the inspection office's established hours, a cancellation fee applies as follows:

(a) When a service is requested before or after an office's standard Monday through Friday shifts, or anytime on Saturdays, Sundays, or holidays; and

(b) The requested service is canceled after 2:00 p.m. of the last business day before the requested service; then

(c) A service cancellation fee according to WAC 16-240-060, Table 1, will be charged per employee scheduled.

(2) When service is requested for a vessel inspection, a cancellation fee applies as follows:

(a) When a vessel inspection is requested and then canceled after 2:00 p.m. of the last business day before the requested service; and

(b) The service cancellation fee will be charged per employee scheduled to inspect the vessel.

(3) When a facility has an approved permanent staffing request letter in place for the day, night, swing, or graveyard shift, the department waives the cancellation fee for the permanently staffed shift.

[Statutory Authority: RCW 22.09.020 and chapter 34.05 RCW. WSR 17-19-051, § 16-240-054, filed 9/13/17, effective 10/14/17; WSR 16-12-076, § 16-240-054, filed 5/27/16, effective 7/1/16. Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-21-064, § 16-240-054, filed 10/17/12, effective 11/17/12. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. WSR 05-11-058, § 16-240-054, filed 5/17/05, effective 6/17/05.]

WAC 16-240-056 Fees for dedicated staff time. The department provides administrative and consultation services and related assistance to an applicant for service that is establishing a new facility or renovating an existing facility when those services can be provided within the department's established staffing and normal course of business. When dedicated staff time is required to assist an applicant for service to establish or renovate a facility, the following fees apply.

(1) When dedicated staff time is required by an applicant for service to establish or renovate a facility, the department will charge the applicable hourly rates established in WAC 16-240-060.

(2) When dedicated staff time is required to add automated systems to a facility or to resolve systems installation or operation issues, the department will charge the applicable hourly rates established in WAC 16-240-060.

(3) When dedicated staff time is required, the department will charge the applicable travel fees established in WAC 16-240-050.

[Statutory Authority: RCW 22.09.020 and chapter 34.05 RCW. WSR 16-12-076, § 16-240-056, filed 5/27/16, effective 7/1/16.]

WAC 16-240-060 WSDA grain program hourly rates, fees and cancellation fees. USGSA—AMA—WSDA Table 1 contains fees for GIPSA, FGIS scale authorization, straight-time hourly rate, overtime hourly rate, and service cancellation fees for services performed under the United States Grain Standards Act, the Agricultural Marketing Act of 1946, and Washington state rule.

**USGSA—AMA—WSDA Table 1
WSDA Grain Program Hourly Rates, Fees and Cancellation Fees**

1.	Scale authorization fee, per hour, per employee	\$56.00
2.	Straight-time rate, per hour, per employee	\$56.00
3.	Overtime rate established under WAC 16-240-048, per hour, per employee	\$28.00
4.	Service cancellation fee, per employee	\$200.00

[Statutory Authority: RCW 22.09.020 and chapter 34.05 RCW. WSR 17-19-051, § 16-240-060, filed 9/13/17, effective 10/14/17; WSR 16-12-076, § 16-240-060, filed 5/27/16, effective 7/1/16. Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-21-064, § 16-240-060, filed 10/17/12, effective 11/17/12. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. WSR 05-11-058, § 16-240-060, filed 5/17/05, effective 6/17/05.]

WAC 16-240-070 Fees for services under the United States Grain Standards Act. (1) USGSA Tables 1 through (8) in this section contain fees for official sampling, inspection, weighing services, and fees for other associated services under the United States Grain Standards Act (USGSA). Services available include inspection, sampling, testing, weighing, laboratory analysis, and certification.

(2) Fees that are not otherwise provided for in this chapter for services under the United States Grain Standards Act are described below.

(a) Fees for other services under the United States Grain Standards Act not specifically cited in WAC 16-240-070 are provided at the rates contained in WAC 16-240-080 or 16-240-090 or at the published rates of the laboratory or organization providing the official service or analysis. The program will require the applicant for service to provide advance consent to the rate for any service necessary to be performed at an external laboratory or organization.

(b) An applicant may be required to provide the necessary supplies and equipment when requesting a new or special type of analysis.

**USGSA Table 1
Fees for Combination Inspection and Weighing Services**

1.	In, out, or local, rate for all tiers, per metric ton	\$0.250
2.	Vessels (export and domestic ocean-going), Tier 1 rate, per metric ton	\$0.250
3.	Vessels and local (export and domestic ocean-going) with approved automated weighing systems, Tier 1 rate, per metric ton	\$0.230
Note: For automated weighing systems:		
<ul style="list-style-type: none"> ■ When approved automated weighing systems are not functioning properly, dedicated staff time may be required at the rates established in WAC 16-240-060. 		
4.	Vessels and local (export and domestic ocean-going), Tier 2 rate, per metric ton	\$0.200
5.	Vessels and local (export and domestic ocean-going), Tier 3 rate, per metric ton	\$0.100
Note: For vessels (export and domestic ocean-going):		
<ul style="list-style-type: none"> ■ The metric ton vessel rate includes all additional factor inspection services required by the load order. All other additional factor inspection services in USGSA Table 1 are charged at the per factor fee. ■ The metric ton vessel rate includes all official ship samples required by the load order. ■ Stress crack analysis in corn is included in the fees in USGSA Table 1. ■ During vessel loading, fees for other tests, such as protein analysis, falling number determinations, or mycotoxin analysis will be charged at the per unit rates included under this chapter. 		
6.	Trucks or containers, per truck or container	\$25.00
7.	Additional nongrade determining factor analysis, per factor	\$3.00

**USGSA Table 2
Fees for Official Sampling and Inspection Without Weighing Services**

1.	Original or new sample reinspection trucks or containers sampled by approved grain probe, including factor only or sampling only services, per truck or container	\$20.00
2.	Barge sampled by USDA approved mechanical sampler, including factor only or sampling only services, per metric ton	\$0.10
3.	Railcars sampled by USDA approved mechanical sampler, including factor only or sampling only services, per railcar	\$20.00
4.	Original or new sample reinspection railcars sampled by USDA approved grain probe, applicant assisted, including factor only or sampling only services, per railcar	\$20.00
5.	Original or new sample reinspection railcars sampled by USDA approved grain probe, including factor only or sampling only services, per railcar	\$30.00
Note: The following applies to all fees in this table:		
<ul style="list-style-type: none"> ■ For barley, determining and certifying of dockage to tenths is included in the fees in USGSA Table 2. ■ Stress crack analysis in corn is included in the fees in USGSA Table 2. ■ Analysis that requires additional equipment or personnel will be provided at the applicable hourly rate under this chapter. ■ The per railcar rate applies to each railcar included in a batch grade. A batch grade is two or more cars that are combined, at the applicant's request, for a single grade. 		
6.	Inspection of bagged grain, including tote bags, per hundredweight (cwt)	\$0.100
7.	Additional nongrade determining factor analysis, per factor	\$3.00

**USGSA Table 3
Fees for Official Class X Weighing Services Without an Inspection of Bulk Grain**

1.	In, out, or local, per metric ton	\$0.200
2.	Vessels (export and domestic ocean-going), per metric ton	\$0.200
3.	Trucks or containers, per weight lot	\$20.00

USGSA Table 4

Fees for Inspection of Submitted Samples, Fees for Reinspections Based on Official File Samples and Fees for Additional Factors

1.	Submitted samples, including factor-only inspections, per inspection	\$12.00
2.	Reinspections based on official file sample, including factor-only reinspections, per inspection	\$12.00
3.	Additional, nongrade determining factor analysis, per factor	\$3.00
4.	Stress crack only analysis on corn, per sample	\$9.00

Note: The following applies to all fees in this table:

- When submitted samples are not of sufficient size to allow for official grade analysis, obtainable factors may be provided, upon request of the applicant, at the submitted sample rates shown above.
- For barley, determining and certifying of dockage to tenths is included in the fees in USGSA Table 4.
- Stress crack analysis in corn is included in the fees in USGSA Table 4.
- Analysis that requires additional equipment or personnel will be provided at the applicable hourly rate under this chapter.

USGSA Table 5

Fees for Miscellaneous Services

1.	Laboratory analysis, at cost	At cost
2.	All other USGSA services not listed in this section, per hour, per employee	\$56.00

Note: The following applies to all fees in this table:

- On request, shipping arrangements billed directly by shipper to the customer's shipping account may be coordinated by the department.

USGSA Table 6

Fees for Official Analysis for Protein, Oil, or Other Official Constituents

Original or reinspection based on file sample, per test	\$9.00
--	---------------

Note: The following applies to the fee in USGSA Table 6:

- When a reinspection service includes a request for a new sample, the appropriate sampling fee will also be charged.
- Results for multiple criteria achieved in a single testing operation are provided at the single test rate unless certificated separately.

USGSA Table 7

Fees for Testing for the Presence of Mycotoxins Using USDA Approved Methods

Original, reinspection based on official file sample, or submitted sample, per test	\$40.00
--	----------------

Note: The following applies to this table:

- When a reinspection service includes a request for a new sample, the appropriate sampling fee to obtain the sample will be charged in addition to the per test fee shown earlier (see WAC 16-240-070, USGSA Table 2).

USGSA Table 8

Fees for Stowage Examination Services on Vessels or Ocean-Going Barges and Fees for Other Stowage Examination Services

1.	Vessels or ocean-going barges stowage examination, original or reinspection, per request	\$500.00
2.	Other stowage examinations of railcars, trucks, trailers, or containers, original or reinspection, per inspection	\$9.00

[Statutory Authority: RCW 22.09.020 and chapter 34.05 RCW. WSR 17-19-051, § 16-240-070, filed 9/13/17, effective 10/14/17; WSR 16-12-076, § 16-240-070, filed 5/27/16, effective 7/1/16. Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-21-064, § 16-240-070, filed 10/17/12, effective 11/17/12. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. WSR 05-11-058, § 16-240-070, filed 5/17/05, effective 6/17/05.]

WAC 16-240-080 Fees for services under the Agricultural Marketing Act of 1946. (1) AMA Tables 1 through 5 in this section contain official sampling, inspection, or weighing services and fees for other services under the Agricultural Marketing Act of 1946 (AMA). Services available include inspection, sampling, testing, weighing, laboratory analysis, and certification.

(2) Fees that are not otherwise provided for in this chapter for services under the Agricultural Marketing Act of 1946 are described below.

(a) Fees for other services under the Agricultural Marketing Act of 1946 not contained in WAC 16-240-080 are contained in WAC 16-240-070 or 16-240-090 or at the published rates of the laboratory or organization providing the official service or analysis.

(b) An applicant may be required to provide the necessary supplies or equipment when requesting a new or special type of analysis.

AMA Table 1

Fees for Combination Sampling, Inspection and Weighing Services, and Additional Factors

1.	In, out, or local, rate for all tiers, per metric ton	\$0.250
2.	Vessels (export or domestic), Tier 1 rate, per metric ton	\$0.250

3.	Vessels and local (export and domestic ocean-going) with approved automated weighing systems, Tier 1 rate, per metric ton	\$0.230
Note: For automated weighing systems:		
<ul style="list-style-type: none"> When approved automated weighing systems are not functioning properly, dedicated staff time may be required at the rates established in WAC 16-240-060. 		
4.	Vessels and local (export and domestic ocean-going), Tier 2 rate, per metric ton	\$0.200
5.	Vessels and local (export and domestic ocean-going), Tier 3 rate, per metric ton	\$0.100
Note: For vessels (export and domestic ocean-going):		
<ul style="list-style-type: none"> The metric ton vessel rate includes all additional factor inspection services required by the load order. All other additional factor inspection services in AMA Table 1 are charged at the per factor fee. The metric ton vessel rate includes all official ship samples required by the load order. During vessel loading, fees for other tests, such as protein analysis, falling number determinations, or mycotoxin analysis will be charged at the per unit rates included under this chapter. 		
6.	Trucks or containers, per truck or container	\$30.00
7.	Additional, nongrade determining factor analysis, per factor	\$3.00
Note: The following applies to all fees in this table:		
<ul style="list-style-type: none"> The rates in the above section also apply to services provided under federal criteria inspection instructions, state established standards, or other applicant requested criteria. Dockage breakdown is included in the basic inspection fee. The metric ton vessel rate includes all additional factor inspection services required by the load order. All other additional factor inspection services in AMA Table 1 are charged at the per factor fee. Fees for other tests, such as mycotoxin analysis, provided during vessel loading will be charged at the per unit rates included in this fee schedule. 		

AMA Table 2
Fees for Official Sampling and Inspection Without Weighing Services, and Additional Factors

1.	Trucks or containers sampled by USDA approved grain probe, including factor only or sampling only services, per truck or container	\$30.00
2.	Barge sampled by USDA approved mechanical sampler, including factor only or sampling only services, per metric ton	\$0.10
3.	Railcars sampled by USDA approved mechanical samplers, including factor only or sampling only services, per railcar	\$30.00
4.	Railcars sampled by USDA approved grain probe, including factor only or sampling only services, per railcar	\$30.00
5.	Inspection of bagged commodities or tote bags, including factor only or sampling only services, per hundredweight (cwt)	\$0.100
6.	Additional, nongrade determining factor analysis, per factor	\$3.00
Note: The following applies to all fees in this table:		
<ul style="list-style-type: none"> Dockage breakdown is included in the basic inspection fee. Analysis for special grade requirements or criteria analysis that requires additional equipment or personnel will be provided at the hourly rate. The rates shown above also apply to services provided under federal criteria inspection instructions. 		

AMA Table 3
Fees for Official Weighing Services without Inspections

1.	In, out, or local, per metric ton	\$0.200
2.	Vessels (export and domestic ocean-going), per metric ton	\$0.200
3.	Trucks or containers, per weight lot	\$20.00

AMA Table 4
Fees for Inspecting Submitted Samples

1.	Submitted sample, thresher run or processed, including factor-only inspections, per sample	\$20.00
2.	Additional, nongrade determining factor analysis, per factor	\$3.00
Note: The following applies to all fees in this table:		
<ul style="list-style-type: none"> Dockage breakdown is included in the basic inspection fee. 		

- Analysis for special grade requirements or criteria analysis that requires additional equipment or personnel will be provided at the hourly rate.
- The rates shown above also apply to inspection services provided under federal criteria inspection instructions.
- When the size of a submitted sample is insufficient to perform official grade analysis, factor-only analysis is available on request of the applicant.

**AMA Table 5
Fees for Miscellaneous Services**

1. Falling number determinations, including liquefaction number on request, per determination	\$20.00
2. Sampling and handling of processed commodities, per hour, per employee	\$56.00
3. Laboratory analysis, at cost	At cost
Note: The following applies to all fees in this table:	
<ul style="list-style-type: none"> ■ On request, shipping arrangements billed directly by shipper to the customer's shipping account may be coordinated by the department. 	

[Statutory Authority: RCW 22.09.020 and chapter 34.05 RCW. WSR 17-19-051, § 16-240-080, filed 9/13/17, effective 10/14/17; WSR 16-12-076, § 16-240-080, filed 5/27/16, effective 7/1/16. Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-21-064, § 16-240-080, filed 10/17/12, effective 11/17/12. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. WSR 05-11-058, § 16-240-080, filed 5/17/05, effective 6/17/05.]

WAC 16-240-090 Fees for other services performed by WSDA. (1) WSDA Tables 1 through 3 in this section contain fees for other services performed at the request of the applicant when no USGSA or AMA standards exist. Services available include inspection, sampling, testing, weighing, laboratory analysis, and certification.

(2) Applicant-defined analysis may be available from the department.

(a) Hourly fees for sampling or sample preparation may be charged.

(b) The analysis will be provided at the established hourly rate or may be provided at the cost quoted by the laboratory or organization providing the service or analysis.

(c) Applicant may be required to provide supplies and equipment when requesting a new analysis or special service.

(3) Official samples, as defined under 7 C.F.R. 800.75, may be provided upon timely request by an interested party, specifying the number of samples requested. Samples are provided in up to five pound bags and are charged the fee stated in Table 3.

**WSDA Table 1
Fees for Inspecting Miscellaneous Agricultural Commodities under Chapter 16-213 WAC**

1. Submitted sample, per sample	\$12.00
2. Railcars, sampled by USDA approved diverter-type mechanical samplers, per car	\$20.00
3. Railcars, sampled by USDA approved grain probe, per car	\$30.00
4. Trucks or containers, sampled by USDA approved grain probe, per truck or container	\$20.00
Note: The following applies to all fees in this table:	
<ul style="list-style-type: none"> ■ These rates also apply to inspection services provided under applicant-specified criteria or standards other than USGSA, AMA or WSDA. For example: Millet may be inspected under state of Montana standards, upon applicant request. 	

**WSDA Table 2
Fees for Phytosanitary Certification**

1. In conjunction with official inspection, per certificate	\$30.00
2. For phytosanitary certification only, without official inspection, add required sampling time, per hour, per employee	\$56.00

**WSDA Table 3
Fees for Miscellaneous Services**

1. Unofficial constituent analysis, per test	\$9.00
2. Sample pick-up fee, on department established routes, per sample	\$1.25
3. Laboratory analysis, provided at other than WSDA grain inspection program offices, per analysis	At cost
4. Official samples, per bag	\$5.00

[Statutory Authority: RCW 22.09.020 and chapter 34.05 RCW. WSR 17-19-051, § 16-240-090, filed 9/13/17, effective 10/14/17. Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-21-064, § 16-240-090, filed 10/17/12, effective 11/17/12. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. WSR 05-11-058, § 16-240-090, filed 5/17/05, effective 6/17/05.]