

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1844

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

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

Chapter 16-400 WAC Horticulture Inspection 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. These rules shall take effect:
[ ] 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, M. Keith Ellis, 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:

Horticultural Inspection Fees are based on a fee for service. A public hearing has been held and a permanent order establishing fees dealing with those specific services will become effective February 1, 1985. This emergency order will provide for fees for these services in that interim period.

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:

[ ] (a) This rule is promulgated pursuant to RCW 15.17 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 Procedure 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.

APPROVED AND ADOPTED December 31 19 84
STATE OF WASHINGTON FILED
DEC 21 1984
By M. Keith Ellis
Director
Title

NEW SECTION

WAC 16-400-007 DEFINITION. For the purposes of this chapter districts one, two, three, and four are defined in chapter 16-458 WAC horticultural inspection district boundaries.

AMENDATORY SECTION (Amending Order 1589, filed 12/20/78)

WAC 16-400-010 GRADE AND CONDITION CERTIFICATES (~~(1) ALL DISTRICTS~~) ~~--FRUITS. ((1) The minimum charge for a certificate shall be \$6.00 on all fruits and vegetables.~~

~~(2) All fresh fruits, (Apples, pears and soft fruits), Fruit in containers, (Wrapped, place pack, face and fill, or loose in bulk, bins, boxes, cartons, crates, or bags), For bulk or bins, divide the net weight by 40 pounds to determine the number of standard containers for charges.~~

~~Under 19 lbs net, ..... 1-3/4¢ each container  
 20 to 29 lbs net, ..... 3¢ each container  
 30 to 65 lbs net, ..... 3-1/2¢ each container  
 (Incl. 1/2 bu. container for prunes))~~

Charges for grade and condition certificates for all fruits shall be:

(1) The minimum charge for all fruits shall be:

<u>District one and three .....</u>	<u>\$6.00</u>
<u>District two .....</u>	<u>\$7.00</u>
<u>District four .....</u>	<u>\$8.00</u>

(2) For all fresh market fruits of apples, pears, and soft fruit in containers--wrapped, place pack, face and fill, in bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins, or in bags, per cwt. or fraction thereof:

	<u>Districts</u>		
	<u>1 and 3</u>	<u>2</u>	<u>4</u>
<u>Apples .....</u>	<u>8.75¢</u>	<u>10¢</u>	<u>11¢</u>
<u>Apricots .....</u>	<u>9.75¢</u>	<u>11¢</u>	<u>12¢</u>
<u>Cherries, nectarines and peaches .....</u>	<u>15¢</u>	<u>17.25¢</u>	<u>18.75¢</u>
<u>Pears .....</u>	<u>7.75¢</u>	<u>9.0¢</u>	<u>9.75¢</u>
<u>Plums, prunes, other soft fruits, grapes, and berries .....</u>	<u>11.66¢</u>	<u>13.4¢</u>	<u>14.60¢</u>

(3) For all apples, pears, stone fruits, berries, and grapes in bulk or in containers for processing, or for quality and/or size determination, charges shall be two dollars per ton net weight or fraction thereof.

AMENDATORY SECTION (Amending Order 1589, filed 12/20/78)

WAC 16-400-040 GRADE AND CONDITION CERTIFICATES--VEGETABLES.

~~((Asparagus in 12-lb containers, ..... 2¢ each  
 Asparagus in 26---35-lb  
 containers, ..... 3-1/2¢ each  
 Corn--crates, ..... 6¢ each~~

---1---25-packages-----\$-6-00  
 ---26---50-packages-----10-00  
 ---51---150-packages-----45-00  
 ---151---400-packages-----20-00

MAC 16-400-050 GRADE AND CONDITION CERTIFICATES--DEFENSE SUB-  
 SISTENCE SUPPLY CENTER OR OTHER FEDERAL AGENCIES. (Fees--as--estab-  
 lished--by--HSBA--  
 {1}--for--Canadian-export-inspections-only--where-specific-charges  
 are--not--established--by--this-regulation

AMENDATORY SECTION (Amending Order 1578, filed 5/17/78)

Districts one and three ..... \$12.00  
 District two ..... \$14.00  
 District four ..... \$16.00

{3} Inspection fees for cabbage, carrots, cauliflower, celery,  
 cucumbers, lettuce, rhubarb, rutabagas, squash, watermelons, etc.,  
 shall be at the hourly rate as follows:

Asparagus	11.66¢	13.4¢	14.6¢
Cantaloupes, and Corn	10¢	11.5¢	12¢
Onions	5¢	5.75¢	6¢
Potatoes, and Seed Potatoes	4¢	4.6¢	5¢
Processing Potatoes	4¢	4.6¢	5¢
Complete inspection (rate shall be reduced for level of service required)	12.5¢	14.4¢	15¢

Districts

{2} Charges for grade and condition certificates for fresh market  
vegetables in containers--wrapped, place pack, face and fill, in bags,  
master containers, consumer packages, or loose in bulk cartons, boxes,  
crates, bins or in bags per cwt. or fraction thereof:

Districts one and three ..... \$6.00  
 District two ..... \$7.00  
 District four ..... \$8.00

{1} The minimum charge for all vegetables shall be:  
for grade and condition certificates for all vegetables shall be:  
Inspection--fees--for--cabbage--celery--lettuce--cauliflower,  
rhubarb--rutabagas--watermelons--squash--carrots--etc--shall  
be--at--the--regular--hourly--rate--of--\$12-00--per--hour--or--\$24-00--for--a--car-  
load--with--a--maximum--of--2--hours--time--for--domestic--use--only--(Charges

potatoes--where--percentage--grade--needed--or--major--frac-  
tion--thereof--(diversion--program--or--similar--pro-  
gram)--per--ton  
Processing--potatoes--(rate--reduced--for--service  
required)

~~401 - customary car lot ..... 30.00~~  
~~----- except where specific commodity~~  
~~charges are established.~~

~~(2) Terminal wholesale market inspections (domestic) in Tacoma,~~  
~~Seattle and Spokane. Minimum chg., 4-hour \$12.00.~~

~~(3) State institution inspections ..... \$12.00~~  
~~per-hour~~  
~~Minimum fee shall be \$-6.00.)~~

Inspection fees are as follows:

(1) For Canadian export inspections only where specific charges  
are not established by WAC 16-400-010 and 16-400-040.

1 - 50 packages.....	\$ 8.00
51 - 150 packages.....	\$12.00
151 - 400 packages.....	\$24.00
401 - customary car lot.....	\$45.00
(2) Terminal wholesale market inspections (domestic) in Tacoma,	
Seattle, Spokane, or other major locations per hour.....	\$12.00
(3) State institution inspections..... per hour.....	\$12.00
Minimum fee.....	\$ 6.00

AMENDATORY SECTION (Amending Order 1482, filed 8/16/76)

WAC 16-400-060 ((BEANS, PEAS, LENTILS)) CERTIFICATE CHARGES--  
OTHER AGRICULTURAL COMMODITIES.

~~((1) Lot inspection ..... 7-cents-per-cwt.~~  
~~----- Minimum charge for a certificate~~  
~~shall be \$10.00.~~

~~(2) Sample inspection ..... \$10.00~~  
~~per-sample))~~

Inspection charges for beans, peas, lentils, hay, and straw shall be  
the same as those set in WAC 16-212-070.

AMENDATORY SECTION (Amending Order 1377, filed 9/12/74)

WAC 16-400-100 ((CONSOLIDATION)) CERTIFICATES. ((Shall have an  
additional charge of \$2.00 for each additional local lot.)) Certifi-

cate charges shall be in accordance with the following provisions:  
(1) Consolidation certificates shall be charged as specified in  
WAC 16-400-010 and 16-400-040 and shall have an additional charge of  
three dollars for each additional local lot.

(2) Condition certificate charges shall be two-thirds of the  
grade and condition certificates with the following exceptions:

(a) Previously inspected lots shall have a minimum charge of:

Districts one and three .....	\$6.00
District two .....	\$7.00
District four .....	\$8.00

(b) When the lot has had no prior inspection for quality or grade  
and it is requested that the certificate carry out-bound car, truck,  
or state lot number, the grade and condition certificate schedule  
shall apply.

(c) Out-of-state products reported on state certificates shall be charged on the applicable grade and condition certificate schedule, except there shall be an hourly charge of:

District one and three	\$12.00
District two	\$14.00
District four	\$16.00

(3) Car hook-up, loading or unloading certificate shall be charged at the rates specified in MAC 16-400-100 (2)(a).

(4) Sanitary and quarantine certificate charges for fruits and vegetables shall be:

(a) Four dollars for the issuance of a certificate, plus the hourly rates specified in MAC 16-400-210 (1)(a) when the shipment is not covered by federal-state certificates.

(b) Four dollars per set when the shipment is covered by federal-state certificates.

(5) Container weight, or checkloading certificates shall be charged at the rates specified in MAC 16-400-210 (1)(a).

AMENDATORY SECTION (Amending Order 1786, filed 3/1/83)

MAC 16-400-150 SHIPPING PERMITS AND CERTIFICATES OF COMPLIANCE--FRUITS AND VEGETABLES. By law, each shipment of apples, apricots, Italian prunes, peaches, pears, each shipment of apples, apricots, cherry fruit fly larvae, whether certified or not. Shipments to processors of apricots, cherries, peaches, prunes, and asparagus do not require a shipping permit. If the lot has been certified (for each shipment-by-car-or-truck), a permit (with) or certificate of compliance shall be issued without additional charge. If the lot has not been certified, the basis of charges shall be (as follows):

- (1) (Apples, pears, and soft fruits--(carrots and trucklots)--(a) Shipping-permit-fees:
  - (i) Containers of twenty-eight pounds to sixty-five pounds, eighty or less--per container--to sixty-five pounds, eighty-one and over--two-thirds the fee for grade and condition certificate--(minimum-fee--\$4.00)
  - (ii) Containers of twenty-seven pounds--two contain-ers--up to minimum--\$0.55
  - (iii) Sixteen pounds and under--three containers (minimum-fee--\$4.00)
  - (iv) Permit to ship apples and/or pears to a-by-product plant outside the district--\$2.00
  - (v) Permits--to-by-product plants--are-for-transportation only--in-accordance-with-state-law--(2) Vegetables:
    - (a) Potatoes--per-permit--two-thirds-of-certificate-charges--(Minimum-fee--or-livestock-feed-shipments--for-transportation-only--in-accordance-with-state-law--per-load--point-of-origin--or-out-of-district-inspection--\$2.00)
    - (b) Processing-plant-or-livestock-feed-shipments--\$4.00
    - (c) Certified-seed-potatoes--per-cwt--\$0.50

No charge shall be made for shipping permits when seed potatoes are grown, graded and shipped in full compliance with the provisions of the rules for the certification of seed potatoes, and the grades and standards for certified seed potatoes.

(d) Asparagus

- (i) Containers of twenty-six to thirty-five pounds, eighty or less ..... per container ..... \$ 0.05
- (ii) Containers of twenty-six to thirty-five pounds, eighty one and over ..... two-thirds the fee for grade and condition certificate. (Minimum fee ..... \$ 4.00)
- (iii) Twelve to twenty-five pounds -- two containers ..... up to minimum ..... \$ 0.05 (Minimum fee ..... \$ 4.00)
- (3) Container weight, or checkloading certificates ..... per container ..... \$0.04 (Minimum fee ..... \$ 12.00)

The minimum charge shall be two dollars.

(2) Two-thirds the rate for grade and condition certificates shall apply.

(3) Permit to ship apples and/or pears to a by-product plant outside the district shall be three dollars.

(4) On certified seed potatoes no charge shall be made for shipping permits when seed potatoes are grown, graded, and shipped in full compliance with the provisions of the rules for the certification of seed potatoes, and the grades and standards for certified seed potatoes as listed in chapter 16-324 WAC.

AMENDATORY SECTION (Amending Order 1578, filed 5/17/78)

WAC 16-400-210 ((PLATFORM--INSPECTION)) OTHER CHARGES. ((1) Platform inspections, time taking samples, extra time, FV-294 inspections, and all other services, will be charged at the rate of \$42.00/hr

(2) Time allowance -- where platform inspector working full time at one house also does certification inspection, he will allow credit for the time according to limits outlined in the schedule for such certification at the rate of \$42.00 per hour and should the certificate charges divided by \$42.00 equal or exceed the number of hours worked, no platform charge will be made, or if it is less than the number of hours worked, the platform charge will be made to bring the total for the day to the proper charge.) Other miscellaneous charges are listed below:

(1) Charges for platform inspection shall be:

(a) Platform inspections, time taking samples, extra time, FV-294 inspection, and all other services, shall be charged at the hourly rate of:

Districts one and three .....	\$12.00
District two .....	\$14.00
District four .....	\$16.00

(b) Time allowance - Where a platform inspector is working full time at one house and also doing certification inspection, the inspector shall allow credit for the time according to limits outlined in the schedule for such certification at the hourly rate of:

Districts one and three .....	\$12.00
District two .....	\$14.00
District four .....	\$16.00

Should the certificate charges divided by the respective hourly rates equal or exceed the number of hours worked, no platform charge

shall be assessed. Should the certificate charges divided by the respective hourly rates be less than the number of hours worked, the platform charge shall be made to bring the total to the appropriate charge.

(2) Fumigation charges. - The minimum charge for supervision of fumigation shall be eighteen dollars for the first one and one-half hours. Time over the first one and one-half hours or unnecessary stand-by time shall be charged as specified in MAC 16-400-210 (1)(a). No fumigations shall be started after 3:00 p.m. from October 1 to May 31, nor after 10:00 p.m. from June 1 to September 30.

(3) Field or orchard inspections made at the applicant's request for determination of presence or absence of disease or insect infestation, or for other reason, shall be at the rate of two dollars per acre or fraction thereof.

(4) Seed sampling fees shall be arranged with the chemical and plant services division for services performed.

(5) Extra charges on services provided shall be assessed according to provisions listed below.

(a) The minimum inspection charge for each commodity and requested form shall be at the rate specified in MAC 16-400-210 (1)(a).

(b) If, through no fault of the inspection service, time over the maximum allowance as supported by unit rates for each commodity and requested form is required, such excess time shall be at the rate as specified in MAC 16-400-210 (1)(a).

(c) For all inspection services performed beyond a regularly scheduled eight-hour week day shift or on Saturdays, or Sundays, or state legal holidays, an hourly charge shall be made equivalent to the following:

Districts one and three .....	\$19.00
District two .....	\$20.00
District four .....	\$22.00

These charges shall be made for actual hours spent in performance of duties. This shall include unit charges, plus, if necessary, overtime charges to equal the respective overtime hourly rates.

The following state legal holidays will be observed: New Year's Day, Veteran's Day, Memorial Day (the last Monday of May), Independence Day, Labor Day (the first Monday in September), Thanksgiving Day (the fourth Thursday in November) and the day following Thanksgiving Day, Christmas Day, Lincoln's Birthday, and Washington's Birthday (third Monday in February). NO SERVICE will be performed on Thanksgiving Day, Christmas Day or New Year's Day, beginning at 5:00 p.m. on previous day.

(d) When the per unit charge for inspection in any one day equals or exceeds the basic hourly and/or overtime charge, no additional hourly or overtime charges shall be assessed.

(6) Mileage--Whenever necessary, mileage shall be charged at the rate established by the state office of financial management.

AMENDATORY SECTION (Amending Order 1578, filed 5/17/78)

MAC 16-400-270 (EXFRA) COPIES. (After original typing of a certificate a charge of \$2.00 per set will be made for extra copies when requested by the original applicant of the certificate or other financially interested party; copy-machine copy of inspectors notes when requested by applicant with be \$4.00 per copy.) Charges for copies made shall be:

(1) Extra copies--After original typing of a certificate a charge of two dollars per set shall be made for extra copies when requested by the original applicant of the certificate or other financially

interested party. Copy machine copies of inspectors' notes, certificates or related documents when requested by applicant may be charged twenty-five cents per copy.

(2) Retyping--When, through no fault of the inspection service, retyping is necessary, such service shall be rendered for two dollars per set.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-400-020	LOOSE APPLES AND/OR PEARS.
WAC 16-400-025	LOOSE STONE FRUIT AND GRAPES.
WAC 16-400-070	HAY AND STRAW.
WAC 16-400-090	SHORT FORM OR LOT INSPECTION CERTIFICATES.
WAC 16-400-110	CONDITION CERTIFICATES.
WAC 16-400-120	CAR HOOK-UP, LOADING OR UNLOADING CERTIFICATE.
WAC 16-400-140	SANITARY CERTIFICATES--FRUITS AND VEGETABLES.
WAC 16-400-200	QUARANTINE CERTIFICATES.
WAC 16-400-230	FUMIGATION CHARGES.
WAC 16-400-235	FIELD OR ORCHARD INSPECTIONS.
WAC 16-400-240	SEED SAMPLING.
WAC 16-400-250	EXTRA CHARGES (ON ALL ABOVE SERVICES).
WAC 16-400-280	RETYPING.
WAC 16-400-285	CERTIFICATE ON FRUIT OR VEGETABLES UNRESTRICTED AS TO GRADE OR CONDITION.
WAC 16-400-2901	EFFECTIVE DATE.