



**RULE-MAKING ORDER**  
**(RCW 34.05.360)**

**CR-103 (7/10/97)**

**Agency:** Department of Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

**(1) Date of adoption:** November 21, 1997

**(2) Purpose:** The goals of the amendments are to provide sufficient revenue to effectively administer and enforce the Organic Food Products Act, chapter 15.86 RCW.

**(3) Citation of existing rules affected by this order:** Chapter 16-156 WAC

Repealed:  
Amended: WAC 16-156-060  
Suspended:

**(4) Statutory authority for adoption:** Chapter 15.86 RCW  
Other Authority:

**PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)**

Adopted under notice filed as WSR 97-20-077 on September 26, 1997 (date).  
Describe any changes other than editing from proposed to adopted version: No changes

**EMERGENCY RULE ONLY**

Under 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:

**EXPEDITED REPEAL ONLY**

Under Preproposal Statement of Inquiry filed as WSR \_\_\_\_\_ on \_\_\_\_\_ (date)

**(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:**

**Emergency Rules**

- Permanent Rules or Expedited Repeal**
- 31 days after filing
  - Other (specify) \_\_\_\_\_\*
- Emergency Rules**
- Immediately
  - Later (specify) \_\_\_\_\_

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

Name (Type or Print)  
Jim Jesernig

Signature  
*James M. Jesernig*

Title  
Director

Date  
11/21/97

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

NOV 21 1997

1102

97-24-006

TIME \_\_\_\_\_ FILED \_\_\_\_\_

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	<u>1</u>	Repealed	_____

**The number of sections adopted at the request of nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	_____	Amended	<u>1</u>	Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

AMENDATORY SECTION (Amending Order 6011, filed 12/20/96, effective 1/20/97)

**WAC 16-156-060 Fee schedule.** (1) The cost per application shall be based on the following fee schedule.

For renewal applicants -

Application fees shall be based on the previous calendar year's gross sales of organic and transition to organic food. In the event that the current calendar year's gross sales exceed the previous year's gross sales, the department may bill the producer for the additional fee. In the event that the current calendar year's gross sales is less than the previous year's gross sales, the producer may request a refund for the reduced fee. In addition, renewal applications postmarked after March 1, shall pay a late fee of fifty dollars.

For new applicants -

Application fees shall be based on an estimate of the current year's gross sales of organic and transition to organic food. In the event that the current calendar year's gross sales exceed the estimate, the department may bill the producer for the additional fee. In the event that the current calendar year's gross sales is less than the estimate, the producer may request a refund for the reduced fee. In addition, new applicants pay a seventy-five dollar new applicant fee. The fee shall accompany the application.

Gross Sales	Annual Fee
\$ 0 - \$ 12,000	<del>(\$ 150)</del>
	\$ 165
\$ 12,001 - \$ 15,000	<del>(\$ 185)</del>
	\$ 200
\$ 15,001 - \$ 20,000	<del>(\$ 200)</del>
	\$ 220
\$ 20,001 - \$ 25,000	<del>(\$ 250)</del>
	\$ 275
\$ 25,001 - \$ 30,000	<del>(\$ 300)</del>
	\$ 330
\$ 30,001 - \$ 35,000	<del>(\$ 350)</del>
	\$ 385
\$ 35,001 - \$ 42,500	<del>(\$ 425)</del>
	\$ 465
\$ 42,501 - \$ 50,000	<del>(\$ 500)</del>
	\$ 550
\$ 50,001 - \$ 65,000	<del>(\$ 600)</del>
	\$ 660
\$ 65,001 - \$ 80,000	<del>(\$ 750)</del>
	\$ 825
\$ 80,001 - \$ 100,000	<del>(\$ 900)</del>
	\$ 990
\$ 100,001 - \$ 125,000	<del>(\$ 1,000)</del>
	\$ 1,100
\$ 125,001 - \$ 150,000	<del>(\$ 1,044)</del>
	\$ 1,150
\$ 150,001 - \$ 175,000	<del>(\$ 1,200)</del>
	\$ 1,320
\$ 175,001 - \$ 200,000	<del>(\$ 1,254)</del>
	\$ 1,375
\$ 200,001 - \$ 240,000	<del>(\$ 1,400)</del>
	\$ 1,540

-	- \$ 280,000	\$0))
		<u>595</u>
\$ 280,001	- \$ 325,000	(( <del>\$1,500</del> ))
		\$ 1,650
\$ 325,001	- \$ 375,000	(( <del>\$1,565</del> ))
		\$ 1,720
\$ 375,001	- \$ 425,000	(( <del>\$2,000</del> ))
		\$ 2,200
\$ 425,001	- \$ 500,000	(( <del>\$2,089</del> ))
		\$ 2,300
\$ 500,001	- \$ 750,000	(( <del>\$2,500</del> ))
		\$ 2,750
\$ 750,001 and up		(( <del>\$2,614</del> ))
		\$ 2,000
		<u>plus one-tenth</u>
		<u>of one percent</u>
		<u>(0.10%) of gross</u>
		<u>organic sales</u>

((As of December 1, 1997 for gross sales:

\$ 0	\$ 12,000	\$ 150
\$ 12,001	\$ 15,000	\$ 185
\$ 15,001	\$ 20,000	\$ 200
\$ 20,001	\$ 25,000	\$ 250
\$ 25,001	\$ 30,000	\$ 300
\$ 30,001	\$ 35,000	\$ 350
\$ 35,001	\$ 42,500	\$ 425
\$ 42,501	\$ 50,000	\$ 500
\$ 50,001	\$ 65,000	\$ 600
\$ 65,001	\$ 80,000	\$ 750
\$ 80,001	\$ 100,000	\$ 900
\$ 100,001	\$ 125,000	\$ 1,000
\$ 125,001	\$ 150,000	\$ 1,085
\$ 150,001	\$ 175,000	\$ 1,200
\$ 175,001	\$ 200,000	\$ 1,300
\$ 200,001	\$ 240,000	\$ 1,400
\$ 240,001	\$ 280,000	\$ 1,450
\$ 280,001	\$ 325,000	\$ 1,500
\$ 325,001	\$ 375,000	\$ 1,625
\$ 375,001	\$ 425,000	\$ 2,000
\$ 425,001	\$ 500,000	\$ 2,171
\$ 500,001	\$ 750,000	\$ 2,500
\$ 750,001 and up		\$ 2,714))

(2) Two inspections per year within the state of Washington are provided for under the above fee schedule. Additional inspections (in addition to two inspections provided for), if required for certification or maintenance of certification by the director, or requested by the producer, shall be at ((~~\$20/hr.~~) \$30/hr. plus mileage set at the rate established by the state office of financial management.

Out-of-state inspections, if necessary or requested, shall be at the rate of ((~~\$20/hr.~~) \$30/hr. plus transportation costs.

(3) One sample per year is provided for under the above fee schedule. Additional samples (in addition to one sample provided for), if required for certification or maintenance of certification by the director, or requested by the organic producer, shall cost an additional lab fee of one hundred ten dollars. If an additional visit must be arranged to obtain a sample, it shall be at ((~~\$20/hr.~~) \$30/hr. plus mileage set at the rate established by the state office of financial management.



(WAC 16-156-060,illus. 1A)



PRODUCER



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Washington State Dept. of Agriculture

