



RULE-MAKING ORDER
(RCW 34.05.360)

Adm # 5040

CR-103 (10/1/89)

Agency: Department of Agriculture

- Permanent Rule
- Emergency Rule

(1) Date of adoption: April 20, 1994

(2) Purpose:

To increase fees for services performed by the department by amounts within the fiscal growth factor for FY 1994.

(3) Citation of existing rules affected by this order:

Repealed:
 Amended: Chapter 16-212 WAC
 Suspended:

(4) Authority for adoption:

Statute: Chapter 22.09 RCW
 Other Authority:

(5.1) PERMANENT RULE ONLY

Pursuant to notice filed as WSR 94-06-058 on March 2, 1994 (date).

Describe any changes other than editing from proposed to adopted version:

none

(5.2) EMERGENCY RULE ONLY

Pursuant to RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If yes, explain:

(6) Effective date of rule:

Permanent Rules

Emergency Rules

- 31 days after filing
- Other (specify) _____ *
- Immediately
- Later (specify) _____

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

CODE REVISER USE ONLY

NAME (TYPE OR PRINT)

Jim Jesernig

SIGNATURE

TITLE

Director

DATE

4/20/94

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AMENDATORY SECTION (Amending WSR 92-15-046, filed 7/10/92, effective 8/10/92)

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 standardized grains, beans, peas, lentils and other commodities: Clarkston, Colfax, Kalama, Pasco, Seattle, Spokane, Tacoma and Vancouver.

AMENDATORY SECTION (Amending Order 1913, filed 12/12/86)

WAC 16-212-030 General provisions for hourly charges.

- (1) Straight time, rate per hour \$((~~23.00~~)) 24.50

This hourly rate shall be applied on any job where the fee is not sufficient to provide revenue of \$((~~23.00~~)) 24.50 per hour, per employee, and where no other hourly rate or fee is specified in the schedule of fees and charges. Whenever the lot size or workload is not of sufficient size to generate \$((~~23.00~~)) 24.50 per hour, per employee, an additional fee shall be assessed so that total revenue generated is equal to the \$((~~23.00~~)) 24.50 rate: *Provided*, That such revenue insufficiency may be established on the basis of the average hourly revenue generated at the worksite over the Monday through Sunday work week, upon written request of the applicant for service. In the absence of such request, fees shall be assessed on a daily basis.

- (2) Overtime, and night shift rate per hour . . . \$((~~6.00~~)) 6.40

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 \$((~~6.00~~)) 6.40 per hour, per employee, shall be charged in addition to the regular inspection and weighing fees.

(a) Requests for service on Saturdays, Sundays, or holidays, or for work shifts other than 8:00 a.m. to 5:00 p.m., Monday through Friday, must be received by the inspection office no later than 4:00 p.m. of the last regularly scheduled working day prior to the requested service. When the request is not received by 4:00 p.m., service will be provided where personnel are available, but an additional fee of \$((~~4.00~~)) 4.25 per hour, per employee, will be assessed for that shift.

(b) Requests for service which is beyond the scope or volume normally provided at an inspection site must be received by the inspection office no later than 4:00 p.m. of the last regularly scheduled working day prior to the date of the requested service in order for the department to guarantee to have adequate staff available to perform the service.

(c) Whenever an employee is called from home after regular working hours, or on a Saturday, Sunday or holiday, a minimum of two additional hours shall be charged at the rate of ~~\$(10.00)~~ 10.70 per hour and added to other fees charged.

(d) Scheduled night shifts.

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 overtime fees per hour will not apply.

(i) The department shall be given at least seven calendar days notice, in writing, to establish a scheduled night shift. If notice is not given, a fee of ~~\$(6.00)~~ 6.40 per hour, per employee, shall be assessed until the seven day notice period has elapsed.

(ii) The department shall be given at least twenty-one calendar days' notice, in writing, of cancellation of any scheduled night shift operation. If such notice is not given, a fee of ~~\$(6.00)~~ 6.40 per hour, per employee, shall be assessed for each hour under the regular night shift schedule that would have been worked until the twenty-one day notice period has elapsed.

(3) Standby rate per hour ~~\$(25.00)~~ 26.80

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 minimum of four hours at the standby rate of ~~\$(25.00)~~ 26.80 per hour, per employee, shall be charged. Whenever a service is requested before or after working hours or anytime on a Saturday, Sunday or holiday, and a cancellation of such request is not received by 4:00 p.m. of the last regularly scheduled working day prior to the requested service, the four hour standby charge shall be applied.

(4) Guarantee of expense. When a service is requested that requires assignment of personnel at a facility where the volume of work at the established fees may not be adequate to pay the cost of providing the service, a guarantee of the expense of providing the service may be required. These facilities may enter into agreement with the department at guaranteed staffing levels and negotiated minimum hours and unit fees.

AMENDATORY SECTION (Amending WSR 92-15-046, filed 7/10/92, effective 8/10/92)

WAC 16-212-060 Official inspection and/or weighing fees under the United States Grain Standards Act.

(1) Combination inspection and weighing fees. Ships, barges, unit trains and transfers of bulk grain.

(a) From vessel to elevator, per ton ~~\$(0.12)~~ 0.128

(b) Bin transfers, per ton ~~\$(0.12)~~ 0.128

(c) From elevator to vessel, per ton \$ ((~~0.12~~))
0.128

(d) From railcars of a unit train, sampled by diverter samplers, batch weighed and inspected under the subplot inspection plan in units of not less than five cars, per ton \$ ((~~0.12~~))
0.128

(2) Inspection only of railroad boxcars, open hopper-type cars or covered hopper-type cars, original inspection.

(a) When sampled by United States Department of Agriculture approved mechanical belt, spout or leg samplers, per car (batch grades-up to a maximum of 5 car units are charged at the per car rate) \$ ((~~14.50~~))
15.50

(b) When sampled by United States Department of Agriculture approved grain trier, original and subsequent original inspections, per car \$ ((~~23.00~~))
24.00

(3) Inspection only of trucks, per truck \$ ((~~14.00~~))
15.00

(4) Reinspections of railroad boxcars, open hopper-type cars, covered hopper-type cars, ship subplot samples, barge lots, truck lots, and submitted samples.

(a) When based on an official file sample, per reinspection \$ ((~~8.50~~))
9.00

(b) When based on a new sample, for railcars only, per reinspection \$ ((~~23.00~~))
24.00

(c) When based on a new sample, for trucks only, per reinspection \$ ((~~14.00~~))
15.00

(5) Submitted samples,

(a) Standardized grains, except canola per inspection \$ ((~~7.00~~))
7.50

(b) Canola, per inspection \$ ((~~13.00~~))
13.75

(6) Fees for laboratory determination of erucic acid, and/or glucosinolate, and/or oil content of canola, identical to the fees assessed by the Federal Grain Inspection Service.

(7) Factor analysis and/or certification.

(a) Factors added to existing certificates, or requested on ship subplot analyses, that do not affect the grade: per factor \$ 2.50

Provided, That on submitted sample certificates of grade for wheat and barley, dockage to the nearest one-tenth percent will be shown in remarks section and, for wheat, foreign material shown on the factor line, when it is not a grading factor, without additional charge.

(b) Factor certification only (maximum of two factors), per certificate \$ 3.00

(i) Additional factors added to a factor certificate, per factor \$ 2.50

(A maximum of \$((~~7.00~~)) 7.50 will be charged for grading factors only.)

(ii) When submitted samples are not of sufficient size to provide official grade analysis, obtainable factors will be provided, upon request of the applicant, at the factor only rate.

(8) Official (NIRR or NIRT) protein analysis.

(a) Protein and/or oil analysis in conjunction with official inspection for grade \$ 6.25

(b) Protein and/or oil only \$ 8.50

When based on official sample (including new sample reinspection) add the applicable sampling charges.

(c) Protein and/or oil only: Submitted sample or reinspection based on official file sample. \$ 8.50

(9) Inspection of sacked grain at inspection points, per cwt \$ 0.06

(10) Checkloading sacked grain, per ((man)) employee-hour \$ ((23.00))
24.50

(11) Waxy corn determination, on request, per determination \$ ((12.00))
12.75

(12) Aflatoxin testing fees

(a) Screening or quantitative testing determinations, based on official sample, except thin layer chromatography, per test \$ ((35.00))
37.50

(b) Submitted samples, screening or quantitative determinations, except thin layer chromatography, per test \$ ((23.00))
24.50

(c) Reinspection, based on official file, screening or quantitative, except thin layer chromatography, per test \$ ((23.00))
24.50

(d) Reinspection, based on a new sample, screening or quantitative, except thin layer chromatography, per test \$ ((35.00))
37.50

(e) Thin layer chromatography determinations will be assessed at a rate identical with the fees charged by the Federal Grain Inspection Service.

(13) Stowage examinations - ships, barges or vessels.

(a) Per stowage space and/or tank, per examination \$ ((22.50))
24.00

(b) Initial inspection, minimum charge \$ ((112.50))
120.00

(c) Subsequent inspections, minimum charge \$ ((67.50))
72.00

(d) Stowage examinations will be made on ships or vessels at anchor in midstream when requested.

(i) It is the responsibility of the applicant to provide safe transportation by licensed tug or water taxi to and from the vessel.

(ii) A minimum of two hours of regular time at \$((23.00)) 24.50 per hour (one inspector) for general cargo vessels and a minimum of four hours of regular time at \$((23.00)) 24.50 per hour

(two inspectors) shall be charged for tankers in addition to the established inspection fee.

(iii) Inspections can only be made at the convenience of the grain inspection office, during daylight hours, under safe working conditions, when weather conditions permit.

(iv) Inspections can only be made within the area of the designated tidewater grain inspection office.

(v) A ship's or vessel's officer or company agent shall accompany the licensed shiphold inspector(s).

(e) A minimum of four hours per inspector at the applicable overtime rate shall also be assessed on Saturdays, Sundays, or holidays.

~~((13))~~ (14) Other stowage examinations.

(a) Sea van-type containers (when checkloading is not required) \$ ((7.60))
8.10

(b) Railroad cars, trucks and other containers, not in conjunction with loading, per container . . . \$ ((7.60))
8.10

(15) Checktesting of diverter and mechanical samplers, per ~~((man))~~ employee-hour \$ ((23.00))
24.50

(16) Ship samples.

(a) Ship composite samples.

(i) Initial set of samples to applicant (maximum of three samples) no charge

(ii) Additional samples or samples at the request of other interested parties, per sample (two sample minimum when not requested with initial set) \$ ((5.00))
5.25

(b) Ship samples on a subplot basis, per sample \$ ((5.00))
5.25

(17) Weighing services.

(a) Class X weighing services.

(i) From railroad boxcars, open or covered hopper-type cars (without inspection required) or vessels to elevator (grain only), per ton \$ ((0.10))
0.107

(ii) From elevator to boxcars, open or covered hopper-type cars, barges (without inspection required) or vessels (without inspection, grain only), per ton \$ ((0.10))
0.107

(iii) Bin transfers (grain only), per ton \$ ((0.10))
0.107

(iv) Trucks, per truck or weight lot \$ ((7.00))
7.50

(b) Class Y weighing services, per ~~((man))~~ employee-hour \$ ((23.00))
24.50

(c) Checkweighing of sacked grain, per ~~((man))~~ employee-hour \$ ((23.00))
24.50

(d) Scale certification/checktesting of official weighing scales.

(i) Weights and measures scale specialist, per ((man)) <u>employee-hour</u>	\$ ((31.50))
	<u>33.75</u>
(ii) Grain inspection personnel, per ((man)) <u>employee-hour</u>	\$ ((23.00))
	<u>24.50</u>

AMENDATORY SECTION (Amending WSR 92-15-046, filed 7/10/92, effective 8/10/92)

WAC 16-212-070 Official services under the Agricultural Marketing Act of 1946.

(1) Inspection or analysis of graded and nongraded commodities.	
(a) Inspection of bagged commodities at inspection points, per cwt	\$ 0.06
(b) Bulk commodity inspection at inspection points, per ton	\$ ((0.28))
	<u>0.30</u>
(c) Minimum charge for bulk or bagged commodities (one hour)	\$ ((23.00))
	<u>24.50</u>
(d) Submitted sample inspection, per sample	\$ ((13.00))
	<u>13.75</u>
(2) Weighing and combination inspection/weighing services for bulk commodities.	
(a) Weighing only, other than grain, per ton	\$ ((0.11))
	<u>0.117</u>
(b) Combination inspection/weighing of bulk commodities under federal grade standards, state standards, or for factor determinations, per ton	\$ ((0.12))
	<u>0.128</u>
(c) Weigh grain by-products into portable containers including fitness examination of the container, weigh and sample the by-product (thirty ton maximum)	\$ ((14.00))
	<u>15.00</u>
(3) Factor analysis.	
(a) Moisture only	\$ ((5.00))
	<u>5.25</u>
(b) Additional factors, the determination of which are not required to establish grade, or otherwise not required by regulation, added to an existing certificate, per factor	\$ 2.50
(c) Certification, factor only (maximum two factors), per certificate	\$ 3.00
(d) Additional factors added to a factor certificate, per factor	\$ 2.50
(A maximum of \$((13.00)) <u>13.75</u> will be charged for grading factors only.)	

(e) Analysis of rapeseed for official factors, per certificate	\$ ((13.00))	<u>13.75</u>
(f) If official inspection is required for rapeseed, the applicable sampling only fee shall be assessed in addition to the factor analysis fee.		
(4) Sampling only, bulk commodities.		
(a) Trucks or containers, per carrier	\$ ((14.00))	<u>15.00</u>
(b) Boxcars, open or covered hopper-type cars, per car	\$ ((23.00))	<u>24.00</u>
(5) Processed commodity and defense personnel support center (DPSC) inspection fees.		
(a) Per ((man)) <u>employee</u> -hour, two hour minimum, rate per hour	\$ ((23.00))	<u>24.50</u>
(b) In addition to the charges, if any, for sampling and other requested service, a fee will be assessed for each laboratory analysis or test identical with the amount charged by the federal grain inspection service for laboratory tests performed under authority of the Agricultural Marketing Act and for any postage or other costs of mailing not included in these fees.		
(6) Sanitation inspections.		
(a) Initial inspection	no charge	
(b) Reinspections, four hour minimum, per ((man)) <u>employee</u> -hour	\$ ((23.00))	<u>24.50</u>
(7) Stowage examinations under the Agricultural Marketing Act shall be subject to the rates, restrictions, and conditions cited in WAC 16-212-060 (13) and (14).		
(8) Mycotoxin testing fees.		
(a) Screening or quantitative testing determinations, except thin layer chromatography per test	\$ ((35.00))	<u>37.50</u>
(b) Thin layer chromatography determinations will be assessed at a rate identical with the fees charged by the Federal Grain Inspection Service.		
(9) Falling numbers determinations, per determination	\$ ((12.00))	<u>12.75</u>
Liquefaction number, per determination	\$ 0.50	

AMENDATORY SECTION (Amending WSR 92-15-046, filed 7/10/92, effective 8/10/92)

WAC 16-212-080 Miscellaneous fees.

(1) Mailing of samples shall be charged at actual mailing costs, minimum charge	\$ 2.00
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- (2) Fee for pickup of samples on routes established by the department, per sample \$ 0.60
- (3) Fees for services performed at places other than established grain and commodity inspection points.
- (a) Travel time, per employee, will be charged at the applicable straight time or overtime rate from office to inspection point and return.
- (b) Car mileage will be charged at the current published department of general administration rates (WAC 82-28-080), except where suitable transportation is provided by the applicant.
- (c) If the travel is of sufficient duration to require payment of subsistence or per diem to the employee, an amount equal to the established subsistence and/or per diem rate (WAC 82-28-040 and 82-28-050) shall be assessed, except where applicable subsistence and lodging are furnished, or paid, by the applicant.
- (d) Incidental costs of telephone, mailing, etc. shall be at actual cost.
- (e) Facsimile transmissions, per page \$ 1.00
- (4) Certificate charges for certificates under the United States Grain Standards Act or the Agricultural Marketing Act of 1946.
- (a) Divided original certificates, per certificate \$ 1.50
- (b) Extra copies of inspection, protein, weight, falling number, commodity or aflatoxin certificates, per copy \$ 3.00
- (5) Phytosanitary certification
- (a) When performed in conjunction with official inspection, per certificate \$ ((6-50))
6.75
- (b) When performed without official inspection, add sampling fee, per hour \$((23-00))
24.50
- (6) Timely payment. Payment of fees and charges is due within thirty days after the date of the statement.
- (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.

AMENDATORY SECTION (Amending WSR 92-15-046, filed 7/10/92, effective 8/10/92)

WAC 16-212-082 Fees for services performed under state regulation. (1) Inspection of cultivated buckwheat and safflower under Washington state standards shall be at the rate applicable for the same type of sample under the fees for services under the United States Grain Standards Act.

(2) Cracked corn, corn screenings, and mixed grain screenings shall be inspected and/or weighed under the tonnage rate applicable for standardized grains as per WAC 16-212-060.

(3) Unofficial (NIRR or NIRT) protein analysis, per unit \$ 6.25

(4) Rapeseed (except canola) inspection under state standards.

(a) Submitted sample for factors or grade, per sample \$ ((13.00))
13.75

(b) When sampled by official personnel, add applicable sampling only fee.

(c) Export inspection and weighing in bulk, per ton \$ ((0.12))
0.128

(d) Inspection of bagged rapeseed, per cwt \$ 0.06

(e) Fees for laboratory determination of erucic acid and/or glucosinolate and/or oil content will be identical to the fees assessed by the Federal Grain Inspection Service.

Note: This fee is applied in addition to the inspection fee for grading under state standards.

(5) For other laboratory analysis not identified herein, a fee will be assessed for each test or analysis identical with the amount charged by USDA or Washington state agency laboratories.