



# 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 WAC 16-470-912 and 16-470-917 by increasing the laboratory diagnostic hourly fees, nematode laboratory diagnostic fees, and post entry inspection fee within the OFM fiscal growth factor for fiscal year 2007 (3.38%). In addition, this rulemaking order repeals the current fee schedule for virus, bacteria, and fungus laboratory diagnostic fees and replaces them with an hourly charge that reflects the costs associated with performing these tests as required by RCW 17.24.131.

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

Repealed:  
 Amended: WAC 16-470-912 and 917  
 Suspended:

**Statutory authority for adoption:** Chapter 17.24 and 34.05 RCW

**Other authority :**

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

Adopted under notice filed as WSR 06-11-171 on May 24, 2006.  
 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**

July 11, 2006

**NAME (TYPE OR PRINT)**

Valoria H. Loveland

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

FILED  
 JUL 11 2006  
 827  
 TIME \_\_\_\_\_ AM/PM  
 WSR 06-15-044

(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	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Federal rules or standards:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Recently enacted state statutes:</b>	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>0</u>	Amended	<u>2</u>	Repealed	<u>0</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

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	Repealed	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

<b>Negotiated rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Pilot rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Other alternative rule making:</b>	New	<u>0</u>	Amended	<u>2</u>	Repealed	<u>0</u>

AMENDATORY SECTION (Amending WSR 05-12-111, filed 5/31/05, effective 7/1/05)

**WAC 16-470-912 Schedule of fees and charges--Applicable fees and charges.** (1) Hourly rate.

Hourly rate - business hours	\$ <del>((31.95))</del> <u>33.00</u>
Hourly rate - nonbusiness hours	\$ <del>((40.80))</del> <u>42.15</u>

(2) Laboratory diagnostic services, except as provided in subsection (3) or (4) of this section, are charged at the applicable hourly rate plus materials.

(3) (~~(Plant pathology)~~) Nematology laboratory diagnostic fees are as follows:

Identity Determination	1 sample	5 samples	10 samples	50 samples	100+ samples
<del>((virus (ELISA)</del>	At cost	At cost	\$10.55 ea	\$5.20 ea	\$3.00 ea
bacteria	<del>42.35 ea</del>	<del>40.90 ea</del>	<del>38.35 ea</del>	<del>37.10 ea</del>	<del>37.10 ea</del>
fungus	<del>44.80 ea</del>	<del>38.35 ea</del>	<del>37.10 ea</del>	<del>35.75 ea</del>	<del>33.20 ea</del>
nematode	<del>((33.20))</del> <u>34.30 ea</u>	<del>((30.60))</del> <u>31.60 ea</u>	<del>((28.05))</del> <u>28.95 ea</u>	<del>((27.35))</del> <u>28.25 ea</u>	<del>((25.45))</del> <u>26.30 ea</u>

Note: To receive volume rates, samples must be submitted as a unit and identification requests must be for one specific (~~(virus, bacterium, fungus, or)~~) nematode(~~(--Samples tested for multiple pathogens will be considered as multiple samples),~~ unless (~~(all pathogens)~~) more than one nematode can be detected in a single test without additional inputs.

(4) The department reserves the right to provide service by written agreement at a single, negotiated cost or at a negotiated rate for projects with at least one of the following characteristics:

- (a) Projects greater than one hundred samples;
- (b) Projects requiring materials not readily available; or
- (c) Projects requiring special handling or prolonged incubation periods.

The rate charged shall not be less than the cost to the department of performing the tests.

**WAC 16-470-917 Schedule of fees and charges--Fees for post entry inspection services.** (1) Post entry site inspection and/or permit review and approval . . . . . \$((~~64.05~~) 66.20)

(2) Subsequent inspections of post entry plant materials are provided at the applicable hourly rate.

(3) Post entry inspection fees may be waived for state universities, United States Department of Agriculture researchers, and other public entities.