

WAC 16-622-030 Accreditation procedure. (1) The director shall, upon receipt of an application for accreditation of a negotiating unit, promptly notify in writing the processor who operates the processing facility. The director shall schedule a time to examine the accreditation files of both the association of producers and the processor operating the processing facility. This examination shall not occur prior to five working days following the receipt of the notice to the processor of the application for accreditation of the negotiating unit.

(2) The director shall issue a report of findings resulting from the examination of the accreditation files of both parties which shall include:

(a) Whether the association of producers is owned and controlled by producers and that one of its functions is to act as principal or agent for its members in negotiations with processors;

(b) Whether the association of producers has valid and binding contracts with its members who are part of the proposed negotiating unit;

(c) Whether the members of the proposed negotiating unit represent more than fifty percent of the total average number of producers of record at the processing facility with advance contracts for the previous two growing seasons, or whether the number of acres of qualified commodities produced by members of the proposed negotiating unit, who were producers of records at the processing facility, represents more than fifty percent of the total average number of acres of qualified commodity obtained through advance contracts for the previous two growing seasons; and

(d) Sufficient resources, including public funds and any funds to be provided by the applicant under reimbursement agreements, will be available to cover department costs for services provided by the department in carrying out the provisions of this chapter, including department costs to defend a decision made by the department under this chapter and chapter 15.83 RCW if such a decision is appealed.

(3) If the director's findings regarding subsection (2) of this section are that the association meets the criteria for accreditation, a notice of accreditation of the negotiating unit will be issued to both parties. If the findings regarding subsection (2) of this section are that the association fails to meet any of the criteria for accreditation, a notice citing the specific deficiency will be issued to both parties pending the filing of an amended application in a timely manner.

(4) The director shall not accredit more than one negotiating unit for each processing facility. Should more than one proposed negotiating unit meet the criteria for accreditation, the director shall accredit the proposed negotiating unit that would function as the most effective agent for producers in negotiating with the processor. The director, when considering the accreditation of proposed negotiating units, shall consider the ratio of the number of producers to acres previously contracted by those producers, with substantial weight given to the number of acres contracted.

(5) The department shall provide the association of producers an estimate of expenses that may be incurred prior to the department's provision of services.

[Statutory Authority: RCW 15.83.100 and 2020 c 176. WSR 21-08-016, § 16-622-030, filed 3/26/21, effective 4/26/21. Statutory Authority: RCW

15.83.020. WSR 90-08-069, § 16-622-030, filed 4/2/90, effective 5/3/90.]