

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 2001 lg

(1) I, C. Alan Pettibone, director of

DEPARTMENT OF AGRICULTURE lg

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. WSR 89-05-040 filed with the code reviser on February 15, 1989. 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 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 March 31 19 89

STATE OF WASHINGTON FILED

MAR 31 1989

By C. Alan Pettibone

Director

Title

CODE REVISER'S OFFICE WSR 89-05-040

AMENDATORY SECTION (Amending Order 1847, filed 2/28/85)

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 1884, filed 4/2/86)

WAC 16-400-010 GRADE AND CONDITION CERTIFICATES--FRUITS. Charges for grade and condition certificates for all fruits shall be:

(1) The minimum charge for all fruits shall be((+)) nine dollars.

((District-one-----\$6.00
 District-two-----\$7.00
 District-three-----\$8.00
 District-four-----\$8.00))

(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:

((Districts

+-----2-----3-----4

Apples-----8.75#---10#---11#---11#
 Apricots-----9.75#---11#---12#---12#
 Cherries, nectarines and
 peaches-----15#---17.25#---18.75#---18.75#
 Pears-----7.75#---9.0#---9.75#---9.75#
 Plums, prunes, other soft fruits,
 grapes, and berries-----11.66#---13.4#---14.60#---14.60#)

(a) For federal-state certification:

Apples 13¢
 Apricots, cherries, nectarines
 and peaches 21¢
 Pears 12¢
 Plums, prunes, other soft fruits,
 grapes, and berries 16¢

(b) For state certification:

Apples 12¢
 Pears 11¢

(3) For all apples, pears, stone fruits, berries, and grapes in bulk or in containers for processing, or for quality condition and/or size determination, charges shall be two dollars fifty cents per ton net weight or fraction thereof. When inspection is requested only for the purpose of verifying the product, conveyance, markings, or other factors not related to quality, the charges shall be at the hourly rate but not less than the minimum certificate charge of nine dollars.

AMENDATORY SECTION (Amending Order 1884, filed 4/2/86)

WAC 16-400-040 GRADE AND CONDITION CERTIFICATES--VEGETABLES. Charges for grade and condition certificates for all vegetables shall be:

(1) The minimum charge for all vegetables shall be ((+)) nine dollars.

((District-one-----\$6.00
District-two-----\$7.00
District-three-----\$8.00
District-four-----\$8.00))

(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

1-----2-----3-----4

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

(a) For federal state certification:

Asparagus 21¢
Cantaloupes, and Corn 12.5¢
Onions 8¢
Potatoes, and Seed Potatoes 6¢
Processing Potatoes 6¢
Complete inspection (rate shall be
reduced for level of service required)
Tomatoes 19¢

(b) For state certification:

Asparagus 19¢

(3) Inspection fees for cabbage, carrots, cauliflower, celery, cucumbers, lettuce, rhubarb, rutabagas, squash, watermelons, etc., shall be at the hourly rate ((as follows:)) of twenty dollars.

((District-one-----\$12.00
District-two-----\$14.00
District-three-----\$18.00
District-four-----\$16.00))

(4) Inspection for quality, condition, and/or size determination, whether in bulk or in containers, for all vegetables for processing, except potatoes, charges shall be two dollars fifty cents per ton net weight or fraction thereof. When inspection is requested only for the purpose of verifying the product, conveyance, markings, or other factors not related to quality, the charges shall be at the hourly rate, but not less than the minimum certificate charge of nine dollars.

AMENDATORY SECTION (Amending Order 1884, filed 4/2/86)

WAC 16-400-100 CERTIFICATES. Certificate 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 ((*)) nine dollars.

((District-one-----\$6.00
 District-two-----\$7.00
 District-three-----\$8.00
 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 ((*)) twenty dollars.

((District-one-----\$12.00
 District-two-----\$14.00
 District-three-----\$18.00
 District-four-----\$16.00))

(3) Car hook-up, loading or unloading certificate shall be charged at the rates specified in subsection (2) (a) of this section.

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

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

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

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

(6) Federal-state certification shall meet the criteria for sampling as established by United States Department of Agriculture, Agricultural Marketing Service. When the federal-state inspector or inspector's aide must physically obtain samples from lots blocked out for loading or from lots in storage, charges of seven and one-half cents per cwt. shall be made in addition to inspection fees. When assistance is provided by the applicant's personnel, charges for sampling shall be reduced accordingly.

AMENDATORY SECTION (Amending Order 1845, filed 12/31/84, effective 2/1/85)

WAC 16-400-150 SHIPPING PERMITS AND CERTIFICATES OF COMPLIANCE--FRUITS AND VEGETABLES. By law, each shipment of apples, apricots, Italian prunes, peaches, pears, certified seed potatoes, and asparagus shall be covered by a shipping permit for grade; cherries shall have a shipping permit indicating freedom from 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, a permit or certificate of compliance shall be issued without additional charge. If the lot has not been certified, the basis of charges shall be:

- (1) The minimum charge shall be two dollars fifty cents.
- (2) Two-thirds the rate for state grade and condition certificates shall apply.
- (3) Permit to ship apples and/or pears to a byproduct 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 1884, filed 4/2/86)

WAC 16-400-210 OTHER CHARGES. Other miscellaneous charges are listed below:

(1) Charges for platform inspection shall be:

(a) Platform inspections, time taking samples, extra time, ((F7-294)) phytosanitary and/or quarantine inspection, and all other services, shall be charged at the hourly rate of((+)) twenty dollars.

((District-one-----\$12.00
District-two-----\$14.00
District-three-----\$18.00
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((+)) twenty dollars.

((District-one-----\$12.00
District-two-----\$14.00
District-three-----\$18.00
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)). Additional or unnecessary stand-by time shall be charged as specified in subsection (1) (a) of this section. In temporary, nonpermanent facilities or those lacking adequate devices for maintenance of acceptable treatment temperatures, 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 fifty cents per acre or fraction thereof or at the rate specified in subsection (1) (a) of this section.

(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 subsection (1) (a) of this section.

(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 subsection (1) (a) of this section.

(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+)) twenty-seven dollars.

((District-one-----\$18.00
 District-two-----\$20.00
 District-three-----\$24.00
 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 are state legal holidays: 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, Martin Luther King, Jr. Day (third Monday in January), and Presidents' Day (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-days.))

(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.

(7) Electronic transmission of documents--Telegrams, facsimile, or electronic transmission of inspection documents shall be charged at the rate of four dollars per transmission in addition to Western Union charges made directly to the applicant.

(8) Services provided to other agencies--Services provided to other agencies, commissions, and organizations shall be charged at the rate specified in subsection (1)(a) of this section.

(9) Timely payment--Payment of fees and charges is due within thirty days after date of statement, provided:

(a) If payment is not received within thirty days, service may be withheld until the delinquent account is paid; or

(b) In the case of such delinquent accounts, cash payment for subsequent service may be required; and

(c) A penalty of twelve percent per annum shall be assessed on the delinquent account balance.

(10) USDA positive lot identification--Certification utilizing positive lot identification shall be charged at the rates specified in this section and WAC 16-400-010, 16-400-040, and 16-400-100 with an additional charge of ten percent. The minimum shall be twelve dollars per inspection. Service will be provided first in those instances in which positive lot identification is a mandatory condition of the sales transaction. Other requests for positive lot identification will be serviced upon adequate notification to the inspection service and availability of inspection personnel.

(11) Controlled atmosphere license fee--The application for an annual license to engage in the business of operating a controlled atmosphere storage warehouse or warehouses shall be accompanied by an annual license fee of five dollars per room, with a minimum fee established at twenty-five dollars for five rooms or less.

AMENDATORY SECTION (Amending Order 1845, filed 12/31/84, effective 2/1/85)

WAC 16-400-270 COPIES. Charges for copies made shall be:

(1) Extra copies--After original typing of a certificate a charge of ((two)) four 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 or reissuance--When, through no fault of the inspection service, retyping or reissuance is necessary, such service shall be rendered for ((two)) four dollars per set.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-400-050 GRADE AND CONDITION CERTIFICATES--DEFENSE SUBSISTENCE SUPPLY CENTER OR OTHER FEDERAL AGENCIES.