



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Agriculture

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

(1) Date of adoption: ~~June 30~~, 2001 ^{May 25} *MMO*

(2) Purpose: Reinstate grain inspection program rules and fees for inspection services. Adjust the WSDA Grain Inspection Program fee schedule to reflect increases in hourly fees, targeted unit fees, and targeted export tonnage fees for grain and commodity inspection.

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

- Repealed:
- Amended: Chapter 16-238-010, 16-238-020, 16-238-030, 16-238-060, 16-238-070, 16-238-082, 16-238-090, 16-238-100, 16-238-110
- Suspended:

(4) Statutory authority for adoption: RCW 22.09.790
Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 01-04-092 on February 7, 2001. *201-04-092 rmo*
Describe any changes other than editing from proposed to adopted version: Inadvertently when fee increases were calculated, one error occurred due to rounding. Therefore, that fee was adjusted downward to come into compliance with the fiscal growth factor provisions of Initiative 601. *→ 2/17/01 rmo*

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: 1) Initiative 601. 2) The United States Department of Agriculture has oversight of fees charged under the federal Grain Inspection, Packers and Stockyards Administration.

(6) Effective date of rule:

Emergency Rules

Permanent Rules or Expedited Repeal

- 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)

Name (Type or Print)
James M. Jesernig

Signature
James M. Jesernig

Title: Director Date: 5/25/01

CODE REVISER USE ONLY

Stamp: MAY 25 2001
TIME: 2:30 PM
WSR: 01-04-092

**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:

Federal statute:	New	<u>9</u>	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	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	<u>9</u>	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>9</u>	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	<u>9</u>	Amended	_____	Repealed	_____

Chapter 16-238

WSDA Grain Inspection Program--Fee Schedule

NEW SECTION

WAC 16-238-010 Definitions. (1) "Department" means the Washington state department of agriculture.

(2) "Ton" means two thousand pounds avoirdupois.

(3) "Overtime" means any time worked on Saturdays, Sundays, or holidays and all time worked before or after the regularly scheduled working hours, Monday through Friday.

(4) "Fees" means any charge made by the department for inspection and handling of any commodity or for services related to weighing or storage of grains or commodities.

(5) "Occasional work stoppage" means the union stop work meetings usually held once per month.

(6) "USDA" means the United States Department of Agriculture.

(7) "GIPSA/FGIS" means the Grain Inspection, Packers and Stockyards Administration, Federal Grain Inspection Service.

NEW SECTION

WAC 16-238-020 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: Colfax, Kalama, Olympia, Pasco, Seattle, Spokane, Tacoma and Vancouver.

NEW SECTION

WAC 16-238-030 General provisions for assessment of fees.

(1) Straight time fee, per hour, per employee, except GIPSA/FGIS scale authorization services \$26.34.
\$27.09, effective June 30, 2001; \$27.84, effective July 1,

2001.

The straight time fee will be assessed where no other fee, guarantee of expenses or contractual agreement exists or is specified in the schedule of fees or in any situation where the fees generated through the service provided are not equivalent to the straight time fee, per hour, per employee, including applicable supervisory and clerical hours.

(2) GIPSA/FGIS scale authorization fee, per hour, per employee \$34.87.
\$35.87, effective June 30, 2001; \$36.87, effective July 1, 2001.

The GIPSA/FGIS scale authorization fee, per hour, per employee will be assessed when GIPSA/FGIS scale authorization services are requested or required. Travel time, mileage, per diem, overtime, late notice, call-back, standby and service cancellation fees may be assessed in addition to the hourly fee.

(3) Overtime and night shift rate per hour, per employee \$6.87.
\$7.06, effective June 30, 2001; \$7.25, effective July 1, 2001.

When a service is requested before or after regularly scheduled working hours, Monday through Friday, during established meal periods on any shift, or anytime on Saturdays, Sundays or holidays, the overtime and night shift rate per hour, per employee, including applicable supervisory and clerical hours, shall be charged in addition to the regular inspection and weighing fees. When an applicant contracts for a permanent night shift(s), the overtime and night shift fee for the night shift(s) will be waived after the initial seven-day notice period expires.

(4) Late notice fee, per hour, per employee \$4.57.
\$4.70, effective June 30, 2001; \$4.83, effective July 1, 2001.

Requests for service on Saturdays, Sundays, or holidays, or for work before or after regularly scheduled working hours, Monday through Friday, must be received by the inspection office no later than 2:00 p.m. of the last regularly scheduled working day prior to the requested service. When the request is not received by 2:00 p.m., service will be provided if personnel are available. The late notice fee will be assessed, per hour, per employee, for the hours of the requested service that the department is able to staff.

Note: Service requests that are beyond the normal scope or volume requested at an inspection site must be received by the inspection office no later than 2:00 p.m. of the last regularly scheduled working day prior to the requested date of service. The requested service will be provided if the department is able to locate adequate staff.

(5) Call-back fee, per employee \$22.94.
\$23.58, effective June 30, 2001; \$24.22, effective July 1,

2001.

(a) When requests for service are received after the close of business on a regular scheduled working day and the department can locate adequate staff to provide the requested service, a call-back fee will be assessed for each employee scheduled for that shift or service request.

(b) One call-back fee per employee will be assessed for each employee scheduled on a shift on a Saturday, Sunday, or holiday.

(6) Shift request fee, per hour, per employee \$6.87.

\$7.06, effective June 30, 2001; \$7.25, effective July 1, 2001.

Requests for establishing a night shift or graveyard shift must be provided in writing. The requested shift(s) will commence seven days after the written request is presented. If the night shift or graveyard shift begins before the seven-day notice period has expired, the shift request fee will be assessed per hour, per employee assigned to the new shift(s) until the seven-day notice period expires.

Locations that are not routinely staffed, due to inconsistent workloads that are inadequate to allow the department to maintain full-time staffing, will be subject to the shift request fee for day shifts in addition to night shifts or graveyard shifts.

At locations where staffing has been reduced, due to a lack of work, below the full-time permanent day shift numbers, and an applicant requests a day shift that will begin before the seven-day notice period has expired, the shift request fee will be assessed, per hour, per employee, until the seven-day notice period has expired for the personnel above the current permanent staff number that are necessary to staff the requested day shift work.

(7) Shift cancellation fee, per hour, per employee \$6.87.

\$7.06, effective June 30, 2001; \$7.25, effective July 1, 2001.

Requests for cancellation of an applicant requested night shift or graveyard shift must be provided, in writing, at least twenty-one days prior to the cessation date. If the applicant does not provide the full twenty-one day notice, the shift cancellation fee will be assessed for all hours that the assigned staff would have worked until the twenty-one day notice period expires.

Locations that are not routinely staffed, due to inconsistent schedules, or at locations that are inadequately staffed due to a lack of work, will be assessed the shift cancellation fee for all shifts where the full twenty-one day cancellation notice period is not provided.

(8) Standby fee, four-hour minimum, per hour, per employee \$28.77.

\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

When a service is requested before or after the inspection office's established standard workday, Monday through Friday or anytime on Saturdays, Sundays, or holidays, and the service cannot be performed through no fault of the department, the four-hour minimum standby fee will be assessed, per employee; except as follows.

When service is requested at locations that are not routinely staffed on a Monday through Friday basis, due to inconsistent work schedules or a lack of work, and the department is able to staff appropriate personnel to accommodate the service requested by the applicant, and the requested service cannot be performed through no fault of the department, the four-hour minimum standby fee will be assessed, per employee.

When service is requested that commences within two hours of the regular starting time of a shift or ends within two hours of the regular ending time of a shift, and the service cannot be

performed through no fault of the department, the standby fee will be assessed on a per hour, per employee basis.

The standby fee will be assessed, per hour, per employee, for all hours over the four-hour minimum that continue to be staffed at the request of the applicant.

(9) Service cancellation fee, per employee \$115.08.
\$108.36, effective June 30, 2001; \$111.36, effective July 1, 2001.

When a service is requested before or after working hours, Monday through Friday or anytime on a Saturday, Sunday or holiday, and a cancellation of the request is not received by 2:00 p.m. of the last regularly scheduled working day prior to the requested service, the service cancellation fee will be assessed, per employee.

When service is requested at locations that are not routinely staffed on a Monday through Friday basis, due to inconsistent schedules or at locations that are inadequately staffed due to a lack of work, and a cancellation of the request is not received by 2:00 p.m. of the inspection office's last regularly scheduled working day prior to the requested service, the service cancellation fee will be assessed, per employee.

(10) 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 is not adequate to pay the cost of providing the service, a guarantee of the expense of providing the service is required.

(11) Guaranteed staffing levels. An applicant may enter into an agreement with the department at guaranteed staffing levels and negotiated minimum hours and unit fees, provided the department has adequate trained personnel to accommodate the request.

(12) Revenue insufficiency - export locations. When the lot size or workload is not of sufficient size to generate revenue equivalent to the straight time fee, per hour, per employee, an additional fee shall be assessed so that total revenue generated on a daily basis is equal to the straight time fee, per hour, per employee: Provided, That such revenue insufficiency may be established on the basis of the average hourly revenue generated at the work site over the Monday through Sunday work week (weekly averaging), upon written request of the applicant for service. In the absence of such request, fees shall be assessed on a daily basis.

Note: The weekly averaging computation utilizes the prior week's invoices representing shiplots completed before the start of business on Monday and does not include fees assessed for GIPSA/FGIS scale authorization, overtime, late notice, call-back, standby, shift request, or shift cancellation.

(13) Official commercial inspection services. Official commercial inspection services may be provided, on-site, at the applicant's request, when:

(a) Appropriate space, equipment and security can be provided by the applicant;

(b) The applicant provides a full definition of the requested services;

(c) The program is able to provide appropriate licensed personnel to accomplish the defined, requested service; and

(d) A guarantee of expense can be negotiated.

Note: The applicant must fully define the requested services so the department can determine appropriate staffing levels and create a guarantee of expense proposal.

(14) Travel time, mileage, per diem. When service requests are performed at other than the established grain and commodity inspection points, or qualified personnel to provide the requested service must travel from a different inspection point to the service location, the applicant may be assessed:

(a) Travel time from the established inspection point to the service location and return, at the appropriate fee(s) cited in WAC 16-238-030, per employee; and

(b) Mileage from the established inspection point to the service location and return, at the state of Washington's current general administration private vehicle mileage reimbursement rate.

(c) In addition, if the travel is of sufficient duration, an amount equal to the established state of Washington per diem rates provided to the employee(s) in travel status will be assessed to the applicant.

(15) 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.

NEW SECTION

WAC 16-238-060 Fees for official sampling, inspection, and/or weighing services under the United States Grain Standards Act. (1)

Fees for combination inspection and weighing services:

- (a) From barges or waterborne vessel to elevator, per ton \$0.128.
- (b) Bin transfers, per ton \$0.128.
- (c) From elevator to ocean-going vessel:
 - (i) First 3,000,000 short tons per fiscal year, per ton \$0.128.
 - \$0.131 effective June 30, 2001; \$0.134, effective July 1, 2001.
 - (ii) From 3,000,001 to 5,000,000 short tons per fiscal year, per ton \$0.131.
 - (iii) From 5,000,001 to 6,500,000 short tons per fiscal year, per ton \$0.128.
 - (iv) Over 6,500,000 short tons per fiscal year, per ton \$0.120.

Note: The tonnage assessment is applied in full lot increments and is reset at the beginning of each fiscal year. The fiscal year begins July 1 and ends the following June 30.

(d) From elevator to unit trains or from unit trains to

elevator, per ton \$0.128.
 (2) Fees for official sampling and inspection, without weighing; or sampling only without weighing, of:
 (a) Carlots sampled by USDA approved diverter-type mechanical samplers, per car \$15.50.
 \$15.94, effective June 30, 2001; \$16.00, effective July 1, 2001.

Note: The per car fee will be assessed for each carlot included in a batch when an applicant requests batch grading of railcars sampled by diverter-type mechanical sampler.

(b) Carlots, sampled by USDA approved grain trier, original inspections, subsequent original inspections, and new sample reinspections, per car \$24.00.
 \$24.68, effective June 30, 2001; \$25.00, effective July 1, 2001.

(c) Trucklots, sampled by approved grain trier, original or new sample reinspections, per truck \$15.00.
 \$15.43, effective June 30, 2001; \$15.80, effective July 1, 2001.

(d) Reinspections, based on official file sample, per sample, except Canola \$9.00.
 \$9.25, effective June 30, 2001; \$9.50, effective July 1, 2001.

Note: Canola reinspections are provided on an hourly fee basis.

(e) Bagged grains, per hundredweight (cwt) \$0.065.
 \$0.066, effective June 30, 2001; \$0.067, effective July 1, 2001.

Note: Factor-only reinspections available at the established reinspection fee, contingent on GIPSA/FGIS approval of the factor-only reinspection service option.

Fees for laboratory determination of erucic acid, and/or glucosinolate, and/or oil content of Canola are equivalent to the USDA published.

(3) Fees for official Class X weighing service; without inspection:

(a) From elevator to conveyance, except trucks, per ton \$0.107.
 \$0.110, effective June 30, 2001; \$0.112, effective July 1, 2001.

(b) From conveyance to elevator, except trucks, per ton \$0.107.
 \$0.110, effective June 30, 2001; \$0.112, effective July 1, 2001.

(c) Bin transfers, per ton \$0.107.
 \$0.110, effective June 30, 2001; \$0.112, effective July 1, 2001.

(d) Trucks, per weight lot \$7.50.
 \$7.71, effective June 30, 2001; \$7.92, effective July 1, 2001.

(4) Fees for other official weighing services:
 (a) Class Y weighing services, per hour, per employee \$26.34.
 \$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

(b) Checkweighing of bagged grain, per hour, per employee \$26.34.

\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

(5) Fees for inspection of submitted samples:

(a) Analysis under the United States Grain Standards Act, except Canola, per inspection \$7.75.
\$7.97, effective June 30, 2001; \$8.00, effective July 1, 2001.

Note: Submitted sample certificates of grade for barley may show, on request, dockage to the nearest one-tenth percent without additional charge.

(b) Canola, per inspection \$14.20.
\$14.60, effective June 30, 2001; \$15.00, effective July 1, 2001.

Note: Fees for laboratory determination of erucic acid, and/or glucosinolate, and/or oil content of Canola are equivalent to the USDA published fees.

(c) Reinspections, based on official file sample, per sample, except Canola \$9.00.
\$9.25, effective June 30, 2001; \$9.50, effective July 1, 2001.

Note: Canola reinspections are provided as an hourly fee service.

Note: When submitted samples are not of sufficient size to allow for official grade analysis, obtainable factors may be provided, upon request of the applicant, at the factor-only rate shown in subsection (6) of this section.

(6) Fees for factor analysis:

(a) Nongrade determining factors requested by applicant, in addition to the original inspection grade results, per factor \$2.50.
\$2.57, effective June 30, 2001; \$2.60, effective July 1, 2001.

(b) Nongrade determining factors requested in shiploading subplot analysis, per factor \$2.50.
\$2.57, effective June 30, 2001; \$2.60, effective July 1, 2001.

(c) Factor only determinations, per factor \$2.50.
\$2.57, effective June 30, 2001; \$2.60, effective July 1, 2001.

Note: A maximum of three factors will be available at the factor-only fee. Applicants requesting more than three factors will be assessed the appropriate submitted sample rate shown in subsection (5) of this section.

(7) Fees for official constituent analysis via near-infrared transmittance (NIRT) technology:

(a) In conjunction with official inspection for grade, per test \$6.25.
\$6.42, effective June 30, 2001; \$6.50, effective July 1, 2001.

(b) Not in conjunction with official inspection for grade, per test \$8.50.
\$8.74, effective June 30, 2001; \$8.80, effective July 1, 2001.

(c) Reinspection based on official file sample, per test \$8.50.
\$8.74, effective June 30, 2001; \$8.80, effective July 1, 2001.

Note: When a reinspection service includes a request for a new sample, the appropriate sampling fee in subsection (2) of this section will be assessed in addition to the fee cited in (c) of this subsection.

(8) Fees for qualitative or quantitative testing for the presence of mycotoxins via USDA approved "ELISA" or "Fluorometric" methods:

(a) Official sample or new sample reinspection, including official sampling, per test \$37.50.

(b) Submitted samples and reinspections based on official file sample, per test \$26.34.
\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

Note: Mycotoxin testing services utilizing thin layer chromatography or equivalent USDA approved technology available at the USDA published rate.

(9) Fees for stowage examination services on vessels or ocean-going barges:

(a) Initial inspection, five hold/stowage space/tank maximum, minimum fee \$120.00.

\$123.44 effective June 30, 2001; \$126.50 effective July 1, 2001.

(b) Initial inspection, above five hold/stowage space/tank maximum, per hold/stowage space/tank \$24.00.

\$24.68, effective June 30, 2001; \$25.30, effective July 1, 2001.

(c) Return to hold/stowage space/tank during inspection service, per hold/stowage space/tank \$24.00.

\$24.68, effective June 30, 2001; \$25.30, effective July 1, 2001.

(d) Subsequent inspections, three hold/stowage space/tank maximum, minimum fee \$72.00.

\$74.06, effective June 30, 2001; \$75.90, effective July 1, 2001.

(e) Subsequent inspection, above three hold/stowage space/tank maximum, per hold/stowage space/tank \$24.00.

(f) Travel time, midstream or at a nongrain loading berth, two-hour minimum per inspection request, per hour, per employee \$26.34.

\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

(g) Stowage examination services requested on a Saturday, Sunday, or holiday, four-hour minimum, per hour, per employee \$26.34.

\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

Note: At anchor stowage examination services will be conducted at the convenience of the designated grain inspection office during daylight hours under safe working and weather conditions. The applicant is responsible for securing licensed tug or water taxi to provide safe transportation to and from the anchor point. Two vessel or ship's agent representatives will accompany each WSDA inspector performing stowage examination services. Appropriate fees contained in WAC 16-238-030 may be assessed in addition to the fees noted in (a) through (f) of this subsection.

(10) Fees for other stowage examination services:

(a) Sea van containers, when not in conjunction with checkloading service, per inspection \$8.10.

\$8.33, effective June 30, 2001; \$8.50, effective July 1, 2001.

(b) Railcars, trucks, or other containers, per railcar, not in conjunction with loading, per inspection \$8.10.

\$8.33, effective June 30, 2001; \$8.50, effective July 1, 2001.

Note: Fees for stowage examination service will not be assessed when official sampling and inspection, or official weighing occurs at the time of loading, unless the applicant requests an official stowage examination certificate. The stowage examination requirement associated with service at the time of loading may be waived in accordance with GIPSA/FGIS Directive 9020.1.

(11) Fees for phytosanitary certification:

(a) In conjunction with official inspection, per certificate \$6.75.

\$6.94, effective June 30, 2001; \$7.13, effective July 1, 2001.

Note: Hourly fees may be assessed for research necessary to produce the requested certificate.

(b) When not in conjunction with official inspection, add

required sampling time, per hour per employee \$26.34.
 \$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

(12) Fees for miscellaneous services:

(a) Waxy corn, per analysis \$12.75.
 \$13.11, effective June 30, 2001; \$13.40, effective July 1, 2001.

(b) Ship composite samples, initial set of three provided to applicant.

(c) Ship composite samples, in excess of (b) of this subsection, when requested in advance, per sample \$5.25.
 \$5.40, effective June 30, 2001; \$5.50, effective July 1, 2001.

(d) Divided original certificates or letterhead statements, per certificate or letterhead statement \$1.50.
 \$1.54, effective June 30, 2001; \$1.58, effective July 1, 2001.

(e) Extra copies of certificates or letterhead statements, per certificate or letterhead statement \$3.00.
 \$3.08, effective June 30, 2001; \$3.16, effective July 1, 2001.

(f) Facsimile transmissions, per page \$1.00.
 \$1.02, effective June 30, 2001; \$1.04, effective July 1, 2001.

(g) Mailing of samples, at cost, minimum fee \$2.00.
 \$2.05, effective June 30, 2001; \$2.10, effective July 1, 2001.

(h) Sample pickup fee, on department established routes, per sample \$0.60.
 \$0.61, effective June 30, 2001; \$0.62, effective July 1, 2001.

Other services under the United States Grain Standards Act not specifically identified in WAC 16-239-060 will be provided under the appropriate subsection(s) of WAC 16-238-030 and/or at the published rates of the laboratory or organization providing the official service or analysis. New or special analysis requests may require applicant provided supplies and/or equipment.

NEW SECTION

WAC 16-238-070 Fees for official services under the Agricultural Marketing Act of 1946. (1) Fees for combination inspection and weighing services:

(a) Bulk commodities under federal or state standards, per ton \$0.128.
 \$0.131, effective June 30, 2001; \$0.134, effective July 1, 2001.

(b) Bulk commodities, factor determinations, per ton \$0.128.
 \$0.131, effective June 30, 2001; \$0.134, effective July 1, 2001.

(c) Sample and weigh grain by-products into thirty ton maximum containers, including stowage examination \$15.00.
 \$15.43, effective June 30, 2001; \$15.80, effective July 1, 2001.

2001.

(2) Fees for official sampling and inspection without weighing; or sampling only without weighing, of:

(a) Bulk carlots, sampled by USDA approved diverter-type mechanical samplers, per car \$15.50.
\$15.94, effective June 30, 2001; \$16.00, effective July 1, 2001.

(b) Bulk carlots, sampled by USDA approved grain trier, per car \$24.00.
\$24.68, effective June 30, 2001; \$25.00, effective July 1, 2001.

(c) Bulk trucklots or containerlots, sampled by USDA approved grain trier, per truck or containerlot \$15.00.
\$15.43, effective June 30, 2001; \$15.80, effective July 1, 2001.

(d) Inspection of bagged commodities, per hundredweight (cwt) \$0.065.
\$0.066, effective June 30, 2001; \$0.067, effective July 1, 2001.

Note: A minimum fee equivalent to the hourly fee cited in WAC 16-238-020 is assessed for bagged and bulk commodity sampling and inspection, or sampling only services.

(3) Fees for official weighing service, without inspection:

(a) From elevator to conveyance, except trucks, per ton \$0.107.
\$0.110, effective June 30, 2001; \$0.112, effective July 1, 2001.

(b) From conveyance to elevator, except trucks, per ton \$0.107.
\$0.110, effective June 30, 2001; \$0.112, effective July 1, 2001.

(c) Bin transfers, per ton \$0.107.
\$0.110, effective June 30, 2001; \$0.112, effective July 1, 2001.

(d) Trucks, per weight lot \$7.50.
\$7.71, effective June 30, 2001; \$7.92, effective July 1, 2001.

(4) Fees for other official weighing services:

(a) Checkweighing of bagged commodities, per hour, per employee \$26.34.
\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

(5) Fees for inspection of submitted samples:

(a) Standardized commodities, thresher run or processed, per sample \$14.20.
\$14.60, effective June 30, 2001; \$15.00, effective July 1, 2001.

(b) Commodities inspected under GIPSA/FGIS factor-only inspection procedures, per sample \$14.20.
\$14.60, effective June 30, 2001; \$15.00, effective July 1, 2001.

Note: Fees for laboratory determinations of commodity constituents are assessed at the USDA published rate or at cost from the service provider.

(6) Fees for factor analysis:

(a) Nongrade determining factors requested by applicant, in

addition to the original inspection results, except moisture, per factor \$2.50.
 \$2.57, effective June 30, 2001; \$2.60, effective July 1, 2001.
 (b) Moisture only, per determination \$5.25.
 \$5.40, effective June 30, 2001; \$5.50, effective July 1, 2001.
 (c) Nongrade determining factors requested in shiploading subplot analysis, per factor \$2.50.
 \$2.57, effective June 30, 2001; \$2.60, effective July 1, 2001.
 (d) Factor-only determinations, first two factors \$3.00.
 \$3.08, effective June 30, 2001; \$3.16, effective July 1, 2001.

Note: Additional factors available at the per factor fee in (a) of this subsection. Applicants requesting more than five factors will be assessed the submitted sample rate in subsection (5) (a) of this section for the requested factors. When submitted samples are not of sufficient size to allow for official grade analysis, factor-only analysis will be available, on request of the applicant.

(7) Fees for qualitative or quantitative testing for the presence of mycotoxins via USDA approved "ELISA" or "Fluorometric" methods:

(a) Official samples and new sample reinspections, including official sampling, per test \$37.50.
 (b) Submitted samples and reinspections based on official file sample, per test \$26.34.
 \$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

Note: Mycotoxin testing services utilizing thin layer chromatography or equivalent USDA approved technology will be available at the USDA published rate.

(8) Fees for stowage examination services on vessels or ocean-going barges:

(a) Initial inspection, five hold/stowage space/tank maximum, minimum fee \$120.00.
 \$123.44, effective June 30, 2001; \$126.50, effective July 1, 2001.
 (b) Initial inspection, above five hold/stowage space/tank maximum, per hold/stowage space/tank \$24.00.
 \$24.68, effective June 30, 2001; \$25.30, effective July 1, 2001.
 (c) Return to hold/stowage space/tank during inspection service, per hold/stowage space/tank \$24.00.
 \$24.68, effective June 30, 2001; \$25.30, effective July 1, 2001.
 (d) Subsequent inspection, three hold/stowage space/tank maximum, minimum fee \$72.00.
 \$74.06, effective June 30, 2001; \$75.90, effective July 1, 2001.
 (e) Subsequent inspection, above three hold/stowage space/tank maximum, per hold/stowage space/tank \$24.00.
 (f) Travel time, midstream or at a nongrain loading berth, two-hour minimum per inspection request, per hour, per employee \$26.34.
 \$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.
 (g) Stowage examination services provided on a Saturday, Sunday, or holiday, four-hour minimum, per hour, per

employee \$26.34.
\$27.09, effective June 30, 2001; \$27.84, effective July 1,
2001.

Note: At anchor stowage examination services will be conducted at the convenience of the designated grain inspection office during daylight hours under safe working and weather conditions. The applicant is responsible for securing licensed tug or water taxi to provide safe transportation to and from the anchor point. Two vessel or ship's agent representatives will accompany each WSDA inspector performing stowage examination services. Appropriate fees contained in WAC 16-238-030 may be assessed in addition to the fees noted in (a) through (f) of this subsection.

(9) Fees for other stowage examination services:

(a) Sea van containers, when not in conjunction with checkloading service, per inspection \$8.10.
\$8.33, effective June 30, 2001; \$8.50, effective July 1, 2001.

(b) Railcars, trucks, or other containers, per railcar, truck or other container \$8.10.
\$8.33, effective June 30, 2001; \$8.50, effective July 1, 2001.

(10) Fees for phytosanitary certification:

(a) In conjunction with official inspection, per certificate \$6.75.
\$6.94, effective June 30, 2001; \$7.13, effective July 1, 2001.

Note: Hourly fees may be assessed for research necessary to produce the requested certificate.

(b) When not in conjunction with official inspection, add required sampling time, per hour per employee \$26.34.
\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

(11) Fees for miscellaneous services:

(a) Falling numbers determinations, per determination \$12.75.
\$13.11, effective June 30, 2001; \$13.40, effective July 1, 2001.

(b) Liquefaction number, per determination \$0.50.
\$0.51, effective June 30, 2001; \$0.52, effective July 1, 2001.

(c) Divided original certificates or letterheads, per certificate or letterhead \$1.50.
\$1.54, effective June 30, 2001; \$1.58, effective July 1, 2001.

(d) Extra copies of certificates or letterheads, per certificate or letterhead \$3.00.
\$3.08, effective June 30, 2001; \$3.16, effective July 1, 2001.

(e) Sanitation inspections at commodity processing sites, initial inspection no charge.

(f) Sanitation inspections, return to failed facility, four-hour minimum, per hour, per employee \$26.34.
\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

(g) Sampling of processed commodities, two-hour minimum, per hour, per employee \$26.34.
\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

Note: Laboratory fees associated with processed commodity lots will be assessed per the GIPSA/FGIS rates. Postage and other costs for sample delivery to the appropriate analyzing laboratory will be assessed to the applicant for service.

(h) Facsimile transmissions, per page \$1.00.
\$1.02, effective June 30, 2001; \$1.04, effective July 1, 2001.

(i) Mailing of samples, at cost, minimum fee \$2.00.
\$2.05, effective June 30, 2001; \$2.10, effective July 1, 2001.

(j) Sample pickup fee, on department established routes, per sample \$0.60.
 \$0.61, effective June 30, 2001; \$0.62, effective July 1, 2001.
 Other services under the Agricultural Marketing Act of 1946 not specifically identified in WAC 16-238-070 will be provided under the appropriate subsection(s) of WAC 16-238-030, and/or at the published rates of the laboratory or organization providing the official service or analysis. New or special analysis requests may require applicant-provided supplies and/or equipment.

NEW SECTION

WAC 16-238-082 Fees for services performed under state regulation or standards or "as specified" by the applicant for service when no official standards exist. (1) Inspection of miscellaneous agricultural commodities under chapter 16-213 WAC:

(a) Submitted sample inspection, cultivated buckwheat, Washington state grade or for factor-only analysis, per sample \$7.50.
 \$7.71, effective June 30, 2001; \$7.92, effective July 1, 2001.

(b) Bulk carlots, cultivated buckwheat, sampled by USDA approved diverter-type mechanical samplers, per car \$15.50.
 \$15.94, effective June 30, 2001; \$16.00, effective July 1, 2001.

(c) Bulk carlots, cultivated buckwheat, sampled by USDA approved grain trier, per car \$24.00.
 \$24.68, effective June 30, 2001; \$25.00, effective July 1, 2001.

(d) Bulk trucklots or containerlots, cultivated buckwheat, sampled by USDA approved grain trier, per truck or containerlot \$15.00.
 \$15.43, effective June 30, 2001; \$15.80, effective July 1, 2001.

(e) Cracked corn, corn screenings, and mixed grain screenings sampling, inspection and weighing services are available at the fees cited in WAC 16-238-060.

(f) Bagged commodities, per hundredweight (cwt) \$0.065.
 \$0.066, effective June 30, 2001; \$0.067, effective July 1, 2001.

(2) Fees for miscellaneous services:
 (a) Unofficial constituent analysis via near-infrared transmittance (NIRT) technology available at the fees cited in WAC 16-238-060.

(b) Laboratory analysis of commodities covered in WAC 16-238-082, or for the analysis of constituents or conditions of grains or commodities not provided for in the official standards or

specifically addressed in WAC 16-238-060 or 16-238-070 may be available as an unofficial service. If available, the services will be provided under the appropriate section(s) of WAC 16-238-030, and/or at the published rates of the laboratory or organization providing the service or analysis.

Services not specifically identified in WAC 16-238-082 may be provided under the appropriate subsection(s) of WAC 16-238-030, and/or at the published rates of the laboratory or organization providing the service or analysis. New or special analysis requests may require applicant provided supplies and/or equipment.

NEW SECTION

WAC 16-238-090 Covered commodities. Commodities covered under chapter 22.09 RCW in respect to sampling, inspection, weighing, and quality or constituent determinations shall include all grains with standards or inspection criteria established under the United States Grain Standards Act, all commodities with standards or inspection criteria established under the Agricultural Marketing Act, all commodities with standards or inspection criteria established under Washington state standards, and the by-products resulting from conditioning or processing the above grains and commodities.

NEW SECTION

WAC 16-238-100 Grades and standards. The grades and standards established by the United States Department of Agriculture as of August 1, 1984, and subsequently, for all grains and commodities included within the provisions of this chapter, are hereby adopted. In addition, the procedures to sample, grade, test and weigh grains and commodities, established by the regulations and instructions under the United States Grain Standards Act and the Agricultural Marketing Act of 1946, are hereby adopted for this state.

NEW SECTION

WAC 16-238-110 Scales. United States Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, Federal Grain Inspection Service (USDA, GIPSA, FGIS) delegated official scale testing and authorization authority to the Washington state department of agriculture in July of 1984. Scales under USDA, GIPSA, FGIS jurisdiction are required to be tested and certified for accuracy at least twice per year by an authorized Washington state department of agriculture scale expert or USDA, GIPSA, FGIS scale specialist. When scales are tested by the department or by USDA, GIPSA, FGIS, a seal shall be placed on the scales. The seal shall be dated and shall indicate approval or rejection. When scales are tested, a copy of a scale test report shall be forwarded to the USDA, GIPSA, FGIS and copies shall be maintained by the department and at the facility where the scale is located.