

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1789

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

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

Chapter 16-212 WAC, regarding grain, hay, beans and peas-inspection fees, amending sections: WAC 16-212-010, 030, 050, 060, 065, 070, 080, 090, 120; and repealing sections: WAC 16-212-040, 085, 140, 150, 200, 210.

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

This action is taken pursuant to Notice No. WSR 83-03-047 filed with the code reviser on 1/19/83. These rules shall take effect: [X] thirty days after they are filed with the code reviser 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, find that an emergency exists and that this 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 the emergency is:

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

(3) Pursuant to the requirements of RCW 34.04.026 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 Chapter 22.09 RCW 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedures Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(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 March 2 19 83

FILED

MAR 2 1983

By M. Keith Ellis

Director

Title

CODE REVISER'S OFFICE

WSR 83-06-063

AMENDATORY SECTION (Amending Order 1118, filed 5/29/69, effective 7/1/69)

WAC 16-212-010 DEFINITIONS. (1) "Department" means the Washington state department of agriculture.

(2) "Ton" means 2,000 pounds avoirdupois.

(3) "Overtime" means any time worked on Saturdays, Sundays, or Holidays and all time worked before 8:00 A.M. or after 5:00 P.M. on Monday through Friday. ~~((Where industries--operate--regular,--sustain shifts--other--than--specified--herein,--exceptions--may--be--made--at--the--discretion--of--the--Department.))~~ Overtime fees may be waived by the department where industry operates on a regular basis other than specified herein.

(4) "Fees" means any charge made by the department for inspection and handling of any commodity.

AMENDATORY SECTION (Amending Order 1751, filed 12/2/81)

WAC 16-212-030 GENERAL PROVISIONS FOR HOURLY CHARGES.

(1) Straight time, rate per hour ~~(((\$16.00))~~ \$18.00

This hourly rate shall be applied on any job where the fee is not sufficient to provide revenue of ~~(((\$16.00))~~ \$18.00 per hour per man.

(2) Overtime, and night shift rate per hour: \$8.00

~~((a)--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.~~

~~(b))~~ Whenever a service is requested before or after regularly scheduled 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 hours shall be charged at the rate of \$8.00 per hour.

~~((c)--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 fees.~~

~~(d)--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 shall be charged in addition to the regular fees: PROVIDED, That the workload is sufficient in size so that inspection and weighing fees generated that shift will defray the department's cost of \$16.00 per hour per man. If not, an additional overtime fee shall be assessed to equal \$16.00 per hour per man.~~

~~(e)--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 hours.)~~

(3) Scheduled night shifts.

~~((f))~~ At all designated inspection points, 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 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 of ~~(((\$16.00))~~ \$18.00 per hour per man. If not, an additional overtime charge shall be assessed to equal ~~(((\$16.00))~~ \$18.00 per hour per man.

~~((it))~~ (a) The department shall be given at least ~~((thirty))~~ twenty-one calendar days notice, in writing, of cancellation of any ~~((continuous))~~ scheduled night shift operation.

~~((it))~~ (b) The term "occasional work stoppage" shall mean union stop work meetings usually held once per month.

~~((3))~~ (4) 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 hours shall be charged ~~((7--and))~~ . Anytime on Saturdays, Sundays or holidays a minimum of four hours shall be charged.

AMENDATORY SECTION (Amending Order 1751, filed 12/2/81)

WAC 16-212-050 CERTIFICATES.

(1) Copies of certificates, export, after original issuance, each run ~~((2.00))~~ \$2.50
 (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 per copy ~~((4.00))~~ \$2.50

AMENDATORY SECTION (Amending Order 1751, filed 12/2/81)

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..... \$ 0.12
- (b) Bin transfers per ton..... \$ 0.12
- (c) From elevator to vessel per ton..... \$ 0.12
 (Inspection - \$0.065 per ton)
 (Weighing - \$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..... ~~((10.40))~~ 12.00

(b) Covered hopper-type cars which are sampled by United States Department of Agriculture approved mechanical belt, spout, or leg-type samplers at plantsper car..... ~~((12.60))~~ 12.00

(c) Covered hopper-type cars sampled by methods other than by (b) above for original and all subsequent original inspectionsper car..... ~~((17.60))~~ 19.00

(d) Additional factors requested (that do not affect the grade)

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

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

(e) Reinspection of rail boxcars and covered hopper-type cars on the basis of file sample....per reinspection..... \$ ~~((6.75))~~ 7.00

(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 (2) above).
- (3) Weigh only.
 - (a) From railroad boxcars, covered hopper-type cars, or vessels to elevator per ton (grain only)..... \$ ((0-09)) 0.10
 - (b) From elevator to railroad boxcars, covered hopper-type cars or vessels per ton (grain only)..... \$ ((0-09)) 0.10
 - (c) Bin transfers per ton (grain only)..... \$ ((0-09)) 0.10
 - (d) Weigh 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: inspection; factor information only; and file review \$ ((5-00)) 5.75
 (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)) Stowage examinations - ships, barges or vessels.
 - (a) Per hold and/or tank..... \$21.00
 - (b) Minimum charge..... \$108.00
 - (c) ((Ship's)) Holds and/or tank condition inspections will be made on ships or vessels at anchor in mid-stream when requested.
 - (i) A minimum of two hours of regular time at ((~~\$46-00~~)) \$18.00 per hour (one man) for general cargo vessels and a minimum of four hours of regular time at ((~~\$46-00~~)) \$18.00 per hour (two men) shall be charged for tankers in addition to the established inspection fee.
 - (ii) These inspections can only be made at the convenience of the grain inspection office, during daylight hours, under safe working conditions, 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 or vessel's officer or company agent shall accompany the licensed shiphold ((inspector/s)) inspector(s).
- (6) Trucks.
 - (a) Inspect only per truck..... \$ ((40-00)) 11.50
 - (b) Weigh only per truck..... \$ ((5-00)) 5.75
- (7) Inspection of sacked grains at inspection points..... per cwt..... \$ 0.04

AMENDATORY SECTION (Amending Order 1751, filed 12/2/81)

WAC 16-212-065 MISCELLANEOUS SAMPLING, TESTING, INSPECTION AND CERTIFICATION OF ((WHEAT-FOR-SEDIMENTATION-VALUES)) GRAINS AND COMMODITIES.

- (1) ((Sampling--and--certification--of--identifiable lots.....per-sample.....)) \$-5-00
- (2) Reinspection per file sample, lot of miscellaneous commodities..... \$ ((5-00)) 7.00
- ((~~(3)~~)) (2) Submitted sample certification .. per sample..... \$ ((5-00)) 5.75

((4)-Fee) <u>(3)</u> Sampling service only, to provide a ((sedimentation)) <u>supplemental service</u> sample (minimum charge one hour) per hour.....	((46.00)) <u>\$18.00</u>
((5)) <u>(4)</u> Protein analysis or reinspection (per certificate).....	((4.00)) <u>4.60</u>
((6)) <u>(5)</u> Falling number test (per certificate).....	((10.00)) <u>\$10.00</u>

AMENDATORY SECTION (Amending Order 1751, filed 12/2/81)

WAC 16-212-070 INSPECTION OF ~~((MISCELLANEOUS))~~ COMMODITIES.

(1) Hay inspection.	
(a) Complete inspection (minimum charge \$30.00)	\$ 1.00
per ton.....	
(b) Factor inspection (minimum charge \$20.00)	\$ 1.00
per ton.....	
(c) Submitted sample inspection.....	\$ 5.00
per sample.....	
(2) Inspection or reinspection of beans, peas, lentils, and similar commodities (minimum charge).....	((45.00)) <u>18.00</u>
(a) Inspection or reinspection of bags at inspection points	per cwt..... \$ ((0.04)) <u>0.045</u>
(b) Bulk commodity inspection (point,--bulk) or reinspection at inspection points, per ton.....	\$ ((0.20)) <u>0.21</u>
(c) Submitted sample inspection or reinspection	
per sample.....	\$ ((10.00)) <u>11.00</u>
(3) Sampling only, bulk commodities.	
(a) Minimum charge.....	<u>\$10.00</u>
(b) Covered hopper-type cars, per car.....	<u>\$12.00</u>

(4) Whenever the lot size or workload is not of sufficient size so that inspection and/or weighing fees generated will defray the department's cost of ~~((46.00))~~ \$18.00 per hour per man, an additional fee shall be assessed to equal ~~((46.00))~~ \$18.00 per hour per man.

~~((4))~~ (5) Whenever service is required at points other than at the designated inspection point, car mileage fees as per WAC 16-212-080 ~~((5))~~ (3) shall be charged and added to inspection and weighing charges.

AMENDATORY SECTION (Amending Order 1751, filed 12/2/81)

WAC 16-212-080 MISCELLANEOUS FEES.

((weighing, checking and/or sampling--commodities if not covered by WAC 16-212-060 (3) (a), (b) and (c) minimum charge per hour.....	((46.00)) <u>\$46.00</u>
(2)) Mailing samples, minimum charge	\$ 1.00
(actual cost if greater than minimum)	
((3)-Sampling only, bulk commodities	
(a) Minimum charge.....	((4.00)) <u>\$4.00</u>
(b) Covered hopper-type cars.....	((11.00)) <u>\$11.00</u>
(4)) <u>(2)</u> Fee for pickup samples on routes established by the department	per sample..... \$ 0.50
((5)) <u>(3)</u> Car mileage	per mile..... \$ ((0.45)) <u>0.185</u>
((6)) <u>(4)</u> In all cases where no fee has been established for services, the charge for such service shall be as provided in WAC 16-212-030, hourly charges.	
((7)) <u>(5)</u> Any charges made in addition to the basic fees provided for in WAC ((16-212-040)) <u>16-212-030</u> through 16-212-070 shall be classified as additional charges.	

AMENDATORY SECTION (Amending Order 1118, filed 5/29/69, effective 7/1/69)

WAC 16-212-090 SERVICES RENDERED AWAY FROM INSPECTION POINTS.

(1) The provisions of this regulation shall apply to the grading, weighing, sampling, and inspection of grain, hay, beans, peas, ~~((and))~~ lentils, and other commodities at places other than inspection points. In addition to the applicable fees for such services, the applicant shall pay the following costs:

- (a) Time per hour, per man, including overtime, if any, from office and return.
- (b) Mileage from office and return except where transportation is furnished by applicant.
- (c) Subsistence allowance if employee is away from station, as defined, first day and all subsequent days.
- (d) Incidental costs for postage, telephone, etc.

AMENDATORY SECTION (Amending Order 1751, filed 12/2/81)

WAC 16-212-120 GRADES AND STANDARDS. The grades and standards established by the United States Department of Agriculture as of ~~((January 1, 1982))~~ April 1, 1983, 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.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 16-212-040 PHYSICAL ANALYSES.
- (2) WAC 16-212-085 INSPECTION OF CORN OR SORGHUM.
- (3) WAC 16-212-140 TESTING REQUIREMENTS.
- (4) WAC 16-212-150 FEES.
- (5) WAC 16-212-200 PROMULGATION.
- (6) WAC 16-212-210 ESTABLISHMENT OF GRAIN INSPECTION OFFICE AT COLFAX, WASHINGTON.