

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Washington State Department of Agriculture

(agency name)

Administrative Order No. 1749

(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:

Rules 16-212 relating to grain inspection and weighing fees.

(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:

- [ ] pursuant to RCW 34.04.040(2).
[ ] 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: The Federal Grain Inspection Service, effective October 1, 1981 will be assessing delegated/designated agencies supervision and administration fees. The increase in fees allows adjustments to pass these user fees onto the grain industry served. Without this fee adjustment, fiscal impact on grain inspection fund could impair the department's ability to provide timely service to the grain industry. \*

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

\*Supervision and administration fees were published in the Federal Register, Wednesday, September 23, 1981, pgs. 47042 thru 47045.

(3) Pursuant to the requirements of RCW 34.04.026 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):

- [X] (a) This rule is promulgated pursuant to RCW 22.09.460 and is intended to administratively implement that statute.
[ ] (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)

- [ ] (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.

APPROVED AND ADOPTED October 1 1981

STATE OF WASHINGTON

FILED

OCT 1 1981

By

M. Keith Ellis

M. Keith Ellis

Title

CODE REVISER'S OFFICE

WSR 81-20-037



STATE OF WASHINGTON  
DEPARTMENT OF AGRICULTURE

406 General Administration Bldg. AX-11 • Olympia, Washington 98504 • (206) 753-5063

RULE PURPOSE STATEMENT

- (1) WAC 16-212-020 GRAIN AND COMMODITY INSPECTION POINTS
- WAC 16-212-030 GENERAL PROVISIONS FOR HOURLY CHARGES
- WAC 16-212-050 CERTIFICATES
- WAC 16-212-060 INSPECTION AND/OR WEIGHING FEES
- WAC 16-212-065 SAMPLING, TESTING, AND CERTIFICATION  
OF WHEAT FOR SEDIMENTATION VALUES
- WAC 16-212-070 INSPECTION OF MISCELLANEOUS COMMODITIES
- WAC 16-212-080 MISCELLANEOUS
- WAC 16-212-120 GRADES AND STANDARDS

The Federal Grain Inspection Service, effective October 1, 1981, will be assessing delegated/designated agencies supervision and administration fees. The increase will allow adjustments to pass these user fees onto the grain industry served.

RCW 22.09.460

- (2) To increase fees for weighing and inspection services provided to the grain industry.

Without this increase, the fiscal impact on the grain inspection fund would impair the department's ability to provide timely service to the grain industry.

- (3) Drafting, Implementation and Enforcement: J. Allen Stine, Chief, Grain Branch, Washington State Department of Agriculture, 406 General Administration Building, Olympia Washington 98504.

- (4) Washington State Department of Agriculture

- (5) No.

- (6) Yes - Federal Register, Wednesday, September 23, 1981, pgs. 47042 thru 47045 (~~copy attached - increase in user fees~~) *sp*

AMENDATORY SECTION (Amending Order No. 1404, filed 6-30-75)

WAC 16-212-020 GRAIN AND COMMODITY INSPECTION POINTS. ((+))

The following cities in the state of Washington are hereby designated as inspection points for the purpose of inspecting and weighing ((grain)) standardized grains, hay, beans, peas, lentils and other commodities: Colfax, Kalama, Longview, Pasco, Seattle, Spokane, Tacoma and Vancouver.

AMENDATORY SECTION (Amending Order No. 1705, filed 5-30-80)

WAC 16-212-030 GENERAL PROVISIONS FOR HOURLY CHARGES. (1)

STRAIGHT TIME, RATE PER HOUR.....\$16.00

This hourly rate may be applied on any job where the fee is not sufficient to provide revenue of \$16.00 per hour per man.

(2) OVERTIME, AND NIGHT SHIFT RATE PER HOUR:

(a) Whenever overtime is required for the performance of any requested service, a maximum overtime rate of \$12.00 per hour per man may be charged in addition to the regular fees (i.e. weighing, inspection, etc.).

(b) For shifts from 3:00 a.m. until 8:00 a.m., a fee of \$12.00 per hour per man shall be charged in addition to the regular inspection and weighing fees.

(c) Whenever a service is requested before or after working hours, Monday through Friday, or anytime on Saturdays, Sundays or holidays, a fee of \$8.00 per hour per man shall be charged in addition to the regular inspection and weighing fees((-)): PROVIDED, That whenever an employee is called from his home after regular working hours, or on Saturdays, Sundays or holidays, a minimum of four (4) hours shall be charged at the rate of \$8.00 per hour.

(d) Whenever a night shift (6:00 p.m. to 3:00 a.m.) is requested later than 3:00 p.m. the day prior to the start of the requested shift, a fee of \$12.00 per hour per man shall be charged in addition to the regular ((fee)) fees.

(e) Whenever a night shift (6:00 p.m. to 3:00 a.m.) is requested by 3:00 p.m. the day prior to the start of the requested shift, a fee of \$4.00 per hour per man may be charged in addition to the regular fee.

(f) Whenever a night shift (6:00 p.m. to 3:00 a.m.) is requested the day prior to the start of the requested night shift and is not cancelled by 5:00 p.m. the day prior to the start of the requested night shift, and the service cannot be performed for that shift through no fault of the department, a fee of \$20.00 per hour per man shall be charged for a minimum of four (4) hours.

(g) At the Seattle, Tacoma, Longview, Kalama and Vancouver grain elevators, for night shifts, Monday through Friday (usually from 6:00 p.m. to 3:00 a.m.) that are, or will be, continuous for a period of one (1) month or longer, with only an occasional work stoppage, additional fees per hour will not apply: PROVIDED, That the workload is sufficient in size so that inspection and weighing fees generated that shift will defray the department's cost ( ((approxim- mately)) \$16.00 per hour per man).

(3) STANDBY RATE PER HOUR.....\$20.00

Whenever a service is requested before or after working hours, Monday through Friday or anytime on Saturdays, Sundays or holidays, and service cannot be performed through no fault of the department, a Standby rate of \$20.00 per hour per man shall be charged. Before or after regular working hours, Monday through Friday, a minimum of two (2) hours will be charged, and anytime on Saturdays, Sundays or holidays a minimum of four (4) hours will be charged.

AMENDATORY SECTION (Amending Order No. 1705, filed 5-30-80)

WAC 16-212-050 CERTIFICATES. (1) COPIES OF CERTIFICATES, EXPORT, AFTER ORIGINAL ISSUANCE, EACH RUN.....\$ 2.00  
(The above shall apply to "Divided Original Export Certificate". Each numbered set of certificates shall constitute a "run").

(2) EXTRA COPIES OF INSPECTION, PROTEIN OR WEIGHT CERTIFICATES  
.....\$ 1.00  
per copy.

AMENDATORY SECTION (Amending Order No. 1705, filed 5-30-80)

WAC 16-212-060 INSPECTION AND/OR WEIGHING FEES. (1) COMBINATION INSPECTION AND WEIGHING FEES. Ships, barges and transfers of bulk grain.

(a) From vessel to elevator....per ton.....(~~(\$ 0.11)~~) \$ 0.12

(b) Bin transfers.....per ton.....(~~(\$ 0.11)~~) \$ 0.12

(c) From elevator to vessel....per ton.....(~~(\$ 0.11)~~) \$ 0.12

(Inspection - (~~(\$ 0.06)~~) \$0.065 per ton)

(Weighing - (~~(\$ 0.05)~~) \$0.055 per ton)

(2) INSPECTION (ONLY). (Sample, Inspect, Grade and Certificate).

(a) Railroad boxcars or open hopper-type cars at designated hold tracks or at plants for original and all subsequent original inspections  
.....per car.....(~~(\$ 8.00)~~) \$10.40

(b) Covered hopper-type cars which are sampled by USDA approved mechanical belt, spout, or leg-type samplers at plants.....per car...  
.....(~~(\$10.00)~~) \$12.60

(c) Covered hopper-type cars sampled by (~~other~~) methods other than by (b) above for original and all subsequent original inspections.....per car.....(~~(\$15.00)~~) \$17.60

(d) Additional factors requested (that do not affect the grade) (~~(.....\$ 2.00)~~)

(i) added to existing certifications....per factor.....\$ 2.00

(ii) factor certification only.....per certificate..\$ 2.45

(e) Reinspection of rail boxcars and covered hopper-type cars on the basis of file sample....per reinspection.....(~~(\$ 6.00)~~) \$ 6.75  
(In case of a material error in grade, a corrected certificate will be issued without a fee.)

(f) If a new sample is requested.....(refer to above inspection only fee).

(3) WEIGH (ONLY)

(a) From railroad boxcars, covered hopper-type cars, or vessels to elevator.....per ton (grain only).....(~~(\$ 0.08)~~) \$ 0.09

(b) From elevator to railroad boxcars, covered hopper-type cars or vessels.....per ton (grain only).....(~~(\$ 0.08)~~) \$ 0.09

(c) Bin transfers.....per ton (grain only).....(~~(\$ 0.08)~~) \$ 0.09

(d) Weighing only (other than grain).....per ton....\$ 0.11

(e) Weigh (grain by-products into maximum 30 ton portable containers, fitness inspection of container, weigh by-product and sample).....per container.....\$ 8.00

(4) SUBMITTED SAMPLES ((~~τ~~)); ((INSPECTIONS)) INSPECTION, FACTOR INFORMATION ONLY, ((.....)) AND FILE REVIEW..(~~(\$4.00)~~) \$ 4.75

(Example of factor information only--where the submitted sample is less than 1,000 grams in size, factor information may be provided on request for the above fee.)

(5) INSPECTION OF SHIPS AS TO CONDITION

(a) Per hold and/or tank.....(~~(\$20.00)~~) \$21.60

(b) Minimum charge.....(~~(\$100.00)~~) \$108.00

(c) Ships holds and/or tank condition inspections will

be made on ships at anchor in midstream when requested.

(i) A minimum of two (2) hours of regular time at \$16.00 per hour (one man) for general cargo vessels and a minimum of four (4) hours of regular time at \$16.00 per hour (two men) will be charged for tankers in addition to the established fee.

(ii) These inspections can only be made at the convenience of the office during daylight hours, under safe working conditions, and when weather conditions permit.

(iii) These inspections can only be made within the area of the designated tidewater grain inspection office.

(iv) A ship's officer or company agent shall accompany the (~~grain inspector/s~~) licensed shiphold inspector/s.

- (6) TRUCKS
- (a) Inspect only.....per truck.....(~~(\$ 5.00)~~) \$ 6.00
- (b) Weigh only.....per truck.....(~~(\$ 3.00)~~) \$ 3.50

AMENDATORY SECTION (Amending Order No. 1490, filed 3-1-77)

- WAC 16-212-065 SAMPLING, TESTING, AND CERTIFICATION OF WHEAT FOR SEDIMENTATION VALUES. (1) SAMPLING AND CERTIFICATION OF IDENTIFIABLE LOTS.....per sample.....\$ 5.00
- (2) REINSPECTION (file sample or lot).....\$ 5.00
  - (3) SUBMITTED SAMPLE CERTIFICATION..per sample.....\$ 5.00
  - (4) FOR SAMPLING SERVICE ONLY, TO PROVIDE A SEDIMENTATION SAMPLE (minimum charge (~~(\$ 1)~~) one (1) hour) per hour.....\$16.00
  - (5) PROTEIN ANALYSIS (per certificate).....(~~(\$ 3.00)~~) \$ 3.25
  - (6) FALLING NUMBER TEST (per certificate).....\$ 3.00

AMENDATORY SECTION (Amending Order No. 1490, filed 3-1-77)

- WAC 16-212-070 INSPECTION OF MISCELLANEOUS COMMODITIES.
- (1) HAY INSPECTION
    - (a) Complete inspection (minimum charge \$10.00).....per ton.....\$ 1.00
    - (b) Partial inspection (minimum charge \$5.00).....per ton.....\$ 1.00
    - (c) Submitted sample inspection....per sample.....\$ 2.00
  - (2) INSPECTION OF BEANS, PEAS, LENTILS, AND SIMILAR COMMODITIES (minimum charge).....\$15.00
    - (a) Inspection of bags at inspection points...per cwt.\$ 0.04
    - (b) Commodity inspection point, bulk per ton.....\$ 0.20
    - (c) Submitted sample inspection....per sample.....\$10.00

AMENDATORY SECTION (Amending Order No. 1490, filed 3-1-77)

- WAC 16-212-080 MISCELLANEOUS. (1) WEIGHING, CHECKING AND/OR SAMPLING COMMODITIES IF NOT COVERED BY WAC 16-212-060(3)(a), (b) and (c) Minimum charge per hour.....\$16.00
- (2) MAILING SAMPLES (minimum charge).....\$ 1.00
  - (3) SAMPLING ONLY, BULK COMMODITIES
    - (a) Minimum charge.....\$ 4.00
    - (b) Covered hopper-type cars.....\$11.00
    - (c) Sample only, unofficial (Any railcar, open throated probe).....\$ 4.00
  - (4) FEE FOR PICK UP SAMPLES ON ROUTES ESTABLISHED BY THE DEPARTMENT.....per sample.....\$ 0.50
  - (5) CAR MILEAGE.....per mile.....\$ 0.15
  - (6) IN ALL CASES WHERE NO FEE HAS BEEN ESTABLISHED FOR SERVICES, the charge for such service shall be provided as in WAC 16-212-030, hourly charges.
  - (7) Any charges made in addition to the basic fees provided for in WAC 16-212-040 through WAC 16-212-070 shall be classified as additional charges.

AMENDATORY SECTION (Amending Order No. 1490, filed 3-1-77)

WAC 16-212-120 GRADES AND STANDARDS. The grades and standards established by the United States Department of Agriculture as of (~~April 1, 1977~~) October 1, 1981, for all grains and commodities included within the provisions of this chapter are hereby adopted as the grades and standards for such grains and commodities in this state.



24 SEP 1981

UNITED STATES  
DEPARTMENT OF  
AGRICULTURE

FEDERAL GRAIN  
INSPECTION  
SERVICE

TO: Field Office Supervisors, Seattle Region  
Official Inspection Agencies, Seattle Region

FROM: *Marie D. Teeple*  
Marie D. Teeple, Grain Marketing Specialist DATE: September 23, 1981  
Seattle Regional Office

SUBJECT: Revised User Fees

The attached schedule is self-explanatory.

Any questions or comments may be directed to the Regional Office.

Enclosure

REVISED USER FEES

The charges shown in Schedule C of the Federal Register dated 8/25/81 have been revised as follows:

SCHEDULE C.--Fees for FGIS Supervision and Administration Services for the Official Inspection and Weighing Services Performed by the Delegated and/or Designated Agencies in the United States<sup>1</sup>.

(TABLE 1)

| Inspection services (bulk or sacked grain)  | Official inspection and reinspection service |
|---|--|
| (1) Official sample-lot inspection service (white certificate):   |  |
| (i) For official grade and official factor determinations:  |  |
| (A) Truck or trailer (per inspection) <sup>2</sup>  | 1.00   |
| (B) Boxcar (per inspection) <sup>2</sup>  | 2.40   |
| (C) Hopper car (per inspection) <sup>2</sup>  | 2.60   |
| (D) Barge (per inspection) <sup>2</sup>   | 15.75  |
| (E) Ship (per ship) <sup>3</sup>  | 125.00                                       |
| (F) All other lots (per inspection) <sup>2 4</sup>  | 0.75   |
| (ii) For official factor or official criteria determinations:   |  |
| (A) Factor determination (per inspection)   | 0.45   |
| (B) Protein test (per inspection) <sup>2 5</sup>  | 0.25   |
| (2) Stowage examination services:   |  |
| (A) Ship (per stowage certificate)  | 7.60   |
| (B) Other carriers (per stowage certificate)  | 0.45   |
| (3) Warehouseman's sample-lot inspection service (yellow certificate) or Submitted sample inspection service (pink certificate) |  |
| (i) For official grade and official factor determination (per inspection)   | 0.75   |
| (ii) For official factor or official criteria determination:  |  |
| (A) Factor determination (per inspection)   | 0.45   |
| (B) Protein test (per inspection) <sup>2 5</sup>  | 0.25   |
| (4) Reinspections (per inspection) <sup>2</sup>   | 0.75   |

NOTE: The footnotes for table 1 are shown at the end of table 2

(TABLE 2)

| Official Services (bulk or sacked grain) | Official weighing services (class X) |
|--|--------------------------------------|
| (1) Official weighing services:          |                                      |
| (A) Truck or trailer (per carrier)       | 0.50                                 |
| (B) Boxcar and hopper car (per carrier)  | 1.25                                 |
| (C) Barge (per carrier)                  | 11.30                                |
| (D) Ship (per carrier)                   | 137.90                               |

1 The fees include the cost of supervision and administration functions performed by the Service for the official inspection and weighing services performed by the delegated and/or designated agencies.

2 A fee shall be assessed for each carrier or sample inspected if combined lot certificate is issued or a uniform loading plan is used to determine grade.

3 A fee shall be assessed per ship regardless of the amount of grain loaded at a specific service point. A fee shall not be assessed for divided original certificates.

4 All other lots include, but are not limited to, sampling service, condition examination (sacked grain), examination for weevily, bins, and containers.

5 Fees will be assessed for each sample tested for protein.