



RULE-MAKING ORDER

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

Agency:
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: The Department amended Chapter 16-390 WAC, *WSDA Fruit and Vegetable Inspection Districts, Inspection Fees and Other Charges* to increase the fee related to the United States Department of Agriculture audit verification program and to make minor changes to increase clarity. Chapter 16-390-240 WAC is amended to more clearly define the fresh produce audit verification program. Chapter 16-390-242 WAC is amended to increase the hourly rate to \$75.00 per hour for audit-based services. United States Department of Agriculture, Agricultural Marketing Service, Fruit and Vegetable Programs, Fresh Products Branch changed its hourly audit fee for Good Agricultural Practices and Good Handling Practices to \$75.00 per hour. The Cooperative Agreement between the United States Department of Agriculture, Agricultural Marketing Service and Washington State Department of Agriculture states that WSDA will not charge less than USDA for the same services.

Citation of existing rules affected by this order:
Repealed:
Amended: WAC 16-390-240; WAC 16-390-242
Suspended:

Statutory authority for adoption: Chapters 15.17 and 34.05 RCW

Other authority :

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 07-06-046 on March 1, 2007. [07-10-113 on May 2, 2007]
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 30, 2007

NAME (TYPE OR PRINT)

Valoria Loveland

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

11:03
07-16-084

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	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____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	Repealed	_____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

New	_____	Amended	_____	Repealed	_____
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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	_____	Amended	<u>2</u>	Repealed	_____

AMENDATORY SECTION (Amending WSR 04-11-078, filed 5/18/04, effective 6/18/04)

WAC 16-390-240 What is the fresh produce audit verification program? The fresh produce audit verification program is a federal-state inspection service program that reviews and verifies a participating company's facility and agronomic practices, along with its documented procedures, to help determine if "good agricultural practices" and "good handling practices" are maintained.

AMENDATORY SECTION (Amending WSR 04-11-078, filed 5/18/04, effective 6/18/04)

WAC 16-390-242 What charges does the department assess for fruit and vegetable audit verification certificates issued under the fresh produce audit verification program? Charges assessed by the department for good agricultural practices (GAP) and good handling practices (GHP) audit verification certificates issued under the fresh produce audit verification program are as follows:

(1) The hourly rate for audit time, administration time and applicable travel time is ((charged at the hourly rate established by USDA/AMS/FPB/FVP the Schedule of Fees for Fresh Fruit and Vegetable Terminal Market Inspection Services, 7 CFR Part 51 Subpart 38, which became effective on January 15, 2004)) seventy-five dollars per audit hour.

(2) Mileage related to GAP and GHP audit services is charged at the rate established by the office of financial management (OFM) at the time the service was performed.