



MEMORANDUM

Date: January 31, 2005

To: Marty Brown, OFM Director
Joint Administrative Rules Review Committee

Agency Rule Coordinators:

Department of Corrections
Department of Ecology
Department of Fish and Wildlife
Department of Health
Department of Labor and Industries
Department of Natural Resources
Washington State Parks and Recreation Commission
Department of Social and Health Services
Department of Transportation

From: George Huffman, Rules Coordinator
Washington State Department of Agriculture
P. O. Box 42560
Olympia, WA 98504-2560
Phone: 902-1802

Re: **Semi-Annual Rules Development Agenda**
(January 31, 2005 to June 30, 2005)

Attached is the Department of Agriculture's semi-annual rules development agenda for the period January 31, 2005 through June 30, 2005, which is being sent to you in compliance with RCW 34.05.314.

If you have any questions, please call me at (360) 902-1802 or e-mail me at ghuffman@agr.wa.gov

Attachment

GOVERNMENT OFFICE STATE OF WASHINGTON	
JAN 31 2005	
TIME	1020
WSR	05-04-062

**Washington State Department of Agriculture
Semi-Annual Rules Agenda, January 1, 2005 – June 30, 2005**
P.O. Box 42560, Olympia, WA 98504-2560

WAC Number Rule Title Agency Contact Tentative Timeline Subject of Rulemaking

CR-101 CR-102 CR-103

Commodity Inspection Division	Rule Title	Agency Contact	Tentative Timeline	Subject of Rulemaking
Chapter 16-390 WAC	WSDA Fruit and Vegetable Inspection Districts, Inspection Fees and Other Charges	Jim Quigley Fruit and Vegetable Inspection Program Manager Phone: (360) 902-1883	2-2-05 3-23-05 5-18-05	<p>The WSDA's Fruit and Vegetable Inspection Program is proposing to amend chapter 16-390 WAC. The proposed amendments will increase the following fees in excess of the Office of Financial Management fiscal growth rate factor:</p> <ul style="list-style-type: none"> • All cwt. fees • The minimum charge for a certificate of compliance (WAC 16-390-150(4)(a)) • The field or orchard per acre inspection fee (WAC 16-390-220(1)) <p>The department is also proposing a volume discount for apples and pears that are inspected and certified on-line for domestic shipment, controlled atmosphere certification, etc.</p> <p>The department's current hourly rates (regular and overtime), phytosanitary certification, minimum certification rates and Customer Assisted Inspection Program (CAIP) fees will not change.</p>

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Commodity :pection :vision						
Chapter 16-403 WAC	Standards for Apples Marketed Within The State of Washington	Jim Quigley Fruit and Vegetable Inspection Program Manager Phone: (360) 902-1883	TBD	TBD	TBD	Rewrite in a clear and readable format and possibly amend to mimic U.S. grades.
Chapter 16-404 WAC	Standards for Summer Apples Marketed Within Washington	Jim Quigley Fruit and Vegetable Inspection Program Manager Phone: (360) 902-1883	TBD	TBD	TBD	Since this chapter is now obsolete, the department will use the expedited rule making process to repeal it.
Chapter 16-406 WAC	Standards for Apricots	Jim Quigley Fruit and Vegetable Inspection Program Manager Phone: (360) 902-1883	TBD	TBD	TBD	Rewrite in a clear and readable format.
Chapter 16-409 .C	Standards for Asparagus	Jim Quigley Fruit and Vegetable Inspection Program Manager Phone: (360) 902-1883	TBD	TBD	TBD	Rewrite in a clear and readable format.
Chapter 16-414 WAC	Cherries	Jim Quigley Fruit and Vegetable Inspection Program Manager Phone: (360) 902-1883	TBD	TBD	TBD	Rewrite in a clear and readable format.

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CR-101 CR-102 CR-103

Commodity Inspection Division						
Chapter 16-436 WAC	Washington Standards for Peaches	Jim Quigley Fruit and Vegetable Inspection Program Manager Phone: (360) 902-1883	TBD	TBD	TBD	Rewrite in a clear and readable format.
Chapter 16-439 WAC	Pears, Summer and Fall	Jim Quigley Fruit and Vegetable Inspection Program Manager Phone: (360) 902-1883	TBD	TBD	TBD	Rewrite in a clear and readable format.
Chapter 16-442 WAC	Winter Pears	Jim Quigley Fruit and Vegetable Inspection Program Manager Phone: (360) 902-1883	TBD	TBD	TBD	Rewrite in a clear and readable format.
Chapter 16-445 AC	Standards for Italian Prunes	Jim Quigley Fruit and Vegetable Inspection Program Manager Phone: (360) 902-1883	TBD	TBD	TBD	Rewrite in a clear and readable format.
Chapter 16-448 WAC	Standards for Potatoes	Jim Quigley Fruit and Vegetable Inspection Program Manager Phone: (360) 902-1883	TBD	TBD	TBD	Since this chapter is no longer necessary due to U. S. grades and standards, the department will use the expedited rule making process to repeal it.

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CR-101 CR-102 CR-103

Commodity specification Division	Rule Title	Agency Contact	Tentative Timeline	Subject of Rulemaking	
Chapter 16-301 WAC	General Seed Regulations	Fawad Shah, Seed Program, Program Manager Phone: (509) 225-2682	9-15-04 TBD	TBD	In response to a petition from the Puget Sound Seed Growers Association, the department has formed a work group to develop amendments to chapter 16-301 WAC that satisfy petitioner concerns.
WAC 16-303- 340	Seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains	Fawad Shah, Seed Program, Program Manager Phone: (509) 225-2682	11-2-04 12-22-04	2-14-04	The department is proposing to increase fees in this section by the fiscal growth rate factor for fiscal year 2005 (3.03%).
WAC 16-319- 001, 002, 003, 004, 006 and 007 and WAC 16-319- 11.	Promulgation Application for certification for forest reproductive material	Fawad Shah, Seed Program, Program Manager Phone: (509) 225-2682	11-2-04 12-22-04	2-14-04	The department is proposing to repeal "Promulgation" sections and increase fees in WAC 16-319-041 by the fiscal growth rate factor for fiscal year 2005 (3.03%).
Chapter 16-303 WAC	Fees for Seed Certification or Other Services	Fawad Shah, Seed Program, Program Manager Phone: (509) 225-2682	TBD	TBD	The department is proposing to increase the fees in this chapter beyond the fiscal growth rate factor. It will also correct several typographical errors.

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Commodity Division	Rule Title	Agency Contact	Tentative Timeline	Subject of Rulemaking
WAC 16-237-195	Fees for warehouse audit and related services	Don Michelbook, Warehouse Audit Program, Program Manager Phone: (509) 533-2488	11-2-04 12-22-04 3-15-05	The department is proposing a fee for services performed when conducting special year-end inventories requested by licensed warehouse operators and is proposing fee increases beyond the fiscal growth rate factor for the services performed by the Warehouse Audit Program.
Pesticide Management Division				
WAC 16-228-1220	What are the restrictions applying to any person holding, handling, using, or disposing of pesticides and their containers?	Ann Wick Program Development Program Manager Phone: (360) 902-2051	1-8-04 TBD TBD	Based upon public comments received in 2003 year when chapter 16-228 WAC, General Pesticide Rules, was revised, the department will consider rule making to clarify the restrictions in WAC 16-228-1220(4) that apply to any person applying pesticides near schools, hospitals or similar establishments by airblast sprayers or aircraft. The department will solicit additional comments from stakeholders and other interested parties before considering possible rule amendments.
WAC 16-228-1231	State restricted use pesticides for distribution by licensed pesticide dealers and for use by certified applicators only.	Ann Wick Program Development Program Manager Phone: (360) 902-2051	1-8-04 TBD TBD	Amend subsections (1) and (4) to define herbicides and related container sizes that should be considered Restricted Use or have restrictions due to product volatility causing phytotoxicity.

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Rule Title

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Tentative
Timeline
CR-102

CR-103

Subject of Rulemaking

Pesticide Management Division	WAC Number	Rule Title	Agency Contact	CR-101	Tentative Timeline CR-102	CR-103	Subject of Rulemaking
	WAC 16-228-1250	Phenoxy herbicide restrictions.	Ann Wick Program Development Program Manager Phone: (360) 902-2051	1-8-04	TBD	TBD	Amend sections to define herbicides and related container sizes that should be considered Restricted Use or have restrictions due to product volatility causing phytotoxicity.
	WAC 16-230-400 through WAC 16-230-470	Restricted use herbicides-Spokane County					
	WAC 16-230-600 through WAC 16-230-675	High volatile ester and dust formulations, area under order and specific rules for eastern Washington					
	WAC 16-230-3 through WAC 16-230-868	Application of pesticides in Benton County					
	WAC 16-231-100 through WAC 16-231-183	Restricted use herbicides-Franklin County					
	WAC 16-231-200 through WAC 16-231-235	Restricted use herbicides-Yakima County					

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Pesticide Management Division	Rule Title	Agency Contact	Tentative Timeline	Subject of Rulemaking
WAC 16-231-300 through WAC 16-231-335	Restricted use herbicides-Adams County	Ann Wick Program Development Program Manager Phone: (360) 902-2051	1-8-04	TBD
WAC 16-231-400 through WAC 16-231-425	Restricted use herbicides-Columbia County			TBD
WAC 16-231-500 through WAC 16-231-530	Restricted use herbicides-Whitman County			TBD
WAC 16-231-600 through WAC 16-231-620	Restricted use herbicides-Klickitat County			TBD
WAC 16-231-700 through WAC 16-231-725	Restricted use herbicides-Okanogan County			TBD
WAC 16-231-800 through WAC 16-231-840	Restricted use herbicides-Douglas and Chelan counties			TBD

Amend sections to define herbicides and related container sizes that should be considered Restricted Use or have restrictions due to product volatility causing phytotoxicity.

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Pesticide Management Division	Definitions	Cliff Weed, Program Manager Pesticide Compliance Phone: (360)-902-2036	7-7-04	12-20-4	2-11-05	In response to a petition received from the Washington State Horticultural Association, the department is considering amending WAC 16-229-010 (Definitions) to exempt pesticides containing only kaolin clay as the active ingredient from the definition of "pesticide." If exempt, pesticides containing only kaolin clay as the active ingredient would no longer be counted for the purpose of establishing permanent mixing/loading site threshold.
Plant Protection Division						
NEW WAC	Planting Stock Certification	Tom Wessels Plant Services Program Manager Phone: (360)-902-1984	3-3-04	TBD	TBD	The department is considering developing and adopting permanent rules to establish standards, fees and other provisions for a planting stock certification program for some types of nursery stock such as rhododendrons.
Chapter 16-218 WAC	Hops-Certification Analyses-Fees	Mary Toohey Assistant Director Plant Protection Divisions Phone: (360)-902-1907	9-21-04	TBD	TBD	The department will propose increases in the fees in chapter 16-218 WAC and rewrite the chapter in a clear and readable format.

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WAC 16-470-101 through WAC 16-470-130	Apple Maggot and Plum Curculio	Brad White Pest Program Manager Phone: (360)-902-2071	12-21-04 TBD	TBD	The department is reviewing its regulation relating to apple maggot and plum curculio, non-native insect pests potentially affecting tree fruit industries and related crops in all parts of the state. The department may amend WAC 16-470-101 through WAC 16-470-130 so the requirements: <ul style="list-style-type: none"> • Reflect the most recent scientific data about these insects; • Are easier to read and understand; • Reflect current industry practices and needs; • Incorporate current national and international regulatory standards as appropriate; and • Facilitate compliance.
Chapter 16-623 WAC	Commission Merchants Act	Jerry Buendel Weights and Measures Program Manager Phone: (360) 902-1856	11-17-04	TBD	TBD
Chapter 16-662 WAC	Weights and Measures-National Handbook	Jerry Buendel Weights and Measures Program Manager Phone: (360) 902-1856	N/A	TBD	TBD
Agency Operations WAC 16-07-001	Unsigned ballot envelopes: Elections for advisory votes, referenda, and board selection	Lynn Briscoe WSDA Commodity Commission Coordinator Phone: (306)-902-2043	12-20-04	TBD	TBD
					The department is developing rules that establish department procedures for conducting commodity commission elections. Specifically, the procedures that the department will follow when it receives unsigned ballot envelopes.

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WAC Number Rule Title Agency Contact CR-101 CR-102 CR-103 Subject of Rulemaking

Agency Operations	Asparagus equipment leasing program	Greg Wright Program Coordinator Phone: (306)-902-1918	12-22-04	TBD	TBD	Permanent rules are needed to implement recent budget legislation that is intended to help maintain a viable asparagus industry in Washington state.
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George Huffman, Rules Coordinator