

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1727

(1) I, M. Keith Ellis, director of Washington State Department of Agriculture

do promulgate and adopt at Olympia, WA (place) the annexed rules relating to:

Phyto-Sanitary certification and fees in WAC 16-316-315.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on. Such rules shall take effect:

- checkbox pursuant to RCW 34.04.040(2).
checkbox at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, M. Keith Ellis, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

Department costs have increased to such an extent that we are not able to fully complete phytosanitary inspections requested as required under the Seed Act without raising the fees for such inspections. Emergency regulations are necessary to implement this increase for the current season which begins in April. This fee increase has been agreed to by the Washington Stated Seed Advisory Board.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04. (1977 c 19 § 2) that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

- checkbox (a) This rule is promulgated pursuant to RCW 15.49 and is intended to administratively implement that statute.
checkbox (b) This rule is promulgated pursuant to RCW which directs that the

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

- checkbox (c) This rule is promulgated under the general rule-making authority of the

(agency)

as authorized in RCW

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this agency is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

STATE OF WASHINGTON APPROVED AND ADOPTED FILED

April 1 1981

APR 1 1981

By

M. Keith Ellis

Director of Agriculture

Title

CODE REVISER'S OFFICE WSR 81-08-062



STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE

406 General Administration Bldg. AA-41 • Olympia, Washington 98504 • (206) 753-5001

For the purpose of legislative review of agency rules, the following statement is submitted:

1. This rule pertains to seed field inspections and the issuing of phyto-sanitary certificates (Statutory Authority RCW 15.49).
2. The amendments will increase the fees to cover the department's cost for seed field inspection and the issuing of certificates.
3. Art G. Losey
406 General Admin. Bldg.
Olympia, WA 98504
753-5062
Max G. Long
2015 So. 1st Street
Yakima, WA 98903
575-2750
4. Proponents: Washington State Department of Agriculture
Seed Advisory Board

Opponents: Unknown
5. Department costs have increased to such an extent that we are not able to fully complete phyto-sanitary inspections requested and the emergency regulation is necessary to implement this increase for the current season which begins in April.

WAC 16-316-315 FEE AND CHARGES. (1) Fee for area and field inspection:

(a) Field Inspection (Payable with application). For each required inspection (per acre or fraction thereof)..... (~~(\$ 2.00)~~) \$ 4.00

(with minimum fee of (~~(\$10.00)~~) \$20.00 per field per inspection)

(~~"Field inspection fee" includes only one phyto-sanitary certificate per field. Additional certificates \$10.00 each.~~) An additional charge of (~~(50¢)~~) \$ 0.50 per acre shall be charged for each disease requested in excess of two.

(b) Area Inspection (per 100 lbs)..... \$ 0.05 Billed at time certificate is issued with a minimum of (~~(\$10.00)~~) \$20.00 and a maximum of (~~(\$100.00)~~) \$150.00 per certificate.

(2) Late Application Penalty Fee..... \$10.00 This additional fee shall be charged for each application received after due date.

(3) Sampling fee when sampling is required:

(a) Beans, peas, lentils, cereal grains (per 100 lbs)...(~~(\$ 0.03)~~) \$ 0.05

(b) Other crops (per 100 lbs)..... \$ 0.15

(4) (~~Serology~~) Serology test:..... Fee to be established by the State of Idaho.

An official 5 pound sample is required from each 10,000 pounds or portion thereof. Officially drawn samples will be submitted to: State Plant Pathologist, Idaho Department of Agriculture, P. O. Box 410, Twin Falls, Idaho 83301.

(5) Fees for services not listed in this order shall be set on the basis of the actual cost to the department of agriculture or the most appropriate fee established will be used.

(~~(6) Nursery grow out plots, etc: Per hour..... \$12.50 Applicant will also be billed mileage fee as set by statute, plus \$8.25 per hour travel time when additional travel is required. Attempts will be made to combine work assignments keeping additional travel to a minimum.~~)

(~~(7)~~) (6) Laboratory analysis of plant material: An additional fee of (~~(\$10.00)~~) \$18.00 per field shall be charged when necessary to examine material in the laboratory to verify disease.