



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Agriculture

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

(1) Date of adoption: May 30, 2003

(2) Purpose: The purpose of this rule making order is to:

(1) Repeal current WAC chapter 16-238, WSDA Grain Inspection Program—Fee Schedule.

(2) Replace current chapter 16-238 WAC with a new chapter 16-239 WAC, which contains the same requirements as chapter 16-238 WAC but presents those requirements in clear and readable language so they are easier to understand and follow. In addition, to further comply with the clarity criteria in Executive Order 97-02, the new chapter is organized and formatted so it is easier to use. For example, fee schedules are presented in a tabular format rather than the old narrative format. Because the changes in language and format are quite extensive, the program decided to repeal the current chapter 16-238 WAC and replace it with the new chapter 16-239 WAC, WSDA Grain Inspection Program—Definitions, Standards, Fees and Charges.

(3) Increase current grain inspection fees by the OFM fiscal growth rate factors for fiscal year 2003 (3.29 percent) and for fiscal year 2004 (3.2 percent). These increases help cover the program's increased cost of doing business due to inflation and increased service requests. They are necessary so the program can continue to provide the level of service that industry expects. They are also necessary so the program can comply with RCW 22.09.790, which requires that the agency must recover the costs it incurs for inspecting, weighing and grading grain.

(3) Citation of existing rules affected by this order:

Repealed: Chapter 16-238-010, 16-238-020, 16-238-030, 16-238-060, 16-238-070, 16-238-082, 16-238-090, 16-238-100, 16-238-110

Amended:

Suspended:

(4) Statutory authority for adoption: RCW 22.09.790 and chapter 34.05 RCW

Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)
 Adopted under notice filed as WSR 03-07-082 on March 18, 2003.

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: The United States Department of Agriculture has oversight of fees charged under the federal Grain Inspection, Packers and Stockyards Administration.

(6) Effective date of rule:

Permanent Rules or Expedited Repeal <input checked="" type="checkbox"/> 31 days after filing <input type="checkbox"/> Other (specify) _____*	Emergency Rules <input type="checkbox"/> Immediately <input type="checkbox"/> Later (specify) _____
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*If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print)
Valoria H. Loveland

Signature
Valoria H. Loveland

Title Director	Date May 30, 2003
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CODE REVISER USE ONLY

DATE REVISIONS NOTICE
IN

TIME 9:52 (11) AM

WSR 03-12-040

**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	<u>52</u>	Amended	_____	Repealed	<u>9</u>
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	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

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

New	<u>52</u>	Amended	_____	Repealed	<u>9</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	<u>52</u>	Amended	_____	Repealed	<u>9</u>

Chapter 16-239 WAC

WSDA GRAIN INSPECTION PROGRAM--DEFINITIONS, STANDARDS, FEES AND CHARGES

NEW SECTION

WAC 16-239-010 Definitions. "Department" means the Washington state department of agriculture.

"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.

"GIPSA/FGIS" means the Grain Inspection, Packers and Stockyards Administration, Federal Grain Inspection Service.

"Official commercial inspection services" means a contractual agreement between the applicant and the department that includes, but is not limited to, the following:

- (1) An applicant developed list or narrative that includes the specific inspection services and service scope they are requesting;
- (2) An applicant developed timeline showing when specific inspection services must be performed by the department; and
- (3) The specific inspection space and equipment that the applicant will provide at their expense.

"Overtime" means:

- (1) Any time worked on Saturdays, Sundays, or holidays; and
- (2) All time worked before or after regularly scheduled working hours on Monday through Friday.

"Ton" means two thousand pounds avoirdupois.

"USDA" means the United States Department of Agriculture.

NEW SECTION

WAC 16-239-020 Washington state grain and commodity inspection points. The following cities are department-designated points for inspecting and weighing standardized grains, beans, peas, lentils and other commodities:

- Colfax
- Kalama

- Olympia
- Pasco
- Seattle
- Spokane
- Tacoma
- Vancouver.

NEW SECTION

WAC 16-239-030 Commodities covered by chapter 22.09 RCW.

Commodities covered under chapter 22.09 RCW 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.

NEW SECTION

WAC 16-239-040 Grades and standards adopted by Washington state. Washington state has adopted the following grades and standards:

- (1) The grades and standards established by the United States Department of Agriculture from August 1, 1984, to the present 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.

NEW SECTION

WAC 16-239-050 Scale testing. 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. All scales in Washington state under USDA, GIPSA/FGIS jurisdiction must comply with the following testing requirements:

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

(2) 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.

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

- (a) Forwarded to the USDA, GIPSA/FGIS;
- (b) Maintained by the department; and
- (c) Maintained at the facility where the scale is located.

NEW SECTION

WAC 16-239-060 Guarantee of expenses. When service is requested that requires assigning personnel to a facility where the volume of work at the established fee will not cover the cost of providing the service, a guarantee of expenses is required.

NEW SECTION

WAC 16-239-061 Guaranteed staffing levels. If the department has an adequate number of trained personnel, an applicant for services may contract with the department for guaranteed staffing levels at negotiated minimum hours and unit fees.

NEW SECTION

WAC 16-239-062 Additional fees to cover insufficient revenue at export locations. (1) When the lot size or workload is of insufficient size to generate revenue equivalent to the per hour straight time fee per employee, an additional fee must be assessed.

(2) The purpose of the additional fee is to insure that the total revenue generated on a daily basis is equal to the per hour straight time fee per employee.

(3) Upon the applicant's written request, the additional fee may be established using the average hourly revenue generated at

the worksite over the Monday through Sunday workweek (weekly averaging).

(4) Without a written request, the additional fee must be assessed on a daily basis.

Note: The weekly averaging computation uses the prior week's invoices for ship lots completed before the start of business on Monday. It does not include fees assessed for GIPSA/FGIS scale authorization, overtime, late notice, call-back, standby, shift request, or shift cancellation.

NEW SECTION

WAC 16-239-063 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) Appropriate space, equipment and security must be provided by the applicant.

(2) The applicant must provide a written document fully describing the services requested.

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

(4) A guarantee of expenses is negotiated.

Note: The applicant must fully describe the requested services in writing so the department can determine appropriate staffing levels and develop a guarantee of expenses proposal.

NEW SECTION

WAC 16-239-064 Calculating travel time, mileage and per diem.

When department personnel perform services at locations other than department-designated grain and commodity inspection points, the applicant must pay the department:

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

(2) Mileage from the established inspection point to the service location and return for each vehicle involved. The mileage rate is assessed according to the state of Washington's general administration private vehicle mileage reimbursement rate in effect at the time the service is performed.

(3) If applicable, a per diem rate will be assessed for each department employee equal to the established state of Washington travel status per diem rates in effect at the time the service is performed.

NEW SECTION

WAC 16-239-065 Payment of fees and charges. (1) All department fees and charges for services rendered are due within thirty days of the statement date.

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

(a) Services may be withheld until the delinquent account is paid; or

(b) Cash payment for subsequent services may be required.

(3) The department assesses a penalty of twelve percent per annum on all delinquent account balances.

NEW SECTION

WAC 16-239-070 Basic WSDA grain program fees for service. Basic WSDA grain program fees for service and related requirements are contained in WAC 16-239-071 through 16-239-079.

NEW SECTION

WAC 16-239-071 Straight time rate. (1) Except for a GIPSA/FGIS scale authorization service, the department's per employee straight time rate is:

	Rate Per Hour
Effective June 30, 2003	\$28.75
Effective July 1, 2003	\$29.50

(2) The straight time rate is assessed when:

(a) No other fee, guarantee of expenses or contractual agreement exists; or

(b) It is specified in the schedule of fees; or

(c) The fees generated through the service provided are not equivalent to the straight time rate, per hour, per employee (including applicable supervisory and clerical employee hours).

NEW SECTION

WAC 16-239-072 GIPSA/FGIS scale authorization fee. (1) The department's per employee GIPSA/FGIS scale authorization fee is:

	Rate Per Hour
Effective June 30, 2003	\$38.08
Effective July 1, 2003	\$39.00

(2) The GIPSA/FGIS scale authorization fee, per hour, per employee is assessed when GIPSA/FGIS scale authorization services are requested or required.

(3) In addition to the hourly GIPSA/FGIS scale authorization fee; the department may assess travel time, mileage, per diem, overtime, late notice, call-back, standby and service cancellation fees.

NEW SECTION

WAC 16-239-073 Overtime and night shift rates. (1) The department's per employee overtime and night shift rates are:

	Rate Per Hour
Effective June 30, 2003	\$7.48
Effective July 1, 2003	\$7.70

(2) In addition to regular inspection and weighing fees, the department will charge overtime and night shift rates per hour, per employee, including applicable supervisory and clerical employee hours, when a service is requested:

(a) Before or after regularly scheduled working hours, Monday through Friday; or

(b) During established meal periods on any shift; or

(c) Anytime on Saturdays, Sundays or holidays.

(3) When an applicant contracts for a permanent night shift, the overtime and night shift rates for the night shift will be waived after the initial seven-day notice period expires.

NEW SECTION

WAC 16-239-074 Late notice fee. (1) The department's per employee late notice fee is:

	Rate Per Hour
Effective June 30, 2003	\$4.98
Effective July 1, 2003	\$5.12

(2) (a) Requests for service on Saturdays, Sundays, or holidays, or for work before or after regularly scheduled working hours, Monday through Friday, must be received by the inspection office no later than 2:00 p.m. of the last regularly scheduled working day before the date of the requested service. For example, the inspection office must receive a request for Saturday service by 2:00 p.m. of the preceding Friday.

(b) When the service request is not received by 2:00 p.m., the department will provide services if qualified employees are available.

(3) (a) Service requests beyond the normal scope or volume requested at an inspection site must be received by the inspection office no later than 2:00 p.m. of the last regularly scheduled working day before the requested date of service.

(b) The department will provide the service if adequate numbers of qualified employees are available.

(4) The late notice fee will be assessed only for those hours of the service that the department is able to staff.

NEW SECTION

WAC 16-239-075 Call-back fee. (1) The department's call-back fee is:

	Fee Per Employee
Effective June 30, 2003	\$25.01
Effective July 1, 2003	\$25.80

(2) When the department receives requests for services after the close of business on a regular scheduled working day and sufficient numbers of qualified staff are available to provide the requested service, the department will assess a call-back fee for each employee scheduled for that shift or service request.

(3) The department will assess one call-back fee for each employee scheduled for a shift on a Saturday, Sunday, or holiday.

NEW SECTION

WAC 16-239-076 Shift request fee. (1) The department's per employee shift request fee is:

	Rate Per Hour
Effective June 30, 2003	\$7.48
Effective July 1, 2003	\$7.70

(2) Requests for establishing a night or graveyard shift must be given to the department in writing. The requested shift will begin seven days after the department receives the applicant's written request.

(3) If the night or graveyard shift begins before the seven-day notice period has expired, the department will assess a shift request fee for every hour an employee is assigned to the new shift(s) beginning with the day the employee is assigned until the seven-day notice expires.

(4) In addition to paying shift request fees for night or graveyard shifts, those locations where the department cannot maintain full-time staffing due to inadequate workloads or inconsistent work schedules are assessed shift request fees for day shifts.

(5) (a) At locations where department staffing has been reduced below the full-time permanent day shift numbers due to a lack of work, an applicant requesting a day shift that begins before the seven-day notice period has expired must pay a shift request fee for every hour that a department employee is assigned to the location.

(b) The assessment begins when the department employee is assigned and ends when the seven-day notice for the assigned employee expires.

NEW SECTION

WAC 16-239-077 Shift cancellation fee. (1) The department's per employee shift cancellation fee is:

	Rate Per Hour
Effective June 30, 2003	\$7.48
Effective July 1, 2003	\$7.70

(2) (a) All requests to cancel a previously requested night or graveyard shift must be given to the department, in writing, at least twenty-one days before the cancellation date.

(b) If the applicant does not give the department the full twenty-one day notice, a shift cancellation fee will be assessed for all hours between the time the assigned staff would have worked and the time when the twenty-one day notice expires.

(3) Locations that are not routinely staffed due to inconsistent schedules or are inadequately staffed due to a lack of work, will be assessed the shift cancellation fee for all shifts where the full twenty-one day cancellation notice is not given.

NEW SECTION

WAC 16-239-078 Four-hour minimum standby fee. (1) The department's per employee four-hour minimum standby fee is:

	Rate Per Employee Per Hour
Effective June 30, 2003	\$28.75
Effective July 1, 2003	\$29.50

(2) When a service is requested before or after the inspection office's established standard Monday through Friday workday or anytime on Saturdays, Sundays, or holidays and the service cannot be performed through no fault of the department, the per employee four-hour minimum standby fee will be assessed.

(3) The per employee four-hour minimum standby fee is assessed when service is requested at a location not routinely staffed on a Monday through Friday basis if the department is able to adequately staff qualified personnel to perform the service and, through no fault of the department, the service cannot be performed.

(4) When a requested service begins or ends within two hours of the regular starting or ending time of a shift and the service cannot be performed through no fault of the department, the per employee standby fee is assessed on a per hour basis.

(5) The per employee standby fee is assessed for all hours staffed at the request of the applicant over the four-hour minimum.

NEW SECTION

WAC 16-239-079 Service cancellation fee. (1) The department's per employee service cancellation fee is based upon a four-hour minimum at the straight time rate:

	Rate Per Employee Per Hour
Effective June 30, 2003	\$28.75
Effective July 1, 2003	\$29.50

(2) The department will assess a per employee service cancellation fee when service is requested:

(a) Before or after working hours, Monday through Friday, or anytime on a Saturday, Sunday or holiday, and a cancellation of the request is not received by 2:00 p.m. of the last regularly scheduled working day before the service is scheduled to begin; or

(b) At locations that are not routinely staffed on a Monday through Friday basis because of inconsistent schedules or are inadequately staffed due to a lack of work and a service cancellation request is not received at the inspection office by 2:00 p.m. of the last regularly scheduled working day before the requested service is scheduled to begin.

NEW SECTION

WAC 16-239-080 Fees for official sampling, inspecting, and/or weighing services under the United States Grain Standards Act. WAC 16-239-0801 through 16-239-0812 contain the specific WSDA fees for performing official sampling, inspecting, and/or weighing services under the United States Grain Standards Act.

NEW SECTION

WAC 16-239-0801 Fees for combination inspection and weighing services. Table 1 contains the fees for performing combination inspection and weighing services.

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

Inspection and Weighing Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Barges	\$0.132 per ton	\$0.136 per ton
Bin transfers	\$0.132 per ton	\$0.136 per ton
Vessels (export and domestic ocean-going)		
• First 3,000,000 short tons per fiscal year*	\$0.138 per ton	\$0.142 per ton
• From 3,000,001 to 5,000,000 short tons per fiscal year*	\$0.131 per ton	\$0.131 per ton

Inspection and Weighing Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
● From 5,000,001 to 6,500,000 short tons per fiscal year*	\$0.128 per ton	\$0.128 per ton
● Over 6,500,000 short tons per fiscal year*	\$0.120 per ton	\$0.120 per ton
*Note: The tonnage assessment is applied in full lot increments and is reset at the beginning of each fiscal year. The fiscal year begins July 1 and ends the following June 30.		
Unit trains	\$0.132 per ton	\$0.136 per ton

NEW SECTION

WAC 16-239-0802 Fees for official sampling and inspecting without weighing and fees for official sampling only. Table 2 contains the fees for performing official sampling and inspecting services without weighing and the fees for performing only official sampling services.

Table 2

Fees for Official Sampling and Inspecting Without Weighing and Fees for Official Sampling Only

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Car lots sampled by USDA approved diverter-type mechanical samplers, including per car for each car lot incorporated into a batch grade	\$16.52 per car	\$17.00 per car
Car lots, sampled by USDA approved grain trier, original inspections, subsequent original inspections, and new sample reinspections	\$25.82 per car	\$26.50 per car
Truck lots, sampled by approved grain trier, original or new sample reinspections	\$16.31 per truck	\$16.75 per truck
Reinspections based on official file sample, except Canola*	\$9.81 per sample	\$10.00 per sample
Reinspections, Canola	\$28.75 per hour	\$29.50 per hour
*Note: Fees for laboratory determination of erucic acid, and/or glucosinolate, and/or oil content of Canola are equivalent to the USDA published fees.		
Bagged grains*	\$0.069 per hundredweight (cwt)	\$0.071 per hundredweight (cwt)
*Note: Factor-only reinspections available at the established reinspection fee, contingent on GIPSA/FGIS approval of the factor-only reinspection service option.		

NEW SECTION

WAC 16-239-0803 Fees for official Class X weighing services without an inspection. Table 3 contains the fees for performing official Class X weighing services without an inspection.

Table 3

Fees for Official Class X Weighing Services Without an Inspection

Weighing Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Cars, barges, or vessels	\$0.115 per ton	\$0.118 per ton
Bin transfers	\$0.115 per ton	\$0.118 per ton
Trucks, including sea van type containers	\$8.18 per weight lot	\$8.44 per weight lot

NEW SECTION

WAC 16-239-0804 Fees for other official weighing services. Table 4 contains the fees for performing other official weighing services.

Table 4

Fees for Other Official Weighing Services

Weighing Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Class Y weighing services	\$28.75 per hour, per employee	\$29.50 per hour, per employee
Check weighing of bagged grain	\$28.75 per hour, per employee	\$29.50 per hour, per employee

NEW SECTION

WAC 16-239-0805 Fees for inspecting submitted samples. Table 5 contains the fees for performing inspections of submitted samples.

**Table 5
Fees for Inspecting Submitted Samples**

Inspection Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Analysis under the United States Grain Standards Act, except Canola*	\$8.26 per inspection	\$8.50 per inspection
*Note: Submitted sample certificates of grade for barley may show, on request, dockage to the nearest one-tenth percent without additional charge.		
Reinspections based on official file sample, except Canola	\$9.81 per sample	\$10.00 per sample
Canola*	\$15.49 per inspection	\$15.75 per inspection
Reinspections, Canola	\$28.75 per hour	\$29.50 per hour
*Note: Fees for laboratory determination of erucic acid, and/or glucosinolate, and/or oil content of Canola are equivalent to the USDA published fees.		
Note: 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 factor-only rate shown in Table 6 of WAC 16-239-0806.		

NEW SECTION

WAC 16-239-0806 Fees for factor analysis. Table 6 contains the fees for performing factor analysis services.

**Table 6
Fees for Factor Analysis Services**

Factor Analysis Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Nongrade determining factors, requested by applicant, in addition to the original inspection or ship-loading subplot analysis	\$2.68 per factor	\$2.75 per factor
Grade determining factor-only analysis, except Waxy Corn analysis	\$2.68 per factor	\$2.75 per factor
Waxy Corn analysis	\$13.84 per analysis	\$14.25 per analysis
Note: Applicants requesting four or more USGSA grade determining factors on a submitted sample will be assessed the submitted sample rate shown in WAC 16-239-0805.		

NEW SECTION

WAC 16-239-0807 Fees for official constituent analysis using near-infrared transmittance (NIRT) technology. Table 7 contains the fees for performing official constituent analysis using near-infrared transmittance (NIRT) technology.

Table 7

Fees for Official Constituent Analysis using Near-Infrared Transmittance (NIRT) Technology

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
In conjunction with official inspection for grade	\$6.71 per test	\$6.90 per test

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Not in conjunction with official inspection for grade	\$9.08 per test	\$9.25 per test
Reinspection based on official file sample*	\$9.08 per test	\$9.25 per test
*Note: When a reinspection service includes a request for a new sample, the appropriate sampling fee in WAC 16-239-0802, Table 2, will be assessed in addition to the reinspection fee cited in Table 7.		

NEW SECTION

WAC 16-239-0808 Fees for qualitative or quantitative testing for the presence of Mycotoxins using USDA approved "ELISA," "Fluorometric," or similar methods. Table 8 contains the fees for performing qualitative or quantitative testing for the presence of Mycotoxins using USDA approved "ELISA" or "Fluorometric" methods.

**Table 8
Fees for Qualitative or Quantitative Testing for the Presence of Mycotoxins Using USDA Approved "ELISA" or "Fluorometric" Methods**

Testing Service Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Official sample or new sample reinspection, including official sampling	\$37.50 per test	\$37.50 per test
Submitted samples and reinspections based on official file sample	\$28.75 per test	\$29.50 per test
Note: Mycotoxin testing services using thin layer chromatography or equivalent USDA approved technology are available at the USDA published rate.		

NEW SECTION

WAC 16-239-0809 Fees for stowage examination services on vessels or ocean-going barges. Table 9 contains the fees for performing stowage examination services on vessels or ocean-going barges.

Table 9
Fees for Stowage Examination Services on Vessels
or Ocean-Going Barges

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Initial inspection, five hold/stowage space/tank maximum	\$130.66 minimum fee	\$134.50 minimum fee
Initial inspection, above five hold/stowage space/tank maximum	\$26.13 per hold/stowage space/tank	\$26.90 per hold/stowage space/tank
Return to hold/stowage space/tank during inspection service	\$26.13 per hold/stowage space/tank	\$26.90 per hold/stowage space/tank
Subsequent inspections, three hold/stowage space/tank maximum	\$78.39 minimum fee	\$80.70 minimum fee
Subsequent inspection, above three hold/stowage space/tank maximum	\$24.78 per hold/stowage space/tank	\$25.57 per hold/stowage space/tank
Travel time, midstream or at a nongrain loading berth, two-hour minimum per inspection request	\$28.75 per hour, per employee	\$29.50 per hour, per employee

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Stowage examination services requested on a Saturday, Sunday, or holiday, four-hour minimum	\$28.75 per hour, per employee	\$29.50 per hour, per employee
<p>Note: 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. The applicant is responsible for securing licensed tug or water taxi to provide safe transportation to and from the anchor point. Two vessel or ship's agent representatives will accompany each WSDA inspector performing stowage examination services. Appropriate fees contained in WAC 16-239-071 through 16-239-079 may be assessed in addition to the appropriate fees in Table 9.</p>		

NEW SECTION

WAC 16-239-0810 Fees for other stowage examination services.

Table 10 contains the fees for performing other stowage examination services.

**Table 10
Fees for Other Stowage Examination Services**

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Sea van containers, when not in conjunction with check loading service	\$8.77 per inspection	\$9.00 per inspection
Railcars, trucks, or other containers, not in conjunction with loading	\$8.77 per inspection	\$9.00 per inspection

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
<p>Note: Fees for stowage examination services will not be assessed when official sampling and inspection, or official weighing occurs at the time of loading, unless the applicant requests an official stowage examination certificate. The stowage examination requirement associated with service at the time of loading may be waived in accordance with GIPSA/FGIS Directive 9020.1.</p>		

NEW SECTION

WAC 16-239-0811 Fees for phytosanitary certification. Table 11 contains the fees for providing phytosanitary certification.

**Table 11
Fees for Phytosanitary Certification**

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
In conjunction with official inspection*	\$7.36 per certificate	\$7.50 per certificate
<p>*Note: Hourly fees may be assessed for research necessary to produce the requested certificate.</p>		
When not in conjunction with official inspection, add required sampling time	\$28.75 per hour, per employee	\$29.50 per hour, per employee

NEW SECTION

WAC 16-239-0812 Fees for miscellaneous services. Table 12 contains the fees for performing miscellaneous services.

**Table 12
Fees for Miscellaneous Services**

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Ship composite samples	Initial set of three provided without cost to the applicant	Initial set of three provided without cost to the applicant
Ship composite samples, in excess of the initial three, when requested in advance	\$5.68 per sample	\$5.75 per sample
Divided original certificates or letterhead statements	\$1.63 per certificate or letterhead statement	\$1.68 per certificate or letterhead statement
Extra copies of certificates or letterhead statements	\$3.26 per certificate or letterhead statement	\$3.36 per certificate or letterhead statement
Facsimile transmissions	\$1.07 per page	\$1.10 per page
Mailing of samples	At cost	At cost
Sample pickup fee, on department established routes	\$0.64 per sample	\$0.66 per sample

NEW SECTION

WAC 16-239-0813 Fees for other services under the United States Grain Standards Act. (1) Fees for other services under the United States Grain Standards Act not contained in WAC 16-239-0801 through 16-239-0812 are contained in WAC 16-239-071 through 16-239-079 and/or at the published rates of the laboratory or organization providing the official service or analysis.

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

NEW SECTION

WAC 16-239-090 Fees for performing official Agricultural Marketing Act of 1946 services. WAC 16-239-0901 through 16-239-0911 contains the specific WSDA fees for performing official Agricultural Marketing Act of 1946 services.

NEW SECTION

WAC 16-239-0901 Fees for combination inspection and weighing services. Table 13 contains the fees for performing combination inspection and weighing services.

**Table 13
Fees for Combination Inspection and Weighing Services**

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Bulk commodities under federal or state standards	\$0.138 per ton	\$0.142 per ton
Bulk commodities, under federal, state or applicant defined factor analysis	\$0.138 per ton	\$0.142 per ton
Sample and weigh grain by-products into thirty ton maximum containers, including stowage examination	\$16.31	\$16.80

NEW SECTION

WAC 16-239-0902 Fees for official sampling and inspecting without weighing and fees for official sampling only. Table 14 contains the fees for performing official sampling and inspecting

services without weighing and the fees for performing only official sampling services.

Table 14
Fees for Official Sampling and Inspecting Without Weighing and
Fees for Official Sampling Only

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Car lots sampled by USDA approved diverter-type mechanical samplers*	\$16.52 per car	\$17.00 per car
Car lots, sampled by USDA approved grain trier	\$25.82 per car	\$26.50 per car
Truck lots or container lots, sampled by USDA approved grain trier	\$16.31 per truck or container lot	\$16.75 per truck or container lot
Inspection of bagged commodities*	\$0.069 per hundredweight (cwt)	\$0.071 per hundredweight (cwt)
*Note: A minimum fee equivalent to the hourly fee cited in WAC 16-239-071 is assessed for bagged and bulk commodity sampling and inspection, or sampling only services.		

NEW SECTION

WAC 16-239-0903 Fees for official weighing services without inspections. Table 15 contains the fees for performing official weighing services without inspections.

Table 15
Fees for Official Weighing Services without Inspections

Weighing Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
From elevator to conveyance, except trucks	\$0.115 per ton	\$0.118 per ton
From conveyance to elevator, except trucks	\$0.115 per ton	\$0.118 per ton
Bin transfers	\$0.115 per ton	\$0.118 per ton
Trucks	\$8.18 per weight lot	\$8.44 per weight lot

NEW SECTION

WAC 16-239-0904 Fees for other official weighing services. Table 16 contains the fees for performing other official weighing services.

**Table 16
Fees for Other Official Weighing Services**

Weighing Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Check weighing of bagged commodities	\$28.75 per hour, per employee	\$29.50 per hour, per employee

NEW SECTION

WAC 16-239-0905 Fees for inspection of submitted samples. Table 17 contains the fees for inspecting submitted samples.

**Table 17
Fees for Inspecting Submitted Samples**

Inspection Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Standardized commodities, thresher run or processed	\$15.49 per sample	\$15.75 per sample
Commodities inspected under GIPSA/FGIS factor-only inspection procedures	\$15.49 per sample	\$15.75 per sample
Note: Fees for laboratory determinations of commodity constituents are assessed at the USDA published rate or at cost from the service provider.		

NEW SECTION

WAC 16-239-0906 Fees for factor analysis. Table 18 contains the fees for performing factor analysis services.

**Table 18
Fees for Factor Analysis Services**

Factor Analysis Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Nongrade determining factors requested by applicant, in addition to the original inspection results, except moisture	\$2.68 per factor	\$2.75 per factor
Moisture only	\$5.68 per determination	\$5.75 per determination
Nongrade determining factors requested in ship loading subplot analysis	\$2.68 per factor	\$2.75 per factor
Factor-only determinations	\$3.26 first two factors	\$3.36 first two factors

Factor Analysis Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
<p>Note: Additional factors are available at a fee of \$2.68 per factor effective June 30, 2003, and \$2.75 per factor effective July 1, 2003. Applicants requesting more than five factors will pay the appropriate submitted sample fee in WAC 16-239-0905 for the requested factors. When the size of a submitted sample is insufficient to perform official grade analysis, factor-only analysis is available but must be requested by the applicant.</p>		

NEW SECTION

WAC 16-239-0907 Fees for qualitative or quantitative testing for the presence of Mycotoxins using USDA approved "ELISA" or "Fluorometric" methods. Table 19 contains the fees for performing qualitative or quantitative testing for the presence of Mycotoxins using USDA approved "ELISA" or "Fluorometric" methods.

Table 19

Fees for Qualitative or Quantitative Testing for the Presence of Mycotoxins Using USDA Approved "ELISA" or "Fluorometric" Methods

Testing Service Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Official samples and new sample reinspections, including official sampling	\$37.50 per test	\$37.50 per test
Submitted samples and reinspections based on official file sample	\$28.75 per test	\$29.50 per test
<p>Note: Mycotoxin testing services using thin layer chromatography or equivalent USDA approved technology are available at the USDA published rate.</p>		

NEW SECTION

WAC 16-239-0908 Fees for stowage examination services on vessels or ocean-going barges. Table 20 contains the fees for performing stowage examination services on vessels or ocean-going barges.

Table 20
Fees for Stowage Examination Services on Vessels
or Ocean-Going Barges

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Initial inspection, five hold/stowage space/tank maximum	\$130.66 minimum fee	\$134.50 minimum fee
Initial inspection, above five hold/stowage space/tank maximum	\$26.13 per hold/stowage space/tank	\$26.90 per hold/stowage space/tank
Return to hold/stowage space/tank during inspection service	\$26.13 per hold/stowage space/tank	\$26.90 per hold/stowage space/tank
Subsequent inspections, three hold/stowage space/tank maximum	\$78.39 minimum fee	\$80.70 minimum fee
Subsequent inspection, above three hold/stowage space/tank maximum	\$24.78 per hold/stowage space/tank	\$25.57 per hold/stowage space/tank
Travel time, midstream or at a nongrain loading berth, two-hour minimum per inspection request	\$28.75 per hour, per employee	\$29.50 per hour, per employee

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Stowage examination services requested on a Saturday, Sunday, or holiday, four-hour minimum	\$28.75 per hour, per employee	\$29.50 per hour, per employee
<p>Note: 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. The applicant is responsible for securing licensed tug or water taxi to provide safe transportation to and from the anchor point. Two vessel or ship's agent representatives will accompany each WSDA inspector performing stowage examination services. Appropriate fees contained in WAC 16-239-071 through 16-239-079 may be assessed in addition to the appropriate fees in Table 20.</p>		

NEW SECTION

WAC 16-239-0909 Fees for other stowage examination services.

Table 21 contains the fees for performing other stowage examination services.

**Table 21
Fees for Other Stowage Examination Services**

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Sea van containers, when not in conjunction with check loading service	\$8.77 per inspection	\$9.00 per inspection
Railcars, trucks, or other containers	\$8.77 per inspection	\$9.00 per inspection

NEW SECTION

WAC 16-239-0910 Fees for phytosanitary certification. Table 22 contains the fees for providing phytosanitary certification.

Table 22
Fees for Phytosanitary Certification

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
In conjunction with official inspection*	\$7.36 per certificate	\$7.50 per certificate
*Note: Hourly fees may be assessed for research necessary to produce the requested certificate.		
When not in conjunction with official inspection, add required sampling time	\$28.75 per hour, per employee	\$29.50 per hour, per employee

NEW SECTION

WAC 16-239-0911 Fees for miscellaneous services. Table 23 contains the fees for performing miscellaneous services.

Table 23
Fees for Miscellaneous Services

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Falling numbers determinations	\$13.84 per determination	\$14.25 per determination
Liquefaction number	\$0.53 per determination	\$0.54 per determination
Divided original certificates or letterhead statements	\$1.63 per certificate or letterhead statement	\$1.68 per certificate or letterhead statement
Extra copies of certificates or letterhead statements	\$3.26 per certificate or letterhead statement	\$3.36 per certificate or letterhead statement

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Sanitation inspections at commodity processing sites, initial inspection	No charge	No charge
Sanitation inspections, return to failed facility, four-hour minimum	\$28.75 per hour, per employee	\$29.50 per hour, per employee
Sampling of processed commodities, two-hour minimum	\$28.75 per hour, per employee	\$29.50 per hour, per employee
Note: Laboratory fees associated with processed commodity lots will be assessed per the GIPSA/FGIS rates. Postage and other costs for sample delivery to the appropriate analyzing laboratory will be assessed to the applicant for service.		
Facsimile transmissions	\$1.07 per page	\$1.10 per page
Mailing of samples	At cost	At cost
Sample pickup fee, on department established routes	\$0.64 per sample	\$0.66 per sample

NEW SECTION

WAC 16-239-0912 Fees for other services under the Agricultural Marketing Act of 1946. (1) Fees for other services under the Agricultural Marketing Act of 1946 not contained in WAC 16-239-0901 through 16-239-0911 are contained in WAC 16-239-071 through 16-239-079 and/or at the published rates of the laboratory or organization providing the official service or analysis.

(2) An applicant may have to provide the necessary supplies and/or equipment when requesting a new or special type of analysis.

NEW SECTION

WAC 16-239-100 Fees for services performed under state regulation or standards and for services "as specified" by the applicant when no official standards exist. Department fees for services performed under state regulation or standards and for services "as specified" by the applicant when no official standards exist are contained in WAC 16-239-1010 through 16-239-1030.

NEW SECTION

WAC 16-239-1010 Fees for inspecting miscellaneous agricultural commodities under chapter 16-213 WAC. Table 24 contains the fees for inspecting miscellaneous agricultural commodities under chapter 16-213 WAC.

Table 24

Fees for Inspecting Miscellaneous Agricultural Commodities under Chapter 16-213 WAC

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Submitted sample inspection, cultivated buckwheat, Washington state grade or for factor-only analysis	\$8.18 per sample	\$8.44 per sample
Bulk car lots, cultivated buckwheat, sampled by USDA approved diverter-type mechanical samplers	\$16.52 per car	\$17.00 per car
Bulk car lots, cultivated buckwheat, sampled by USDA approved grain trier	\$25.82 per car	\$26.50 per car

Services Provided	Fees for Services Provided Effective June 30, 2003	Fees for Services Provided Effective July 1, 2003
Bulk truck lots or container lots, cultivated buckwheat, sampled by USDA approved grain trier	\$16.31 per truck or container lot	\$16.75 per truck or container lot
Cracked corn, corn screenings, and mixed grain screenings sampling, inspection and weighing services	At applicable fees contained in WAC 16-239-0801 through 16-239-0812	At applicable fees contained in WAC 16-239-0801 through 16-239-0812
Bagged commodities	\$0.069 per hundredweight (cwt)	\$0.071 per hundredweight (cwt)

NEW SECTION

WAC 16-239-1020 Fees for miscellaneous services. Table 25 contains the fees for performing miscellaneous services.

**Table 25
Fees for Miscellaneous Services**

Services Provided	Fees for Services Provided
Unofficial constituent analysis using near-infrared transmittance (NIRT) technology	Available at the rates in WAC 16-239-0807, Table 7
The following may be available as unofficial services: <ul style="list-style-type: none"> ● Laboratory analysis of commodities covered in WAC 16-239-1010; or 	If available, these services will be provided under the appropriate rates in WAC 16-239-071 through 16-239-079 and/or at the published rates of the laboratory or organization providing the service or analysis.

Services Provided	Fees for Services Provided
<ul style="list-style-type: none"> ● Analysis of constituents or conditions of grains or commodities not provided for in the official standards or specifically addressed in WAC 16-239-0801 through 16-239-0812 or WAC 16-239-0901 through 16-239-0911 	

NEW SECTION

WAC 16-239-1030 Fees for services not specifically identified in WAC 16-239-1010 and 16-239-1020. (1) Services not specifically identified in WAC 16-239-1010 and 16-239-1020 may be provided under the appropriate fees in WAC 16-239-071 through 16-239-079 and/or at the published rates of the laboratory or organization providing the service or analysis.

(2) An applicant may have to provide the necessary supplies and/or equipment when requesting a new or special type of analysis.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-238-010	Definitions.
WAC 16-238-020	Grain and commodity inspection points.
WAC 16-238-030	General provisions for assessment of fees.
WAC 16-238-060	Fees for official sampling, inspection, and/or weighing services under the United States Grain Standards Act.
WAC 16-238-070	Fees for official services under the Agricultural Marketing Act of 1946.
WAC 16-238-082	Fees for services performed under state regulation or standards or "as specified" by the applicant for service when no official standards exist.
WAC 16-238-090	Covered commodities.
WAC 16-238-100	Grades and standards.
WAC 16-238-110	Scales.