



RULE-MAKING ORDER

R-103 (June 2004) (Implements RCW 34.05.360)

Agency: Dept. of Agriculture

- Permanent Rule
 Emergency Rule

Effective date of rule:

Permanent Rules

- 31 days after filing.
 Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: This rulemaking order amends chapter 16-218 WAC (Hops—Certification Analyses—Fees) by:

- (1) Increasing the fee for submitted sample inspections and certification;
- (2) Providing for negotiated fees when the lab receives a request for a service for which a fee has not been established;
- (3) Clarifying that fees for chemical analysis apply to all types of hop samples;
- (4) Adding language regarding how the department will handle delinquent accounts and billings; and
- (5) Rewriting the entire chapter to make it easier to read and understand.

Citation of existing rules affected by this order:

Repealed: WAC 16-218-010, 02001, & 030
 Amended:
 Suspended:

Statutory authority for adoption: Chapter 22.09 and 34.05 RCW; Chapter 25, Laws of 2003, 1st Special Session, Section 309(2)

Other authority :

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 05-04-111 on February 2, 2005.

Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
 Address: _____ fax () _____
 e-mail _____

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- 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.
 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:

DATE ADOPTED

March 23, 2005

NAME (TYPE OR PRINT)

Valoria H. Loveland

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

FORM WITH HANDWRITTEN NOTATIONS:

TIME 1042
 WSR 05-07-150

**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>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in the agency's own initiative:

	New	<u>4</u>	Amended	<u>0</u>	Repealed	<u>3</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

	New	<u>4</u>	Amended	<u>0</u>	Repealed	<u>3</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>4</u>	Amended	<u>0</u>	Repealed	<u>3</u>

NEW SECTION

WAC 16-218-015 What fees does the department charge for the certification of hops? (1) Based upon standards established by the Federal Grain Inspection Service of the United States Department of Agriculture, the Washington state department of agriculture's (department) fees for the certification of hops are:

Type of Inspection and Other Service	Fee Charged for Inspection and Other Service
(a) Official lot inspections and certification for baled hops.	One dollar and twenty-five cents per bale with a minimum charge of thirty dollars per lot for official inspection and grading with certification.
(b) Official lot inspection and/or certification for alternative methods of packaging hops, or other services for which no fee has been established.	A contract fee may be negotiated, based on the agency's costs to furnish the services.
(c) Submitted sample inspections and certification.	One hundred fifty dollars for an unofficial sample submitted for grading with certification of a quantity not to exceed 100,000 lbs. of dried hops.
(d) Appeal inspections.	The Federal Grain Inspection Service in Portland, Oregon establishes the charges for appeal inspections, and payments for such inspections must be made to them. Department time for sampling, handling and administration regarding appeal inspections will be assessed at the sampler hourly rate.

(2) (a) Before official sampling of baled hops takes place, each and every bale in a lot of hops must be readily accessible so that:

(i) Each bale can be properly stenciled; and

(ii) Samples can be drawn from the bales selected by the inspector.

(b) Official samples drawn from baled hops must be brought back to the laboratory by the inspector for grading analysis.

(3) The department may perform official lot inspection and/or certification of hops packaged by alternative methods (e.g., hops not baled prior to processing) subject to conditions specified in a written agreement between the department and the person(s) requesting the service.

(4) (a) Submitted samples provided by a grower or dealer for grading analysis must be representative of the lot(s) and the hop material.

(b) Submitted samples are delivered to the laboratory.

NEW SECTION

WAC 16-218-025 What does the department charge for chemical analysis regarding brewing values and additional constituents in raw hops, hop extract, hop pellets and hop powder? (1) Before official sampling of baled hops takes place, each and every bale in a lot of hops must be readily accessible so that:

(a) Each bale can be properly stenciled (not done for brewing value only sampling); and

(b) Samples can be drawn from the bales selected by the inspector.

(2) Official samples drawn from baled hops must be brought back to the laboratory by the inspector for chemical analysis, simultaneous with grading analysis.

(3) Brewing value samples are obtained from a representative composite of the official samples drawn for grade analysis.

(4) Brewing value samples not sampled simultaneously for grade analysis will be charged at the same fee per bale.

(5) When department personnel officially sample hops, a brewing value certificate will be issued when the chemical analysis is done.

(6) (a) Submitted brewing value samples provided by a grower or dealer for chemical analysis must be representative of the lot(s).

(b) Submitted samples are delivered to the laboratory.

(7) Submitted brewing value certificates will be issued for submitted samples when the chemical analysis is done.

(8) Department fees for the chemical analyses of officially sampled raw hops are:

Type of Analyses	Fee	Minimum Fee
(a) ASBC spectrophotometric with moisture	\$0.35 per bale	\$30.00 per sample

Type of Analyses	Fee	Minimum Fee
(b) ASBC spectrophotometric/ conductometric or EBC conductometric without moisture	\$0.30 per bale	\$30.00 per sample
(c) Mebak, Zurich, Verzele, Ganzlin, or conductometric	\$0.60 per bale	\$60.00 per sample

(9) Department fees for chemical analyses of submitted raw hops, hop extract, hop pellets or hop powders are:

Type of Analyses	Fee
(a) ASBC spectrophotometric	\$30.00
(b) ASBC conductometric	\$30.00
(c) EBC conductometric	\$30.00
(d) EBC conductometric (Wollmer, Zurich, Mebak, Verzele, Ganzlin, or Resins (hard or soft))	\$60.00
(e) Spectrophotometric of tannins, Wollmer, etc.	\$55.00
(f) Methylene chloride	\$80.00
(g) Tannin	\$55.00
(h) Ash	\$20.00
(i) SO ₂	\$25.00
(j) H ₂ O	\$10.00
(k) HPLC	\$100.00
(l) Total oil	\$25.00
(m) Oil constituents analysis	\$145.00
(n) Wort test, particle size	\$10.00

(10) (a) The department will assess hourly charges for analytical chemistry work if no other fee has been established.

(b) Hourly charges are set by written agreement and shall be based on the costs incurred to conduct the analysis, such as:

- Labor
- Laboratory equipment
- Chemicals and materials
- Administration and overhead.

NEW SECTION

WAC 16-218-035 What does the department charge for issuing export certificates for hops and hop products? The department charges the following fees for issuing certificates related to hops

and hop products:

	Type of Certificate	Fee for Each Certificate
(1)	State phytosanitary certificates	\$25.00
(2)	Other certificates attesting to origin, compliance with standards of other states or nations or specifications of contracts, or conditions of production or processing	\$20.00

NEW SECTION

WAC 16-218-040 When are the fees and charges required by this chapter due to the department? (1) The department will bill you for the services it renders.

(2) The fees and charges billed to you are due to the department within thirty days of the statement date.

(3) If the department does not receive your payment within thirty days of the statement date, the department may:

(a) Withhold its services from you until your delinquent account is paid; and

(b) Accept only cash payments from you for future services rendered.

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

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-218-010	Schedule of fees for physical grading.
WAC 16-218-02001	Schedule of charges for chemical analyses of hops, hop extract, hop pellets or hop powder.
WAC 16-218-030	Schedule of fees for certificates.