

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Agriculture
(agency name)

Administrative Order No. 1909

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

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

WAC 16-212 Rules Relating to Grain 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:

The increase in the fee for submitted sample is necessary to defray Department cost while the fees and fee structure are reviewed with the industry prior to going to permanent order and to meet industry needs brought about by proposed changes in the dockage certification procedures. Rapeseed rules are necessary to recover costs under inspection rules adopted in September 1986.

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 September 29 1986

SEP 29 1986

By [Signature] Director

CODE REVISER'S OFFICE WSR 86-20-051

AMENDATORY SECTION (Amending Order 1836, filed 7/2/84)

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

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

This hourly rate shall be applied on any job where the fee is not sufficient to provide revenue of \$23.00 per hour, per 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; PROVIDED, That such revenue insufficiency may be established on the basis of the average hourly revenue generated at the worksite over the Monday through Sunday work week, upon written request of the applicant for service. In the absence of such request, fees shall be assessed on a daily basis.

(2) Overtime, and night shift rate per hour..... \$ 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 \$6.00 per hour, per employee, shall be charged in addition to the regular inspection and weighing fees.

(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))~~ 4:00 p.m. of the last regularly scheduled working day prior to the requested service. When the request is not received by ~~((2:00))~~ 4:00 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))~~ 4:00 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.

(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--\$23.00--per--hour,--per--employee.--If--not,--an--additional--charge--shall--be--assessed--to--equal--\$23.00--per--hour,--per--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.

(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.

(3) Standby rate per hour..... \$ 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 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))~~ 4:00 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 1836, filed 7/2/84)

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, unit trains 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
 - (d) From railcars of a unit train, sampled by diverter samplers, batch weighed and inspected under the subplot inspection plan in units of not less than five cars, per ton..... \$ 0.12
- (2) Inspection only of railroad boxcars, open hopper-type cars or covered hopper-type cars, original inspection.
 - (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..... \$ 8.50
 - (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))
7.00
- (6) Factor analysis and/or certification.
 - (a) Factors added to existing certificates, or requested on ship subplot analyses, that do not affect the grade ~~((7))~~; per factor..... \$ 2.50
PROVIDED, That on submitted sample certificates of grade for wheat, dockage to the nearest one-tenth percent will be shown in remarks section and foreign material shown on the factor line, when it is not a grading factor, without additional charge.
 - (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
(10) Waxy corn determination, on request, per determination.....	\$ 12.00
(11) Stowage examinations - ships, barges or vessels.	
(a) Per stowage space and/or tank, per examination.....	\$ 22.50
(b) Initial inspection, minimum charge.....	\$112.00
(c) Subsequent inspections, minimum charge.....	\$ 67.50
(d) Stowage examinations will be made on ships or vessels at anchor in midstream when requested.	
(i) It is the responsibility of the applicant to provide safe transportation by licensed tug or water taxi to and from the vessel.	
(ii) A minimum of two hours of regular time at \$23.00 per hour (one inspector) for general cargo vessels and a minimum of four hours of regular time at \$23.00 per hour (two inspectors) shall be charged for tankers in addition to the established inspection fee.	
(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.	
(iv) Inspections can only be made within the area of the designated tidewater grain inspection office.	
(v) A ship's or vessel's officer or company agent shall accompany the licensed shiphold inspector(s).	
(e) A minimum of four hours per inspector at the applicable overtime rate shall also be assessed on Saturdays, Sundays, or holidays.	
(12) Other stowage examinations.	
(a) Sea van-type containers (when checkloading is not required)	\$ 7.60
(b) Railroad cars, trucks and other containers, not in conjunction with loading, per container	\$ 7.60
(13) Checktesting of diverter and mechanical samplers, per manhour.....	\$ 23.00
(14) Ship samples.	
(a) Ship composite samples.	
(i) Initial set of samples to applicant (maximum of three samples).....	no charge
(ii) Additional samples or samples at the request of other interested parties, per sample (two sample minimum when not requested with initial set).....	\$ 5.00
(b) Ship samples on a subplot basis, per sample.....	\$ 5.00
(15) Weighing services.	
(a) Class X weighing services.	
(i) From railroad boxcars, open or covered hopper-type cars (without inspection required) or vessels to elevator (grain only), per ton.....	\$ 0.10
(ii) From elevator to boxcars, open or covered hopper-type cars, barges (without inspection required) or vessels (without inspection, grain only), per ton.....	\$ 0.10
(iii) Bin transfers (grain only), per ton.....	\$ 0.10
(iv) Trucks, per truck or weight lot.....	\$ 7.00
(b) Class Y weighing services, per manhour.....	\$ 23.00
(c) Checkweighing of sacked grain, per manhour.....	\$ 23.00
(d) Scale certification/checktesting of official weighing scales.	
(i) Weights and measures scale specialist, per manhour.....	\$ 31.50
(ii) Grain inspection personnel, per manhour.....	\$ 23.00

AMENDATORY SECTION (Amending Order 1836, filed 7/2/84)

WAC 16-212-070 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 sample..... \$ 5.00

(2) Inspection of beans, dry peas, lentils, and similar commodities.

(a) Inspection of bagged commodities at inspection points, per cwt..... \$ 0.06

(b) Bulk commodity inspection at inspection points, per ton..... \$ 0.28

(c) Minimum charge for bulk or bagged commodities (one hour)..... \$ 23.00

(d) Submitted sample inspection, per sample..... \$ 13.00

(3) Weighing and combination inspection/weighing services for bulk commodities.

(a) Weighing only, other than grain, per ton..... \$ 0.11

(b) Combination inspection/weighing of bulk commodities 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.)

(e) Analysis of rapeseed for official factors, per certificate..... \$ 13.00

(f) If official inspection is required for rapeseed, the applicable sampling only fee shall be assessed in addition to the factor analysis fee.

(5) Sampling only, bulk commodities.

(a) Trucks or containers, per carrier..... \$ 14.00

(b) Boxcars, open or covered hopper-type cars, per car..... \$ 23.00

(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 inspection service for laboratory tests performed under authority of the Agricultural Marketing Act and for any postage or other costs of mailing 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 restrictions 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 1836, filed 7/2/84)

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~~)
Rapeseed inspection under state standards.

(a) Submitted sample for factors or grade, per sample..... \$ 13.00

(b) When sampled by official personnel, add applicable sampling only fee.

(c) Export inspection and weighing in bulk, per ton..... \$ 0.12

(d) Inspection of bagged rapeseed, per cwt..... \$ 0.06

(e) Determination of erucic acid, glucosinolate level and oil content, per set of tests..... \$ 50.00

Note: This fee is applied in addition to the inspection fee for grading under state standards.