

State of Washington

DEPARTMENT OF AGRICULTURE
(agency name)

Administrative Order No. 1836

(1) I, M. Keith Ellis, director of the Department of Agriculture do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

Chapter 16-212 WAC Regarding Grain, Hay, Beans and Peas-Inspection Fees.

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

This action is taken pursuant to Notice No. 84-11-089 filed with the code reviser on May 23, 1984. These rules shall take effect: [X] thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2). [] at a later date, such date being

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

I, find that an emergency exists and that this 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 the emergency is:

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

(3) Pursuant to the requirements of RCW 34.04.026 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:

[X] (a) This rule is promulgated pursuant to RCW 22.09 and is intended to administratively implement that statute. [] (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)

[] (c) This rule is promulgated under the general rule-making authority of the (agency) as authorized in RCW

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(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 July 2 19 84

STATE OF WASHINGTON FILED

By M. Keith Ellis Director

JUL 2 1984

Title

[Form CR-7: Rev. 7/23/82]

CODE REVISER'S OFFICE WSR 84-14-065

AMENDATORY SECTION (Amending Order 1789, filed 3/2/83)

WAC 16-212-010 DEFINITIONS. (1) "Department" means the Washington state department of agriculture.

(2) "Ton" means ((2,000)) two thousand pounds avoirdupois.

(3) "Overtime" means any time worked on Saturdays, Sundays, or holidays and all time worked before 8:00 a.m. or after 5:00 p.m. on Monday through Friday (~~(--Overtime-fees-may-be-waived-by--the--department--where--industry-operates-on-a-regular-basis-other-than-specified--herein))~~ unless alternate work schedules have been established at inspection sites.

(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.

AMENDATORY SECTION (Amending Order 1789, filed 3/2/83)

WAC 16-212-030 GENERAL PROVISIONS FOR HOURLY CHARGES.

(1) Straight time, rate per hour..... ((~~\$48.00~~)) \$ 23.00

This hourly rate shall be applied on any job where the fee is not sufficient to provide revenue of ((~~\$48.00~~)) \$23.00 per hour, per ((~~man~~)) employee, and where no other hourly rate or fee is specified in the schedule of fees and charges. Whenever the lot size or workload is not of sufficient size to generate \$23.00 per hour, per employee, an additional fee shall be assessed so that total revenue generated is equal to the \$23.00 rate.

(2) Overtime, and night shift rate per hour((~~+~~))..... ((~~\$--8.00~~)) \$ 6.00

Whenever a service is requested before or after regularly scheduled working hours, Monday through Friday, or anytime on Saturdays, Sundays or holidays, a fee of ((~~\$8.00~~)) \$6.00 per hour, per ((~~man~~)) employee, shall be charged in addition to the regular inspection and weighing fees ((~~---PROVIDED,---That-when-ever-an-employee-is-called-from-his-home-after-regular-working-hours,-or-on-Saturdays,-Sundays-or-holidays,-a-minimum-of-four-hours-shall-be-charged-at-the-rate-of--\$8.00-per-hour~~)).

(a) Requests for service on Saturdays, Sundays, or holidays, or for work shifts other than 8:00 a.m. to 5:00 p.m., 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 where personnel are available, but an additional fee of \$4.00 per hour, per employee, will be assessed for that shift.

(b) Requests for service which is beyond the scope or volume normally provided 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 date of the requested service in order for the department to guarantee to have adequate staff available to perform the service.

(c) Whenever an employee is called from home after regular working hours, or on a Saturday, Sunday or holiday, a minimum of two additional hours shall be charged at the rate of \$10.00 per hour and added to other fees charged.

((~~3~~)) (d) Scheduled night shifts.

At all designated inspection points, for night shifts, Monday through Friday (usually from 6:00 p.m. to 3:00 a.m.) that are, or will be, continuous for a period of one month or longer, with only an occasional work stoppage, additional overtime fees per hour will not apply: PROVIDED, That the workload is sufficient in size so that inspection and weighing fees generated that shift will defray the

department's cost of ~~((\\$48.00))~~ \$23.00 per hour, per ~~((man))~~ employee. If not, an additional ~~((overtime))~~ charge shall be assessed to equal ~~((\\$48.00))~~ \$23.00 per hour, per ~~((man))~~ employee.

(i) The department shall be given at least seven calendar days notice, in writing, to establish a scheduled night shift. If notice is not given, a fee of \$6.00 per hour, per employee, shall be assessed until the seven day notice period has elapsed.

~~((a))~~ (ii) The department shall be given at least twenty-one calendar days' notice, in writing, of cancellation of any scheduled night shift operation. If such notice is not given, a fee of \$6.00 per hour, per employee, shall be assessed for each hour under the regular night shift schedule that would have been worked until the twenty-one day notice period has elapsed.

~~((b))~~ The term "occasional work stoppage" shall mean union stop work meetings usually held once per month.

~~((4))~~ (3) Standby rate per hour..... ((\\$-20.00))
\$ 25.00

Whenever a service is requested before or after working hours, Monday through Friday or anytime on Saturdays, Sundays or holidays, and service cannot be performed through no fault of the department, a ~~((standby-rate-of-\$20.00-per-hour-per-man-shall-be-charged--Before-or-after-regular-working-hours,Monday-through-Friday,a-minimum--of--two-hours--shall--be-charged--Anytime-on-Saturdays,Sundays-or-holidays-a-minimum-of-four-hours-shall-be-charged))~~ minimum of four hours at the standby rate of \$25.00 per hour, per employee, shall be charged. Whenever a service is requested before or after working hours or anytime on a Saturday, Sunday or holiday, and a cancellation of such request is not received by 2:00 p.m. of the last regularly scheduled working day prior to the requested service, the four hour standby charge shall be applied.

(4) 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 may not be adequate to pay the cost of providing the service, a guarantee of the expense of providing the service may be required. These facilities may enter into agreement with the department at guaranteed staffing levels and negotiated minimum hours and unit fees.

AMENDATORY SECTION (Amending Order 1789, filed 3/2/83)

WAC 16-212-060 OFFICIAL INSPECTION AND/OR WEIGHING FEES UNDER THE UNITED STATES GRAIN STANDARDS ACT.

(1) Combination inspection and weighing fees. Ships, barges and transfers of bulk grain.

- (a) From vessel to elevator ~~((-----))~~ per ton..... \$ 0.12
- (b) Bin transfers ~~((-----))~~ per ton..... \$ 0.12
- (c) From elevator to vessel ~~((-----))~~ per ton..... \$ 0.12
((inspection---\$0.065-per-ton)
(weighing---\$0.055-per-ton))

(2) Inspection only of railroad boxcars, open hopper-type cars or covered hopper-type cars, original inspection. ((Sample, inspect, grade-and-certificate.))

(a) Railroad boxcars or open hopper-type cars at designated hold tracks or at plants for original and all subsequent original inspections..... per car..... \$-42.00

(b) Covered hopper-type cars which are sampled by United States Department of Agriculture approved mechanical belt, spout, or leg type samplers at plants..... per car..... \$-42.00

(c) Covered hopper-type cars sampled by methods other than by (b) above for original and all subsequent original inspections..... per car..... \$-49.00

(d) Additional factors requested (that do not affect the grade)	
(i) Added to existing certifications, per factor	\$ 2.00
(ii) Factor certification only (maximum two factors)	\$ 2.45
(e) Reinspection of rail boxcars and covered hopper type cars on the basis of file sample, per reinspection	\$ 7.00
- (In case of a material error in grade, a corrected certificate will be issued without a fee)	
(f) If a new sample is requested (refer to (2) above):	
(3) Weigh only:	
(a) From railroad boxcars, covered hopper type cars, or vessels to elevator, per ton (grain only)	\$ 0.10
(b) From elevator to railroad boxcars, covered hopper type cars or vessels, per ton (grain only)	\$ 0.10
(c) Bin transfers, per ton (grain only)	\$ 0.10
(d) Weigh only (other than grain) per ton	\$ 0.11
(e) Weigh (grain by products into maximum 30-ton portable containers, fitness inspection of container, weigh by product and sample) per container	\$ 8.00
(4) Submitted samples: Inspection, factor information only, and file review	\$ 5.75
- (Example of factor information only where the submitted sample is less than 4,000 grams in size, factor information may be provided on request for the above fee.)	
(a) When sampled by United States department of agriculture approved mechanical belt, spout or leg type samplers at plants, per car	\$14.50
(b) When sampled by United States department of agriculture approved grain trier, original and subsequent original inspections, per car	\$23.00
(3) Inspection only of trucks, per truck	\$14.00
(4) Reinspections of railroad boxcars, open hopper type cars, covered hopper type cars, ship subplot samples, barge lots, truck lots, and submitted samples:	
(a) When based on an official file sample, per reinspection	\$ 3.50
(b) When based on a new sample, for railcars only, per reinspection	\$23.00
(c) When based on a new sample, for trucks only, per reinspection	\$14.00
(5) Submitted samples, per inspection	\$6.25
(6) Factor analysis and/or certification:	
(a) Factors added to existing certificates, or requested on ship subplot analyses, that do not affect the grade, per factor	\$ 2.50
(b) Factor certification only (maximum of two factors), per certificate	\$ 3.00
(i) Additional factors added to a factor certificate, per factor	\$ 2.50.
(A maximum of \$6.25 will be charged for grading factors only.)	
(ii) When submitted samples are not of sufficient size to provide official grade analysis, obtainable factors will be provided, upon request of the applicant, at the factor only rate.	
(7) Official (NIR) protein analysis:	
(a) Protein in conjunction with official inspection for grade	\$ 6.25
(b) Protein only, submitted sample or reinspection	\$ 8.50
(c) Protein based on official sample, add applicable sampling charges.	
(8) Inspection of sacked grain at inspection points, per cwt.	\$ 0.06
(9) Checkloading sacked grain, per manhour	\$23.00

<u>(10) Waxy corn determination, on request, per determination.....</u>	<u>\$12.00</u>
<u>((5)) (11) Stowage examinations - ships, barges or vessels.</u>	
<u>(a) Per ((held)) stowage space and/or tank, per examination.....</u>	<u>((-\$24-00))</u> <u>\$ 22.50</u>
<u>(b) Initial inspection, minimum charge.....</u>	<u>((-\$48-00))</u> <u>\$112.00</u>
<u>(c) Subsequent inspections, minimum charge.....</u>	<u>\$ 67.50</u>
<u>((fe)-Holds-and/or-tank-condition-inspections) (d) Stowage examinations will be made on ships or vessels at anchor in midstream when requested.</u>	
<u>(i) It is the responsibility of the applicant to provide safe transportation by licensed tug or water taxi to and from the vessel.</u>	
<u>(ii) A minimum of two hours of regular time at ((-\$48-00))</u>	<u>\$23.00</u>
<u>per hour (one ((man)) inspector) for general cargo vessels and a minimum of four hours of regular time at ((-\$48-00))</u>	<u>\$23.00</u>
<u>per hour (two ((men)) inspectors) shall be charged for tankers in addition to the established inspection fee.</u>	
<u>((iii)--These) (iii) Inspections can only be made at the convenience of the grain inspection office, during daylight hours, under safe working conditions, when weather conditions permit.</u>	
<u>((iiii)-These) (iv) Inspections can only be made within the area of the designated tidewater grain inspection office.</u>	
<u>((iv)) (v) A ship's or vessel's officer or company agent shall accompany the licensed shiphold inspector (s).</u>	
<u>((6)-Trucks:</u>	
<u>(a) Inspect-only-----per-truck.....</u>	<u>-\$44.50</u>
<u>(b) Weigh-only-----per-truck.....</u>	<u>-\$5.75</u>
<u>(7) Inspection-of-sacked-grains-at</u>	
<u>inspection-points-----per-cwt.....</u>	<u>-\$-0-04)</u>
<u>(e) A minimum of four hours per inspector at the applicable overtime rate shall also be assessed on Saturdays, Sundays, or holidays.</u>	
<u>(12) Other stowage examinations.</u>	
<u>(a) Sea van-type containers (when checkloading is not required)</u>	<u>\$7.60</u>
<u>(b) Railroad cars, trucks and other containers, not in conjunction with loading, per container</u>	<u>\$7.60</u>
<u>(13) Checktesting of diverter and mechanical samplers, per manhour.....</u>	<u>\$23.00</u>
<u>(14) Ship samples.</u>	
<u>(a) Ship composite samples.</u>	
<u>(i) Initial set of samples to applicant (maximum of three samples).....</u>	<u>no charge</u>
<u>(ii) Additional samples or samples at the request of other interested parties, per sample (two sample minimum when not requested with initial set).....</u>	<u>\$5.00</u>
<u>(b) Ship samples on a subplot basis, per sample.....</u>	<u>\$5.00</u>
<u>(15) Weighing services.</u>	
<u>(a) Class X weighing services.</u>	
<u>(i) From railroad boxcars, open or covered hopper-type cars (without inspection required) or vessels to elevator (grain only), per ton.....</u>	<u>\$0.10</u>
<u>(ii) From elevator to boxcars, open or covered hopper-type cars, barges (without inspection required) or vessels (without inspection, grain only), per ton.....</u>	<u>\$0.10</u>
<u>(iii) Bin transfers (grain only), per ton.....</u>	<u>\$0.10</u>
<u>(iv) Trucks, per truck or weight lot.....</u>	<u>\$7.00</u>
<u>(b) Class Y weighing services, per manhour.....</u>	<u>\$23.00</u>
<u>(c) Checkweighing of sacked grain, per manhour.....</u>	<u>\$23.00</u>
<u>(d) Scale certification/checktesting of official weighing scales.</u>	
<u>(i) Weights and measures scale specialist, per manhour.....</u>	<u>\$31.50</u>
<u>(ii) Grain inspection personnel, per manhour.....</u>	<u>\$23.00</u>

AMENDATORY SECTION (Amending Order 1789, filed 3/2/83)

WAC 16-212-070 ((INSPECTION-OF-COMMODITIES)) OFFICIAL SERVICES
UNDER THE AGRICULTURAL MARKETING ACT OF 1946.

- (1) Hay inspection.
 - (a) Complete inspection (minimum charge \$ 30.00)
 - ((-----)) ¢ per ton..... \$ 1.00
 - (b) Factor inspection (minimum charge \$20.00)
 - ((-----)) ¢ per ton..... \$ 1.00
 - (c) Submitted sample inspection ((-----)) ¢ per sam-
 ple..... \$ 5.00
- (2) Inspection ((or--reinspection)) of beans, dry
 peas, lentils, and similar commodities ((minimum
 charge)-----\$-48-00)).
 - (a) Inspection ((or-reinspection)) of ((bags)) bagged
commodities at inspection points ((-----)) ¢ per
 cwt..... ((\$--0-045)) \$ 0.06
 - (b) Bulk commodity inspection ((or-reinspection)) at
 inspection points, per ton..... ((\$--0-24)) \$ 0.28
 - (c) Minimum charge for bulk or bagged commodities
 (one hour)..... \$ 23.00
 - (d) Submitted sample inspection ((or--reinspection
 -----)) ¢ per sample..... ((\$--14-00)) \$ 13.00
- (3) Weighing and combination inspection/weighing ser-
 vices for bulk commodities.
 - (a) Weighing only, other than grain, per ton..... \$0.11
 - (b) Combination inspection/weighing of bulk commodi-
 ties under federal grade standards, state standards, or
 for factor determinations, per ton..... \$0.12
 - (c) Weigh grain by-products into portable containers
 including fitness examination of the container, weigh and
 sample the by-product (thirty ton maximum)..... \$14.00
- (4) Factor analysis.
 - (a) Moisture only..... \$5.00
 - (b) Additional factors, the determination of which
 are not required to establish grade, or otherwise not
 required by regulation, added to an existing certificate,
 per factor..... \$2.50
 - (c) Certification, factor only (maximum two factors),
 per certificate..... \$3.00
 - (d) Additional factors added to a factor certificate,
 per factor..... \$2.50
 (A maximum of \$13.00 will be charged for grading factors
 only.)
- (5) Sampling only, bulk commodities.
 - (a) ((Minimum-charge)) Trucks or containers, per car-
 rier..... ((\$--40-00)) \$ 14.00
 - (b) Boxcars, open or covered hopper-type cars, per
 car..... ((\$--42-00)) \$ 23.00
 ((4)-Whenever the lot size or workload is not of sufficient size
 so that inspection and/or weighing fees generated will defray the
 department's cost of \$48.00 per hour per man, an additional fee shall
 be assessed to equal \$48.00 per hour per man.
- (5)-Whenever service is required at points other than at the des-
 ignated inspection point, car mileage fees as per WAC 16-212-080(3)
 shall be charged and added to inspection and weighing charges.)
- (6) Processed commodity and defense personnel support center
 (DPSC) inspection fees.
 - (a) Per manhour, two hour minimum, rate per hour..... \$23.00
 - (b) In addition to the charges, if any, for sampling and other
 requested service, a fee will be assessed for each laboratory analysis
 or test identical with the amount charged by the federal grain inspec-
 tion service for laboratory tests performed under authority of the
 Agricultural Marketing Act and for any postage or other costs of mail-
 ing not included in these fees.
- (7) Sanitation inspections.
 - (a) Initial inspection..... no charge

- (b) Reinspections, four hour minimum, per manhour..... \$23.00
- (8) Stowage examinations under the Agricultural Marketing Act.
- (a) Ships and vessels.
- (i) Initial inspection, basic fee..... *150.00
- (ii) Subsequent inspections, basic fee..... \$100.00
- (iii) In addition to the basic fee, there shall be levied a fee of \$23.00 per hour, per inspector.
- (iv) These inspections shall be subject to the same restriction and conditions as ship stowage examinations under the United States Grain Standards Act, as per WAC 16-212-060(11)(d)(i) through (iv).
- (b) Other stowage examinations shall be at the rate prescribed for containers listed in WAC 16-212-060(12).
- (9) Aflatoxin testing fees.
- (a) Black light and/or minicolumn determinations, per hour, per inspector..... \$23.00
- (b) Minicolumn determination, per test..... \$15.60
- (c) Thin layer chromatography fees and/or minicolumn fees, if applicable, will be assessed for laboratory analyses identical with the amount charged by the federal grain inspection service for that test.
- (10) Falling numbers determinations, per determination... \$12.00

AMENDATORY SECTION (Amending Order 1789, filed 3/2/83)

WAC 16-212-080 MISCELLANEOUS FEES.

- (1) Mailing of samples shall be charged at actual mailing costs, minimum charge ((\$---4.00)) \$ 2.00 ((~~factual cost if greater than minimum~~))
- (2) Fee for pickup of samples on routes established by the department ((~~----~~)), per sample..... ((\$---0.50)) \$ 0.60
- (3) ((~~Car mileage ----- per mile----- \$---0.485~~))
- (4) ~~In all cases where no fee has been established for services, the charge for such service shall be as provided in WAC 16-212-030, hourly charges.~~
- (5) ~~Any charges made in addition to the basic fees provided for in WAC 16-212-030 through 16-212-070 shall be classified as additional charges.~~) Fees for services performed at places other than established grain and commodity inspection points.
- (a) Travel time, per employee, will be charged at the applicable straight time or overtime rate from office to inspection point and return.
- (b) Car mileage will be charged at the current published department of general administration rates (WAC 82-28-080), except where suitable transportation is provided by the applicant.
- (c) If the travel is of sufficient duration to require payment of subsistence or per diem to the employee, an amount equal to the established subsistence and/or per diem rate (WAC 82-28-040 and 82-28-050) shall be assessed, except where applicable subsistence and lodging are furnished, or paid, by the applicant.
- (d) Incidental costs of telephone, mailing, etc. shall be at actual cost.
- (4) Certificate charges for certificates under the United States Grain Standards Act or the Agricultural Marketing Act of 1946.
- (a) Divided original certificates, per certificate..... \$1.50
- (b) Extra copies of inspection, protein, weight, falling number, commodity or aflatoxin certificates, per COPY..... \$3.00
- (5) 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 16-212-082 FEES FOR SERVICES PERFORMED UNDER STATE REGULATION. (1) Inspection of cultivated buckwheat and safflower under Washington state standards shall be at the rate applicable for the same type of sample under the fees for services under the United States Grain Standards Act.

(2) Cracked corn, corn screenings, and mixed grain screenings shall be inspected and/or weighed under the tonnage rate applicable for standardized grains as per WAC 16-212-060.

(3) Unofficial (NIR) protein analysis (barley, mixed grain, etc.), per determination..... \$ 6.25

(4) Set of ten protein reference samples (one class) standardized with the state monitoring machine, per set..... \$ 25.00

(5) Unofficial (NIR) oil determination for sunflower seed, per determination..... \$ 12.00

NEW SECTION

WAC 16-212-086 FEES FOR WAREHOUSE AUDIT AND RELATED SERVICES. These fees shall be applied to the following services:

(1) Measurement of new construction and/or outside grain storage facilities (with less than two weeks notice), per manhour..... \$ 23.00

(2) Special year end audits that require remeasurement due to consolidation, per manhour..... \$ 23.00

(3) Commodity Credit Corporation samples will be drawn by grain division personnel at the established sampling rate.

(4) Appropriate hourly straight time and overtime charges, mileage, and travel charges shall be assessed.

AMENDATORY SECTION (Amending Order 1789, filed 3/2/83)

WAC 16-212-120 GRADES AND STANDARDS. The grades and standards established by the United States department of agriculture as of ~~((April))~~ August 1, ((1983)) 1984, for all grains and commodities included within the provisions of this chapter are hereby adopted ~~((as the--grades--and--standards--for--such--grains--and--commodities--in))~~. 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.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 16-212-050 CERTIFICATES.

(2) WAC 16-212-065 MISCELLANEOUS SAMPLING, TESTING, INSPECTION AND CERTIFICATION OF GRAINS AND COMMODITIES.

(3) WAC 16-212-090 SERVICES RENDERED AWAY FROM INSPECTION POINTS.