

State of Washington

DEPARTMENT OF AGRICULTURE

(agency name)

Administrative Order No. 1577

(1) I, Bob J. Mickelson, director of Department of Agriculture

do promulgate and adopt at Olympia, Washington

(place)

the annexed rules relating to: changes in fees charged with respect to horticultural inspection services provided by the Department of Agriculture. WAC provisions to be amended are: WAC 16-400-010, 16-400-020, 16-400-040, 16-400-050, 16-400-070, 16-400-110, 16-400-140, 16-400-150, 16-400-210, 16-400-230, 16-400-235, 16-400-250, 16-400-270.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on. Such rules shall take effect:

- checkbox pursuant to RCW 34.04.040(2).
checkbox at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, Bob J. Mickelson, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is: Inspection of horticultural products promotes the public health and welfare. Due to inflation and rising costs the Department of Agriculture is no longer able to provide inspection services at the level we feel is necessary. Therefore it is necessary to raise the inspection fees. Because of the early crop of cherries, it is necessary to make this rule effective as of the date of filing. This order will be no longer effective as of the effective date of Order No. 1578.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04. (1977 c 19 § 2) that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

- checkbox (a) This rule is promulgated pursuant to RCW 15.17.150 and is intended to administratively implement that statute.
checkbox (b) This rule is promulgated pursuant to RCW which directs that the

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

- checkbox (c) This rule is promulgated under the general rule making authority of the

(agency)

as authorized in RCW

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this agency is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED May 17 19 78

STATE OF WASHINGTON FILED

By Bob J. Mickelson

Director

Title

MAY 17 1978



STATE OF
WASHINGTON

Dixy Lee Ray
Governor

DEPARTMENT OF AGRICULTURE

406 General Administration Building, Olympia, Washington 98504

May 17, 1978

For purposes of legislative review of agency rules, the following statement is submitted:

- (a) RCW 34.04.045 (1)(a); Title: Horticultural Inspection Fees, promulgated by Department of Agriculture under authority of RCW 15.17.150, raising inspection fees.
- (b) This order provides for an increase in fees for horticultural inspection services in order to keep inspection services at their current level.
- (c) Department of Agriculture
Division of Plant Industry
C. T. Nielsen, Assistant Director
418 General Administration Building, Olympia
753-5052
- (d) Proponents:
Leo Sax, speaking on behalf of Washington Growers Clearinghouse
Bill Dewitt, speaking on behalf of Wenatchee Valley Traffic Association
Walt Shields on behalf of Yakima Valley Growers-Shippers Association

Opponents:
Dale A. Olsen, Wapato, Washington
Marvin R. Klingile, Wapato, Washington
- (3) Agency comments: Agency feels it necessary to keep inspection services at current level.

AMENDATORY SECTION (Amending Order 1482, filed 8/16/76)

WAC 16-400-010 GRADE AND CONDITION CERTIFICATES.

ALL DISTRICTS.

(1) The minimum charge for a certificate shall be \$6.00 on all fruits and vegetables.

(2) All fresh fruits. (Apples, pears and soft fruits). Fruit in containers. (Wrapped, place pack, face and fill, or loose in bulk, bins, boxes, cartons, crates, or bags). For bulk or bins, divide the net wt. by 40 lbs to determine the number of standard containers for charges.

Under 12 lbs net..... ((4)) 1 1/4¢ each container
 12 to 19 lbs net..... ((~~4-7~~8)) 1 1/4¢ each container
 20 to 29 lbs net..... ((2)) 2 1/4¢ each container

Districts 1 and 3

30 to 65 lbs net..... 2-3/4¢ each container
 (Incl. 1/2 bu. container for prunes)

District 4 (Chelan, Douglas and Okanogan Counties)

30 to 65 lbs net..... 3-1/4¢ each container
 (Incl. 1/2 bu. container for prunes)

District 2 (Yakima, Kittitas, Klickitat, Skamania and a portion of Benton County)

30 to 65 lbs net..... ((~~2-4~~4)) 2 3/4¢ each container
 1/2 bu. container for prunes..... 2-3/4¢ each container

AMENDATORY SECTION (Amending Order 1402, filed 6/16/75)

WAC 16-400-020 LOOSE APPLES AND/OR PEARS. (In bulk.)

(1) \$((~~4-25~~)) 1.50 per ton net weight or fraction thereof.

(2) The charge for a mixture of packed and loose apples and pears, shall be based on the total of packed and loose apples and pears under WAC 16-400-010 and ((~~WAC~~)) 16-400-020.

AMENDATORY SECTION (Amending Order 1402, filed 6/16/75)

WAC 16-400-040 VEGETABLES.

Asparagus in 12 lb containers..... ((~~4-4~~2))
2¢ each

Asparagus in 26 - 35 lb containers..... ((~~2-3~~4))
3 1/2¢ each

Corn - crates..... ((3))
6¢ each

Cantaloupe (60 lb container unit)..... ((4))
6¢ each

Tomatoes - L.A. Lugs or loose in containers..... ((~~2-4~~2))
3¢ each

Tomatoes - In flats..... ((~~4-7~~8))
2 1/4¢ each

Onions..... ((4))
5¢ cwt.

Potatoes and seed potatoes..... ((3-4/4))
 4¢ cwt.
 Potatoes where percentage grade needed or major
 fraction thereof (diversion program or
 similar program)..... ((30))
 50¢ per ton
 Processing potatoes..... ((2-4/4))
 3¢ cwt.
 Complete inspection (Rate reduced for
 service required)
 Inspection fees for cabbage, celery, lettuce, cauliflower,
 grapes, rhubarb, rutabagas, watermelons, squash, carrots, etc., shall
 be at the regular hourly rate of \$((8-25)) 12.00 per hour, or
 \$((16-50)) 24.00 for a carload, with a maximum of 2 hours time, for
 domestic use only.

AMENDATORY SECTION (Amending Order 1377, filed 9/12/74)

WAC 16-400-050 DEFENSE SUBSISTENCE SUPPLY CENTER OR OTHER FED-
 ERAL AGENCIES. Fees as established by USDA.

(1) For Canadian export inspections only where specific charges
 are not established by this regulation.

1 - 25 packages	\$((5-25))	<u>6.00</u>
26 - 50 packages	((7-00))	<u>10.00</u>
51 - 150 packages	((10-00))	<u>15.00</u>
151 - 400 packages	((14-75))	<u>20.00</u>
401 - customary car lot	((23-00))	<u>30.00</u>

except where specific commodity
 charges are established.

(2) Terminal wholesale market inspections (domestic) in Tacoma,
 Seattle and Spokane. Minimum chg., 1 hour ((2-30-25-hour)) \$12.00.

(3) State institution inspections \$ ((8-25-hour))
12.00 per hour

Minimum fee shall be \$((4-00)) 6.00.

AMENDATORY SECTION (Amending Order 1377, filed 9/12/74)

WAC 16-400-070 HAY AND STRAW.

(1) Complete inspection..... ((50¢)) \$1.00 per ton or
 fraction thereof, but not less than
 \$((5-00)) 6.00((7)); PROVIDED,
 That in the case of submitted
 samples the fee shall be \$((4-00))
2.00 per sample.

(2) Partial inspection..... ((50¢)) \$1.00 per ton or
 fraction thereof, calculated on the
 amount to which the inspection is
 restricted, but shall not be less
 than \$((5-00)) 6.00.

AMENDATORY SECTION (Amending Order 1377, filed 9/12/74)

WAC 16-400-110 CONDITION CERTIFICATES. (1) When the lot has been previously certified, the charge shall be 2/3 of the charge schedule of grade and condition certificates, except that the minimum charge shall be \$6.00.

(2) When the lot has no prior inspection for quality or grade, and it is not requested that the certificate carry identification of car, truck, or state lot number, same schedule as above.

(3) On certified lots unloaded for "storage in transit" or for commercial storage, same as above.

(4) When the lot has had no prior inspection for quality or grade and it is requested that certificate carry identifying out-bound car, truck, or state lot number, use same schedule as grade and condition certificates.

(5) Condition certificates on out-of-state products reported on state certificates shall be charged on the applicable grade and condition certificate schedule, except that a minimum charge shall be \$6.00 or ~~\$(8.25)~~ 12.00 per hour.

AMENDATORY SECTION (Amending Order 1377, filed 9/12/74)

WAC 16-400-140 SANITARY CERTIFICATES--FRUITS AND VEGETABLES.

(1) When shipment is not covered by federal-state certificates:

(a) ~~\$(2.00)~~ 3.50 for the first 200 containers or fraction thereof, plus ~~\$(8.25)~~ 12.00 per hour for necessary inspection.

(2) When shipment is covered by federal-state certificate all sanitary certificates will be at the rate of ~~\$(2.00)~~ 3.50 per set.

AMENDATORY SECTION (Amending Order 1524, filed 4/20/77)

WAC 16-400-150 SHIPPING PERMITS. By law, each shipment of apples, apricots, Italian prunes, peaches, pears, and certified seed potatoes must be covered by a shipping permit for grade; and cherries for freedom from cherry fruit fly larvae, whether certified or not. Shipments to processors of apricots, cherries, peaches, and prunes do not require a shipping permit. If the lot has been certified for each shipment by car or truck, a permit will be issued without additional charge. If the lot has not been certified, the basis of charges shall be as follows:

(1) Apples, pears, and soft fruits (carlots and trucklots)

(a) 80 or less containers of 28 lbs (~~and-over~~) to 65 lbs, 5¢ per container. 81 and over, the shipping permit shall be 2/3 the fee for grade and condition certificate with a minimum fee of \$4.00.

(i) 17 to 27 lbs - two containers - 5¢ up to the \$4.00 minimum.
16 lbs and under - three containers - 5¢ up to the \$4.00 minimum.

(b) Permit to ship apples and/or pears to a by-product plant outside the district - ~~\$(4.50)~~ 2.00.

(Permits to by-product plants are for transportation only in accordance with state law.)

(2) Vegetables.

(a) Potatoes - minimum charge per permit 2/3 of certificate charge or \$4.00 minimum.

(b) Processing plant or livestock feed shipments
- for transportation only, in accordance
with state law..... ~~\$(4.50)~~

2.00 per load

OR where point of origin or out-of-district inspection required.....

(c)

Certified seed potatoes.....

\$ ~~((=40))~~ .50 per ton
~~((3-4/4))~~ 4¢

PROVIDED, That no charge shall be made for shipping permits when seed potatoes are grown, graded and shipped in full compliance with the provisions of the rules for the certification of seed potatoes, and the grades and standards for certified seed potatoes. Shipments not in compliance with the above shall be charged in accordance with WAC 16-400-150(2) (c).

Container weight, or checkloading certificates shall be 1 cent per container, except that the minimum charge shall be \$12.00.

AMENDATORY SECTION (Amending Order 1377, filed 9/12/74)

WAC 16-400-210 PLATFORM INSPECTION. (1) Platform inspections, time taking samples, extra time, FV-294 inspections, and all other services, will be charged at the rate of \$~~((8=25))~~ 12.00/hr.

(2) Time allowance - Where platform inspector working full time at one house also does certification inspection, he will allow credit for the time according to limits outlined in the schedule for such certification at the rate of \$~~((8=25))~~ 12.00 per hour and should the certificate charges divided by \$~~((8=25))~~ 12.00 equal or exceed the number of hours worked, no platform charge will be made, or if it is less than the number of hours worked, the platform charge will be made to bring the total for the day to the proper charge.

AMENDATORY SECTION (Amending Order 1377, filed 9/12/74)

WAC 16-400-230 FUMIGATION CHARGES. The rate for supervision of fumigation shall be \$~~((45=99))~~ 18.00 per fumigation allowing ~~((2))~~ 1 1/2 hours; additional time or unnecessary stand-by time will be charged for at the rate of \$~~((8=25))~~ 12.00 per hour. No fumigations will be started after 3:00 p.m. from October 1 to May 31, nor after 10:00 p.m. from June 1 to September 30.

AMENDATORY SECTION (Amending Order 1377, filed 9/12/74)

WAC 16-400-235 FIELD OR ORCHARD INSPECTIONS. Inspections made at applicants' request for determination of presence or absence of disease or insect infestation, or for other reason, shall be at the rate of \$~~((4=25))~~ 2.00 per acre or fraction thereof.

AMENDATORY SECTION (Amending Order 1482, filed 8/16/76)

WAC 16-400-250 EXTRA CHARGES. (ON ALL ABOVE SERVICES) (1) The minimum inspection charge for each commodity and requested form shall be at the rate of \$((8:25)) 12.00 per hour.

((Example:--An--840--container--lot--of--apples--at--2-3/4--cents--per--con-
tainer--is--\$23.40,--requiring--2--hours--work,--no--extra--charges--if--4--hours
is--required,--add--\$46.50--for--a--total--of--\$39.60.))

(2) If, through no fault of the inspection service, time over the maximum allowance for each commodity and requested form is required, such excess time shall be at the rate of \$((8:25)) 12.00 per hour.

(3) For all inspection services performed after 5:00 PM or on Saturdays, or Sundays, or state legal holidays, an hourly charge equivalent of \$((42:38)) 18.00 per hour for actual hours spent in performance of duties must be made. This shall include unit charges, plus, if necessary, overtime charges to equal \$((42:38)) 18.00 per hour.

(4) When the per unit charge for inspection in any one day equals or exceeds the basic hourly and/or overtime charge, no additional hourly or overtime charges will be made.

((Example:

```

8-hours-at-$8:25.....$66:00
2-hours-overtime-at-$42:38.....24:76
-----$90:76
Unit-inspection-fees-$95:00---no-extra-charges
Unit-inspection-fees-(6-hrs-allowed)-----$79:00
Job-required-7-1/2-hrs----add--$42:38--(1-1/2--hours
excess-time)-for-a-total-of.....$82:38))
    
```

(5) The following state legal holidays will be observed: New Year's Day, Veteran's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and the day following Thanksgiving Day, Christmas Day, Lincoln's Birthday and Washington's Birthday. NO SERVICE will be performed on Thanksgiving Day, Christmas Day or New Year's Day, beginning at 5:00 PM on the previous day.

(6) Mileage. Whenever necessary, mileage will be charged at the rate ((of-43-cents-per-mile)) established by the state OPM.

AMENDATORY SECTION (Amending Order 1377, filed 9/12/74)

WAC 16-400-270 EXTRA COPIES. After original typing of a certificate a charge of \$2.00 per set will be made for extra copies when requested by the original applicant of the certificate or other financially interested party. Copy machine copy of inspectors notes when requested by applicant will be \$1.00 per copy.