



MEMORANDUM

Date: July 15, 2002

To: Dennis W. Cooper, Code Reviser
Marty Brown, OFM Director
Joint Administrative Rules Review Committee

Agency Rule Coordinators:
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 Transportation

From: George Huffman, Rules Coordinator 
Washington State Department of Agriculture
P. O. Box 42560
Olympia, WA 98504-2560
Phone: 902-1802

Re: **Semi-Annual Rules Development Agenda**
(July 1, 2002 to December 31, 2002)

Attached is the Department of Agriculture's semi-annual rules development agenda for the period July 1, 2002 through December 31, 2002, which is being sent to you in compliance with RCW 34.05.314.

If you have any questions, please call me at (360) 902-1802 or e-mail me at ghuffman@agr.wa.gov

Attachment

CODE REVISOR'S OFFICE STATE OF WASHINGTON 1910	
JUL 15 2002	
957	
TIME	AM PM
WSR	0215-076

**Washington State Department of Agriculture
Semi-Annual Rules Agenda, July 1, 2002 – December 31, 2002**
P.O. Box 42560, Olympia, WA 98504-2560

WAC Number	Rule Title	Agency Contact	CR-101	Tentative Timeline CR-102	CR-103	Subject of Rulemaking
Pesticide Management Division WAC 16-200-750 through 887	Rules Relating to Commercial Feeds	Ali Kashani Pesticide Registration Pesticide Management Division Phone: 360-902-2028	7-02	11-02	2-03	<p>As part of the department's Executive Order 97-02 rule review process, WAC 16-200-750 through 887 will be revised to:</p> <ul style="list-style-type: none"> • Increase the safety of animal feed by adapting applicable sections of Part 589.2000 of Title 21 of the Code of Federal Register (Animal proteins prohibited in ruminant feed) to WSDA feed rules. • Increase consistency between WSDA feed rules and the feed rules of many other states as well as the Association of American Feed Control model regulations, thus improving trade between states. Specifically, the 2002 applicable model regulations of the Association of American Feed Control Officials will be incorporated into WSDA feed rules. • Clarify the language of the existing feed rule • Update the current feed rule to reflect changes within the feed industry.

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Pesticide Management Division WAC 16-201-010 through 290; WAC 16-202-2000; and WAC 16-200-600 through 739	Civil Penalty Matrix	Ted Maxwell Pesticide Registration Pesticide Management Division 360-902-2026	6-19-02	10-2-02	12-18-02	To adopt rules establishing a method for determining civil penalties for violations of chapter 15.54 RCW and WSDA rules regulating fertilizer bulk storage secondary containment, fertigation, and fertilizer registration and distribution.
WAC 16-228-1010	Definitions	Cliff Weed, Program Manager Pesticide Compliance Phone: 360-902-2036	4-2-01	TBD	TBD	Correct grammar; add wording regarding pollen shedding corn, methyl parathion (allow for elimination of the methyl parathion pollen shedding corn orders, eliminate wording on cancelled uses); correct editing errors and combine wording in some sections; drop sections and move section relating to record keeping for distributors to two new sections for clarity and accuracy; allow the department to issue more overall permits for EUPs (efficiency); modify pesticide licensing examination requirements (agency policy clarified in rule).

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Pesticide Management Division WAC 16-228-1235 through 12371	Rules restricting the use of Clopyralid	Cliff Weed, Program Manager Pesticide Compliance Phone: 360-902-2036	Fall 2002	TBD	TBD	After monitoring the effectiveness of the new rules adopted in May 2002, the department may initiate rule making after analyzing the monitoring results and based upon recommendations from the Clopyralid Technical Advisory Committee.
WAC 16-228-2000 through 2040	Wood Destroying Organisms	Cliff Weed, Program Manager Pesticide Compliance Phone: 360-902-2036	2-27-01	7-03-02	9-02	Amend rules related to wood destroying organism inspections to provide greater clarity to the regulated industry and greater protection to consumers.
WAC 16-229-010	Definitions	Cliff Weed, Program Manager Pesticide Compliance Phone: 360-902-2036	8-22-01	5-02	TBD	Amend the current definition of pesticide temporary field storage containers to allow containers of more than 2,500 gallons.
Laboratory Services Division Chapter 16-321 WAC	Grass Sod – Certification Standards	Tom Wessels, Program Manager Plant Services Program Lab Services Division Phone: 360-902-1984	2-27-01	TBD	TBD	Update the sod certification program rules to reflect current industry and program practices, scientific knowledge and statutory requirements. In addition, they will be rewritten in clear language and an easier to read format.

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WAC Number	Rule Title	Agency Contact	CR-101	Tentative Timeline CR-102	CR-103	Subject of Rulemaking
Laboratory Services Division Chapter 16-674 WAC	Weights and Measures- Sealing, Marking, Retesting Devices	Jerry Buendel, Washington State Department of Agriculture, Weights and Measures Program, P.O. Box 42560, Olympia, WA 98502-3525, or e-mail jbuendel@agr.wa.gov	4-3-02	6-5-02	7-22-02	Re-titled the chapter to more accurately describe its content and amended sections to clarify weighmaster licensing and operating requirements. The amendments update exemptions for certain weighing or measuring devices or instruments. Weighmasters are now required to register weighing and measuring devices when the devices are placed into commercial use. Three sections regarding fees for inspections, tests, grain elevator scale tests and railroad track scales are repealed and in modified form moved to <u>chapter 16-675 WAC</u> . The fees in these modified sections were increased within the fiscal growth factor for Fiscal Year 2003. Finally, the chapter was rewritten in a clear and readable format and updated to conform to current industry standards.

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Laboratory Services Division Chapter 16-675 WAC	Calibration Services	Jerry Buendel, Washington State Department of Agriculture, Weights and Measures Program, P.O. Box 42560, Olympia, WA 98502-3525, or e-mail jbuendel@agr.wa.gov	4-3-02	6-5-02	7-22-02	Amendments increase fees for service in the Washington State Department of Agriculture weights and measures program to offset the costs of furnishing the services. The fee increases are within the fiscal growth factor for Fiscal Year 2003. The chapter was also re-titled to "Calibration Services, Special Inspection and Testing Fees." The department moved sections formerly located in <u>chapter 16-674 WAC</u> establishing fees for special inspections and tests and fees for railroad track scales to this WAC. This change places all weights and measures fees for services in one chapter. The chapter was rewritten in a clear and readable format and updated to conform to current industry standards.
Chapter 16-401 WAC	Nursery Inspection Fees	Tom Wessels, Program Manager Plant Services Program Lab Services Division Phone: 360-902-1984	7-3-02	9-02	11-02	The chapter will be amended to allow for assessing grapevines. Rule language will be developed with the help of a Grape Advisory Committee. Industry suggests adopting an assessment rate before next year's nursery crop is planted.

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Laboratory Services Division Chapter 16-487 WAC	Prunus Disease Quarantine	Tom Wessels, Program Manager Plant Services Program Lab Services Division Phone: 360-902-1984	7-02	10-02	12-02	In order to meet federal standards, rules may require that all prunus stock coming into Washington State be tested for plum pox.
NEW	Labeling rules for nursery stock	Tom Wessels, Program Manager Plant Services Program Lab Services Division Phone: 360-902-1984	9-02	12-02	TBD	Rules would implement statutory requirement that nursery stock offered for sale in Washington State be labeled with the botanical name of the stock.
NEW	Blueberry planting stock certification	Tom Wessels, Program Manager Plant Services Program Lab Services Division Phone: 360-902-1984	1-23-01	TBD	TBD	Rules regulating the certification of blueberry planting stock may be needed to enable the industry to combat the spread of plant pests and export planting stock overseas.
Food Safety, Animal Health and Consumer Services Division Chapter 16-89 WAC	Sheep and Goat Scrapie Disease Control	Robert W. Mead, DVM Food Safety, Animal Health and Consumer Services Phone: 360-902-1881	12-19-01	9-02	11-02	In order for Washington state to maintain its status as a complaint state, the state scrapie rules must be amended by January 1, 2003 to remain in compliance with recently adopted federal rules.

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Food Safety, Animal Health and Consumer Services Division Chapter 16-101X WAC	Dairy Penalty Matrix	Claudia Coles, Program Manager Food Safety, Animal Health and Consumer Services Phone: 360-902-1905	8-21-02	11-20-02	TBD	Amend the chapter to include the assessment of civil penalties as an equivalent penalty action to degrade (lowering in grade from A to C) for violations of chapter 15.36 RCW. The proposed amendments will encourage compliance with dairy regulations, streamline the penalty process, bring WSDA enforcement strategies in line with interstate requirements, and reduce the burden on the dairy industry when milk must be rerouted and often disposed as a result of the degrade action.
Chapter 16-157 WAC	Organic Food Standards and Certification	Miles McEvoy, Organic Food Program Manager Food Safety, Animal Health and Consumer Services Phone: 360-902-1924	7-02	10-02	TBD	Based upon information coming from the National Organic Program (NOP), WSDA's Organic Program will need to revise chapter 16-157 WAC to bring it into compliance with NOP standards.

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Food Safety, Animal Health and Consumer Services Division							
Chapter 16-160 WAC	Registration of Materials for Organic Food Production	Miles McEvoy, Organic Food Program Manager Food Safety, Animal Health and Consumer Services Phone: 360-902-1924	11-02	TBD	TBD	TBD	The department has adopted the National Organic Program in Washington state requiring that chapter 16-160 WAC be amended to comply with NOP material standards.
Agency Operations Division							
NEW	WSDA Procedural Rules for Funding One-Half of the WSDA Commodity Commission Coordinator position	Deborah Anderson Commodity Commission Coordinator Phone: 360-902-2043	4-3-02	6-19-02	8-1-02		To implement Chapter 313, Laws of 2002, Sections 7, 44 and 72-78 (ESHB 2688) authorizing department rules establishing a method for funding, from all commodity boards and commissions, one-half of the WSDA Commodity Commission Coordinator position.
Commodity Inspection Division							
Chapter 16-449 WAC	Washington Controlled Atmosphere Storage Requirements for Winter Pears	Jim Quigley, Program Manager Commodity Inspection Division Phone: 360-902-1883	8-7-02				Combine the three chapters into one chapter containing the controlled atmosphere requirements for fruits and vegetables.
Chapter 16-459 WAC	Controlled Atmosphere Storage						
Chapter 16-690 WAC	Fruit Storage						

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Commodity Inspection Division Chapter 16-448 WAC	Standards for Potatoes	Jim Quigley, Program Manager Commodity Inspection Division Phone: 360-902-1883	8-702			Update the chapter to reflect the current federal marketing order and United States Potato Grading standards. Also, amend the chapter to allow the Fruit and Vegetable Inspection Program to offer alternative inspection programs such as quality control inspections involving the issuance of a certificate of compliance and/or permit.
WAC 16-400-008	Reduction of inspection fees levied under this chapter.	Jim Quigley, Program Manager Commodity Inspection Division Phone: 360-902-1883	N/A	N/A	7-1-02	Emergency rule to implement statutory changes, Chapter 322, Laws 2002 (SSB 6254). Adopting new section that reduces fees for inspection services in the old Moses Lake District by 9.5% and reduces inspection fees in the Yakima District by 12.5%.
Chapter 16-458 WAC	Fruit and Vegetable Inspection District Boundaries	Jim Quigley, Program Manager Commodity Inspection Division Phone: 360-902-1883	N/A	N/A	7-1-02	Emergency rule to implement statutory changes, Chapter 322, Laws 2002 (SSB 6254). Repeal WAC 16-458-080 Fruit and vegetable district three thus eliminating the Moses Lake District. Amending WAC 16-458-075 and 085 to divide the former Moses Lake District service area between Yakima and Wenatchee.

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Commodity Inspection Division WAC 16-400-008	Reduction of inspection fees levied under this chapter.	Jim Quigley, Program Manager Commodity Inspection Division Phone: 360-902-1883	7-2-02	8-7-02	9-27-02	Permanent rules to implement statutory changes and replace emergency rules filed on July 2, 2002. Tentative effective date of the permanent rules is October 28, 2002.
Chapter 16-458 WAC	Fruit and Vegetable Inspection District Boundaries	Jim Quigley, Program Manager Commodity Inspection Division Phone: 360-902-1883	7-2-02	8-7-02	9-27-02	Permanent rules to implement statutory changes and replace emergency rules filed on July 2, 2002. Tentative effective date of the permanent rules is October 28, 2002.


George Huffman, Rules Coordinator