



# RULE-MAKING ORDER

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

**Agency:** Washington State Department 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 rule making order adopts the following changes to the WSDA Grain Inspection Program rules: (1) Changed the tonnage assessment basis from short tons (2000 pounds) to metric tons (2204.6). (2) Deleted many fee categories and provide clarity to address customer concerns on the application of some fees. (3) Adjusted fees to account for high volume operations and clearly define notification procedures to ensure services. (4) Increased current grain inspection fees where necessary to adjust for deleted fee categories and to cover the program's cost of doing business. (5) Repealed chapter 16-239 WAC and replace it with chapter 16-240 WAC, rewritten in order to improve the rule's clarity.

**Citation of existing rules affected by this order:**

Repealed: Chapter 16-239 WAC in its entirety  
 Amended:  
 Suspended:

**Statutory authority for adoption:** Chapter 25, Laws of 2003, 2003 1st Special Session, Section 309, Subsection (2); Chapter 22.009.790 RCW; and Chapter 34.05 RCW.

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

**PERMANENT RULE ONLY (Including Expedited Rule Making)**

Adopted under notice filed as WSR 05-04-078 on March 22, 2005.  
 Describe any changes other than editing from proposed to adopted version: None

*05-07-2005*

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:**

May 17, 2005

**NAME (TYPE OR PRINT)**

Valoria H. Loveland

**SIGNATURE**

*Valoria H. Loveland*

**TITLE**

Director

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

MAY 17 2005

TIME 1007 AM  
 WSR 05-11-068 PM

(COMPLETE REVERSE SIDE)

**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:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____

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

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	<u>19</u>	Amended	_____	Repealed	<u>52</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	<u>19</u>	Amended	_____	Repealed	<u>52</u>
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	<u>19</u>	Amended	_____	Repealed	<u>52</u>



Chapter 16-240 WAC

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

NEW SECTION

**WAC 16-240-010 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.

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

"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.

"USDA" means the United States Department of Agriculture.

NEW SECTION

**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.
- (c) Olympia.
- (d) Pasco.
- (e) Seattle.
- (f) Spokane.
- (g) Tacoma.
- (h) 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 assessed 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.

NEW SECTION

**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.

NEW SECTION

**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, 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 16-240-034 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.

NEW SECTION

**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 beginning of the month for which the shift(s) 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 day Monday through Friday, for the next service day, and by 2:00 p.m. of the last business day before a Saturday, Sunday, or holiday (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 for a minimum of one calendar month.

(a) The request for a permanent shift will remain in effect until canceled.

(b) Cancellation requests must be received, in writing, at least fifteen business days prior to the end of the month.

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

#### NEW SECTION

**WAC 16-240-038 Revenue minimum.** The circumstances under which charges occur to collect the revenue minimum are as follows:

(1) When the volume of work at the established fees does not generate revenue equivalent to the straight time hourly rate per hour, per employee, the straight time hourly rate will be assessed per hour, per employee.

(2) **Daily** averaging at export locations:

(a) When the **daily** 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, the department charges a fee to recover expenses.

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

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

(3) **Monthly** averaging at export locations:

(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 volumes of work.

(b) 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, the department charges a fee to recover expenses.

(c) The straight time hourly rate will be assessed per hour, per employee.

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

(e) Requests 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.

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

#### NEW SECTION

**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) Appropriate space, equipment and security must be provided by the applicant.

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

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

(4) A guarantee of expenses is negotiated.

#### NEW SECTION

**WAC 16-240-042 Payment of fees and charges.** All department fees and charges for services rendered are due within thirty days of the statement date. If the department does not receive payment within thirty days:

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

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

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

NEW SECTION

**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 assessed when GIPSA, FGIS scale authorization services are performed.

(2) In addition to the hourly GIPSA, FGIS scale authorization fee; the department may assess travel time at the scale authorization hourly rate, mileage beyond ten miles, 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 assessed in one-half hour increments.

NEW SECTION

**WAC 16-240-046 Straight time rate.** The straight time rate is assessed as cited below.

(1) An hourly fee is specified in the schedule of fees.

(2) No other fee is established in the schedule of fees.

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

(4) The revenue minimum required for staffing at export locations determined on a daily or monthly basis under WAC 16-240-038 applies.

(5) No contractual agreement supersedes the straight time rate.

(6) Straight time is assessed in one-half hour increments.



NEW SECTION

**WAC 16-240-048 Rates for working outside established business hours (overtime).** In addition to regular inspection and weighing fees and any applicable hourly fees, 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.
- (3) During established meal periods on any shift.
- (4) For services requested at unstaffed export locations.
- (5) Overtime is assessed in one-half hour increments.

NEW SECTION

**WAC 16-240-050 Calculating travel time, mileage and per diem.** The rules for assessing 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 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 assessed to inspection locations beyond ten miles from a service point location. Mileage will be assessed 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 location, mileage will be assessed from the scale specialist's 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 assessed 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 assessed 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.

NEW SECTION

**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 7, the department may assess, 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 assessed 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.

NEW SECTION

**WAC 16-240-054 Service cancellation fee.** A service cancellation fee applies when service is requested and then canceled or not performed.

(1) When a service is requested before or after the inspection office's established hours, a cancellation fee would apply 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 will be assessed per employee scheduled.

(2) At locations where monthly averaging has been instituted a cancellation fee would apply as follows:

(a) A request for service must be filed by 2:00 p.m. on the last business day before service to guarantee full staffing at the service location;

(b) When full staff at the location is requested and then canceled or services are not actually performed through no fault of the department; then

(c) The service cancellation fee will be assessed per employee scheduled.

(3) When service is requested for a vessel inspection, a cancellation fee would apply 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, a cancellation fee will apply.

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

#### NEW SECTION

**WAC 16-240-060 WSDA grain program fees for service.** 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 Fees for Service**

1. Scale authorization fee, <b>per hour, per employee</b>	<b>\$50.00</b>
2. Straight-time rate, <b>rate per hour, per employee</b>	<b>\$30.00</b>
3. Overtime rate, <b>per hour, per employee</b>	<b>\$15.00</b>
4. Service cancellation fee, <b>per employee</b>	<b>\$150.00</b>

NEW SECTION

**WAC 16-240-070 Fees for services under the United States Grain Standards Act.** (1) USGSA Tables 1 through 7 in this section contain fees for official sampling and/or inspection and/or 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 specifically cited in WAC 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 and/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 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, <b>per metric ton</b>	<b>\$0.150</b>
2. Vessels (export and domestic ocean-going)	
a. First 2,500,000 metric tons per fiscal year, <b>per metric ton</b>	<b>\$0.200</b>
b. From 2,500,001 to 4,000,000 metric tons per fiscal year, <b>per metric ton</b>	<b>\$0.150</b>
c. From 4,000,001 to 5,500,000 metric tons per fiscal year, <b>per metric ton</b>	<b>\$0.100</b>
d. Over 5,500,000 metric tons per fiscal year, <b>per metric ton</b>	<b>\$0.050</b>
<b>Note: For vessels (export and domestic ocean-going):</b>	
■ The vessel 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.	
■ 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.	
■ During vessel loading, assessments for other tests, such as protein analysis, falling number determinations, or mycotoxin analysis will be assessed at the per unit rates included in this fee schedule.	
3. Trucks or containers, <b>per truck or container</b>	<b>\$22.00</b>
4. Additional nongrade determining factor analysis, <b>per factor</b>	<b>\$3.00</b>

**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, <b>per truck or container 1</b>	<b>\$17.00</b>
2.	Railcars sampled by USDA approved mechanical sampler, including factor only or sampling only services, <b>per railcar 1, 2</b>	<b>\$17.00</b>
3.	Original or new sample reinspection railcars sampled by USDA approved grain probe, applicant assisted, including factor only or sampling only services, <b>per railcar 1, 2</b>	<b>\$17.00</b>
4.	Original or new sample reinspection railcars sampled by USDA approved grain probe, including factor only or sampling only services, <b>per railcar 1, 2</b>	<b>\$26.50</b>
<b>1</b>	<ul style="list-style-type: none"> <li>■ For barley, determining and certifying of dockage to tenths is included in the fees in USGSA Table 2.</li> <li>■ Analysis that requires additional equipment or personnel will be provided at the hourly rate. Examples are special grades, such as the determination of waxy corn, or criteria analysis, such as stress cracks in corn or seed sizing in soybeans.</li> </ul> <p>2 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.</p>	
5.	Additional nongrade determining factor analysis, <b>per factor</b>	<b>\$3.00</b>

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

1.	In, out, or local, <b>per metric ton</b>	<b>\$0.130</b>
2.	Trucks or containers, <b>per weight lot</b>	<b>\$15.00</b>

**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, <b>per inspection 1, 2</b>	<b>\$9.00</b>
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2.	Reinspections based on official file sample, including factor-only reinspections, <b>per inspection 1, 2</b>	<b>\$9.00</b>
3.	Additional, nongrade determining factor analysis, <b>per factor 2</b>	<b>\$3.00</b>
<b>1</b>	<ul style="list-style-type: none"> <li>■ 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.</li> <li>■ For barley, determining and certifying of dockage to tenths is included in the fees in USGSA Table 4.</li> </ul> <p><b>2</b> Analysis that requires additional equipment or personnel will be provided at the hourly rate. Examples are special grades, such as the determination of waxy corn, or criteria analysis, such as stress cracks in corn or seed sizing in soybeans.</p>	

**USGSA Table 5  
Fees for Official Analysis for Protein, Oil, or Other  
Official Constituents**

Original or reinspection based on file sample, <b>per test</b>	<b>\$7.00</b>
<p><b>Note: The following applies to the fee in USGSA Table 5:</b></p> <ul style="list-style-type: none"> <li>■ When a reinspection service includes a request for a new sample, the appropriate sampling fee will also be assessed.</li> <li>■ Results for multiple criteria achieved in a single testing operation are provided at the single test rate unless certificated separately.</li> </ul>	

**USGSA Table 6  
Fees for Testing for the Presence of Mycotoxins Using  
USDA Approved Methods**

Original, reinspection based on official file sample, or submitted sample, <b>per test</b>	<b>\$37.50</b>
<p><b>Note:</b></p> <ul style="list-style-type: none"> <li>■ When a reinspection service includes a request for a new sample, the appropriate sampling fee to obtain the sample will be assessed in addition to the per test fee shown earlier (see WAC 16-240-070, USGSA Table 2).</li> </ul>	

**USGSA Table 7  
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, <b>per request</b>	<b>\$300.00</b>
2. Other stowage examinations of railcars, trucks, trailers, or containers, original or reinspection, <b>per inspection</b>	<b>\$9.00</b>

NEW SECTION

**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 and/or inspection and/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 specifically cited in WAC 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 and/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 and/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, <b>per metric ton 1, 2</b>	<b>\$0.150</b>
2. Vessels (export or domestic), <b>per metric ton 1, 3, 4</b>	<b>\$0.200</b>
3. Trucks or containers, <b>per truck or container 1, 2</b>	<b>\$30.00</b>
4. Additional, nongrade determining factor analysis, <b>per factor 1</b>	<b>\$3.00</b>
<p>1 The rates in the above section also apply to services provided under federal criteria inspection instructions, state established standards, and/or other applicant defined criteria.</p> <p>2 Dockage breakdown is included in the basic inspection fee.</p>	

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|---|---|
| 3 | 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. |
| 4 | Assessments for other tests, such as mycotoxin analysis, provided during vessel loading will be assessed 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, containers, or tote lots, sampled by USDA approved grain probe, including factor only or sampling only services, <b>per truck, container, or tote lot</b>	<b>\$30.00</b>
2.	Railcars sampled by USDA approved mechanical samplers, including factor only or sampling only services, <b>per railcar</b>	<b>\$30.00</b>
3.	Railcars sampled by USDA approved grain probe, including factor only or sampling only services, <b>per railcar</b>	<b>\$30.00</b>
4.	Inspection of bagged commodities, including factor only or sampling only services, <b>per hundredweight (cwt)</b>	<b>\$0.080</b>
5.	Additional, nongrade determining factor analysis, <b>per factor</b>	<b>\$3.00</b>
<p><b>Note: The following applies to all fees in this table:</b></p> <ul style="list-style-type: none"> <li>■ Dockage breakdown is included in the basic inspection fee.</li> <li>■ Analysis for special grade requirements or criteria analysis that requires additional equipment or personnel will be provided at the hourly rate.</li> <li>■ The rates shown above also apply to services provided under federal criteria inspection instructions.</li> </ul>		

**AMA Table 3  
Fees for Official Weighing Services without Inspections**

1.	In, out, or local, per metric ton	<b>\$0.130</b>
2.	Trucks or containers, <b>per weight lot</b>	<b>\$15.00</b>

**AMA Table 4  
Fees for Inspecting Submitted Samples**

1.	Submitted sample, thresher run or processed, including factor-only inspections, <b>per sample</b>	<b>\$19.00</b>
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2. Additional, nongrade determining factor analysis, <b>per factor</b>	<b>\$3.00</b>
<b>Note: The following applies to all fees in this table:</b>	
<ul style="list-style-type: none"> <li>■ Dockage breakdown is included in the basic inspection fee.</li> <li>■ Analysis for special grade requirements or criteria analysis that requires additional equipment or personnel will be provided at the hourly rate.</li> <li>■ The rates shown above also apply to inspection services provided under federal criteria inspection instructions.</li> <li>■ When the size of a submitted sample is insufficient to perform official grade analysis, factor-only analysis is available on request of the applicant.</li> </ul>	

**AMA Table 5  
Fees for Miscellaneous Services**

1. Falling number determinations, including liquefaction number on request, <b>per determination</b>	<b>\$15.00</b>
2. Sampling and handling of processed commodities, <b>per hour, per employee</b>	<b>\$30.00</b>
3. Laboratory analysis, <b>at cost</b>	<b>At cost</b>
<b>Note:</b>	
<ul style="list-style-type: none"> <li>■ On request, shipping arrangements billed directly by shipper to the customer's shipping account may be coordinated by the department.</li> </ul>	

NEW SECTION

**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 and/or sample preparation may be assessed.

(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.

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

1.	Submitted sample, <b>per sample</b>	<b>\$9.00</b>
2.	Railcars, sampled by USDA approved diverter-type mechanical samplers, <b>per car</b>	<b>\$17.00</b>
3.	Railcars, sampled by USDA approved grain probe, <b>per car</b>	<b>\$26.50</b>
4.	Trucks or containers, sampled by USDA approved grain probe, <b>per truck or container</b>	<b>\$17.00</b>
<p><b>Note: The following applies to all items in WSDA Table 1:</b></p> <ul style="list-style-type: none"> <li>■ 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.</li> </ul>		

**WSDA Table 2**  
**Fees for Phytosanitary Certification**

1.	In conjunction with official inspection, <b>per certificate</b>	<b>\$25.00</b>
2.	For phytosanitary certification only, without official inspection, add required sampling time, <b>per hour, per employee</b>	<b>\$30.00</b>

**WSDA Table 3**  
**Fees for Miscellaneous Services**

1.	Unofficial constituent analysis, <b>per test</b>	<b>\$7.00</b>
2.	Sample pick-up fee, on department established routes, <b>per sample</b>	<b>\$0.85</b>
3.	Laboratory analysis, provided at other than WSDA grain inspection program offices, <b>per analysis</b>	<b>At cost</b>

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-239-010	Definitions.
WAC 16-239-020	Washington state grain and commodity inspection points.
WAC 16-239-030	Commodities covered by chapter 22.09 RCW.
WAC 16-239-040	Grades and standards adopted by Washington state.
WAC 16-239-050	Scale testing.
WAC 16-239-060	Guarantee of expenses.
WAC 16-239-061	Guaranteed staffing levels.
WAC 16-239-062	Additional fees to cover insufficient revenue at export locations.
WAC 16-239-063	Official commercial inspection services.
WAC 16-239-064	Calculating travel time, mileage and per diem.
WAC 16-239-065	Payment of fees and charges.
WAC 16-239-070	Basic WSDA grain program fees for service.
WAC 16-239-071	Straight time rate.
WAC 16-239-072	GIPSA/FGIS scale authorization fee.
WAC 16-239-073	Overtime and night shift rates.
WAC 16-239-074	Late notice fee.
WAC 16-239-075	Call-back fee.
WAC 16-239-076	Shift request fee.
WAC 16-239-077	Shift cancellation fee.
WAC 16-239-078	Four-hour minimum standby fee.
WAC 16-239-079	Service cancellation fee.
WAC 16-239-080	Fees for official sampling, inspecting, and/or weighing services under the United States Grain Standards Act.
WAC 16-239-0801	Fees for combination inspection and weighing services.
WAC 16-239-0802	Fees for official sampling and inspecting without weighing and fees for official sampling only.
WAC 16-239-0803	Fees for official Class X weighing services without an inspection.
WAC 16-239-0804	Fees for other official weighing services.
WAC 16-239-0805	Fees for inspecting submitted

WAC 16-239-0806	samples.
WAC 16-239-0807	Fees for factor analysis.
	Fees for official constituent analysis using near-infrared transmittance (NIRT) technology.
WAC 16-239-0808	Fees for qualitative or quantitative testing for the presence of Mycotoxins using USDA approved "ELISA," "Fluorometric," or similar methods.
WAC 16-239-0809	Fees for stowage examination services on vessels or ocean-going barges.
WAC 16-239-0810	Fees for other stowage examination services.
WAC 16-239-0811	Fees for phytosanitary certification.
WAC 16-239-0812	Fees for miscellaneous services.
WAC 16-239-0813	Fees for other services under the United States Grain Standards Act.
WAC 16-239-090	Fees for performing official Agricultural Marketing Act of 1946 services.
WAC 16-239-0901	Fees for combination inspection and weighing services.
WAC 16-239-0902	Fees for official sampling and inspecting without weighing and fees for official sampling only.
WAC 16-239-0903	Fees for official weighing services without inspections.
WAC 16-239-0904	Fees for other official weighing services.
WAC 16-239-0905	Fees for inspection of submitted samples.
WAC 16-239-0906	Fees for factor analysis.
WAC 16-239-0907	Fees for qualitative or quantitative testing for the presence of Mycotoxins using USDA approved "ELISA" or "Fluorometric" methods.
WAC 16-239-0908	Fees for stowage examination services on vessels or ocean-going barges.
WAC 16-239-0909	Fees for other stowage examination services.
WAC 16-239-0910	Fees for phytosanitary certification.
WAC 16-239-0911	Fees for miscellaneous services.
WAC 16-239-0912	Fees for other services under the Agricultural Marketing Act of 1946.
WAC 16-239-100	Fees for services performed under state regulation or standards and for services "as specified" by the

WAC 16-239-1010

WAC 16-239-1020

WAC 16-239-1030

applicant when no official standards exist.

Fees for inspecting miscellaneous agricultural commodities under chapter 16-213 WAC.

Fees for miscellaneous services.

Fees for services not specifically identified in WAC 16-239-1010 and 16-239-1020.