

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Agriculture
(agency name)

Administrative Order No. 1880 h8

(1) I, C. Alan Pettibone, director of
Agriculture

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

WAC 16-400 Horticulture Inspection Fees

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

This action is taken pursuant to Notice No. filed with the code reviser on These rules shall take effect:
 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, C. Alan Pettibone, 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:
An immediate fee increase in District Three is necessary on fresh products in order to maintain inspection service for the remainder of the 1985 crop. District Three continues to incur substantial operating losses and has nearly exhausted its fund balance.

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

(3) Pursuant to the requirements of RCW 34.04.026¹ 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:

- (a) This rule is promulgated pursuant to RCW 15.17 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 March 3 19 86 h8
STATE OF WASHINGTON
FILED By C. Alan Pettibone
Director

MAR 3 1986

Title

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

CODE REVISER'S OFFICE
WSR 86-06-038



STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE

406 General Administration Bldg., AX-41 • Olympia, Washington 98504-0641 • (206) 753-5063

RULE PURPOSE STATEMENT

1. Title: 16-400-WAC Horticulture Inspection Fees
2. Description of Purpose: To increase horticulture inspection fees in District Three.
3. Statute Authority: Chapter 15.17 RCW
4. Summary of Rules: The rule increases fees on inspection of fresh fruits and vegetables. The increase is necessary to maintain the current level of service.
5. Agency Personnel to Contact: James R. Archer
Commodity Inspection Division
Department of Agriculture
406 General Administration Bldg. AX-41
Olympia, Washington 98504
Phone: (206) 753-5054
6. These rules are proposed by the Department of Agriculture.
7. Agency Comment: Fees on fresh product inspections in District Three have not been increased since January 19, 1979. A request for fee increase was made in November 1984 but was deferred at the request of the vegetable industry. The Department of Agriculture will be unable to maintain the current level of service to the industry without a raise in fees.
8. These rules are not necessary as a result of Federal law, or Federal or State court action.
9. Small Business Impact Statement: None

AMENDATORY SECTION (Amending Order 1845, filed 12/31/84, effective 2/1/85)

WAC 16-400-010 GRADE AND CONDITION CERTIFICATES--FRUITS.

Charges for grade and condition certificates for all fruits shall be:

(1) The minimum charge for all fruits shall be:

District one ((and-three))	\$6.00
District two	\$7.00
<u>District three</u>	<u>\$8.00</u>
District four	\$8.00

(2) For all fresh market fruits of apples, pears, and soft fruit in containers--wrapped, place pack, face and fill, in bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins, or in bags, per cwt. or fraction thereof:

	Districts			
	1 ((and-3))	2	<u>3</u>	4
Apples	8.75¢	10¢	<u>11¢</u>	11¢
Apricots	9.75¢	11¢	<u>12¢</u>	12¢
Cherries, nectarines and peaches	15¢	17.25¢	<u>18.75¢</u>	18.75¢
Pears	7.75¢	9.0¢	<u>9.75¢</u>	9.75¢
Plums, prunes, other soft fruits, grapes, and berries	11.66¢	13.4¢	<u>14.60¢</u>	14.60¢

(3) For all apples, pears, stone fruits, berries, and grapes in bulk or in containers for processing, or for quality and/or size determination, charges shall be two dollars per ton net weight or fraction thereof.

AMENDATORY SECTION (Amending Order 1845, filed 12/31/84, effective 2/1/85)

WAC 16-400-040 GRADE AND CONDITION CERTIFICATES--VEGETABLES.

Charges for grade and condition certificates for all vegetables shall be:

(1) The minimum charge for all vegetables shall be:

District((s)) one ((and-three))	\$6.00
District two	\$7.00
<u>District three</u>	<u>\$8.00</u>
District four	\$8.00

(2) Charges for grade and condition certificates for fresh market vegetables in containers--wrapped, place pack, face and fill, in bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins or in bags per cwt. or fraction thereof:

Districts

	1 ((and-3))	2	3	4
Asparagus	11.66¢	13.4¢	<u>14.6¢</u>	14.6¢
Cantaloupes, and Corn	10¢	11.5¢	<u>12¢</u>	12¢
Onions	5¢	5.75¢	<u>6¢</u>	6¢
Potatoes, and Seed Potatoes	4¢	4.6¢	<u>5¢</u>	5¢
Processing Potatoes	4¢	4.6¢	<u>4¢</u>	5¢
Complete inspection (rate shall be reduced for level of service required)				
Potatoes	12.5¢	14.4¢	<u>15¢</u>	15¢

(3) Inspection fees for cabbage, carrots, cauliflower, celery, cucumbers, lettuce, rhubarb, rutabagas, squash, watermelons, etc., shall be at the hourly rate as follows:

District ((s)) one ((and-three))	\$12.00
District two	\$14.00
<u>District three</u>	<u>\$18.00</u>
District four	\$16.00

AMENDATORY SECTION (Amending Order 1845, filed 12/31/84, effective 2/1/85)

WAC 16-400-050 GRADE AND CONDITION CERTIFICATES--DEFENSE SUBSISTENCE SUPPLY CENTER OR OTHER FEDERAL AGENCIES. Inspection fees are as follows:

(1) For Canadian export inspections only where specific charges are not established by WAC 16-400-010 and 16-400-040.

1 - 50 packages.....	\$ 8.00
51 - 150 packages.....	\$12.00
151 - 400 packages.....	\$24.00
401 - customary car lot.....	\$45.00

(2) Terminal wholesale market inspections (domestic) in Tacoma, Seattle, Spokane, or other major locations per hour..... (((\$12.00))
\$18.00

((3)-State-institution-inspections.....per-hour.....-\$12.00
 Minimum-fee.....-\$6.00)

AMENDATORY SECTION (Amending Order 1845, filed 12/31/84, effective 2/1/85)

WAC 16-400-100 CERTIFICATES. Certificate charges shall be in accordance with the following provisions:

(1) Consolidation certificates shall be charged as specified in WAC 16-400-010 and 16-400-040 and shall have an additional charge of three dollars for each additional local lot.

(2) Condition certificate charges shall be two-thirds of the grade and condition certificates with the following exceptions:

(a) Previously inspected lots shall have a minimum charge of:

District((s)) one ((and-three))	\$6.00
District two	\$7.00
<u>District three</u>	<u>\$8.00</u>
District four	\$8.00

(b) When the lot has had no prior inspection for quality or grade and it is requested that the certificate carry out-bound car, truck, or state lot number, the grade and condition certificate schedule shall apply.

(c) Out-of-state products reported on state certificates shall be charged on the applicable grade and condition certificate schedule, except there shall be an hourly charge of:

District one ((and-three))	\$12.00
District two	\$14.00
<u>District three</u>	<u>\$18.00</u>
District four	\$16.00

(3) Car hook-up, loading or unloading certificate shall be charged at the rates specified in ((WAC-16-400-400)) subsection (2) (a) of this section.

(4) Sanitary and quarantine certificate charges for fruits and vegetables shall be:

(a) Four dollars for the issuance of a certificate, plus the hourly rates specified in WAC 16-400-210 (1) (a) when the shipment is not covered by federal-state certificates.

(b) Four dollars per set when the shipment is covered by federal-state certificates.

(5) Container weight, or checkloading certificates shall be charged at the rates specified in WAC 16-400-210 (1) (a).

AMENDATORY SECTION (Amending Order 1845, filed 12/31/84, effective 2/1/85)

WAC 16-400-210 OTHER CHARGES. Other miscellaneous charges are listed below:

(1) Charges for platform inspection shall be:

(a) Platform inspections, time taking samples, extra time, FV-294 inspection, and all other services, shall be charged at the hourly rate of:

District((s)) one ((and-three))	\$12.00
District two	\$14.00
<u>District three</u>	<u>\$18.00</u>
District four	\$16.00

(b) Time allowance - Where a platform inspector is working full time at one house and also doing certification inspection, the inspector shall allow credit for the time according to limits outlined in the schedule for such certification at the hourly rate of:

District((s)) one ((and-three))	\$12.00
District two	\$14.00
<u>District three</u>	<u>\$18.00</u>
District four	\$16.00

Should the certificate charges divided by the respective hourly rates equal or exceed the number of hours worked, no platform charge shall be assessed. Should the certificate charges divided by the respective hourly rates be less than the number of hours worked, the

platform charge shall be made to bring the total to the appropriate charge.

(2) Fumigation charges - The minimum charge for supervision of fumigation shall be eighteen dollars for the first one and one-half hours. Time over the first one and one-half hours or unnecessary stand-by time shall be charged as specified in ((WAC-16-400-240)) subsection (1) (a) of this section. No fumigations shall be started after 3:00 p.m. from October 1 to May 31, nor after 10:00 p.m. from June to September 30.

(3) Field or orchard inspections made at the applicant's request for determination of presence or absence of disease or insect infestation, or for other reason, shall be at the rate of two dollars per acre or fraction thereof.

(4) Seed sampling fees shall be arranged with the chemical and plant services division for services performed.

(5) Extra charges on services provided shall be assessed according to provisions listed below.

(a) The minimum inspection charge for each commodity and requested form shall be at the rate specified in ((WAC-16-400-240)) subsection (1) (a) of this section.

(b) If, through no fault of the inspection service, time over the maximum allowance as supported by unit rates for each commodity and requested form is required, such excess time shall be at the rate as specified in ((WAC-16-400-240)) subsection (1) (a) of this section.

(c) For all inspection services performed beyond a regularly scheduled eight-hour week day shift or on Saturdays, or Sundays, or state legal holidays, an hourly charge shall be made equivalent to the following:

District ((s)) one ((and-three))	\$18.00
District two	\$20.00
<u>District three</u>	<u>\$24.00</u>
District four	\$22.00

These charges shall be made for actual hours spent in performance of duties. This shall include unit charges, plus, if necessary, overtime charges to equal the respective overtime hourly rates.

The following are state legal holidays ((will-be-observed)): New Year's Day, Veteran's Day, Memorial Day (the last Monday of May), Independence Day, Labor Day (the first Monday in September), Thanksgiving Day (the fourth Thursday in November) and the day following Thanksgiving Day, Christmas Day, ((Lincoln's-Birthday)) Martin Luther King, Jr. Day (third Monday in January), and ((Washington's-Birthday)) Presidents' Day (third Monday in February). NO SERVICE will be performed on Thanksgiving Day, Christmas Day or New Year's Day, beginning at 5:00 p.m. on previous day.

(d) 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 shall be assessed.

(6) Mileage--Whenever necessary, mileage shall be charged at the rate established by the state office of financial management.