

WSR 24-12-060

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed June 3, 2024, 11:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-08-072.

Title of Rule and Other Identifying Information: Chapter 16-240 WAC, WSDA grain inspection program—Definitions, standards, and fees. The department of agriculture (department) is proposing to amend this chapter by increasing some of the program fees, revising some of the fee structures to more accurately reflect the scope of services provided including, but not limited to, adding fees for services that are not specifically identified, and to clarify language to ease in the understanding of the rule.

Hearing Location(s): On July 10, 2024, at 1:00 p.m., Microsoft Teams [Date of Intended Adoption: July 17, 2024.](https://teams.microsoft.com/l/meetup-join/19%3ameeting_NjBjYTBlyWItZWYzMy00MjMzLWE2N2YtNWNlY2FkZWQzNDBj%40thread.v2/0?context=%7b%22Tid%22%3a%2211d0e217-264e-400a-8ba0-57dcc127d72d%22%2c%22Oid%22%3a%22838c55c7-c187-44ae-8de0-2be684ce5d4a%22%7d, Meeting ID 268 930 763 834, Passcode EifWcn; dial in by phone +1 564-999-2000, 945092871# United States, Olympia.</p></div><div data-bbox=)

Submit Written Comments to: Gloriann Robinson, Rules Coordinator, P.O. Box 42560, Olympia, WA 98504-2560, email wsdarulescomments@agr.wa.gov, fax 360-902-2092, by July 10, 2024.

Assistance for Persons with Disabilities: Contact Rachel Furth, phone 360-764-9931, TTY 800-833-6388, email rfurth@agr.wa.gov, by July 3, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing the following amendments:

Adding or increasing the following fees:

- Adding an emergency tier and an automated emergency tier rate for export vessels.
- Increasing the hourly rate for export operations to \$75.00 per hour and increasing the overtime rate to \$37.50 per hour. The department is also adding a noncontract rate of \$150.00 per hour and a noncontract overtime rate of \$75.00 per hour.
- Stowage exams on export vessels will be at \$650.00 per inspection.
- Mycotoxin tests will increase to \$50.00 per test.
- Barge sample only inspections will be \$0.15 per metric ton.
- In, out, or local will be increased to \$0.30 per metric ton.
- Weight only will be increased to \$0.25 per metric ton.
- Class Y weighing will increase to \$2.00 per railcar.
- Stress crack analysis in corn will be charged at one half hour per inspection.
- Service cancellation fee will be \$300.00 per employee for canceled shift.

Clarifying the following language:

- Adding language to WAC 16-240-043 that will initiate the emergency tier.
- Implementing a permanent contract and removing the permanent staffing request language in WAC 16-240-036.

- Striking language and adding language in WAC 16-240-038 for the emergency tier.
- Replacing staffing requests to permanent contract under WAC 16-240-048.
- Adding language to WAC 16-240-060 to clarify what services are charged under what fee type.
- Adding and removing language to WAC 16-240-020 for clarification.

Reasons Supporting Proposal: RCW 22.09.790 requires the department to fix fees for inspection, grading, and weighing of the commodities that are sufficient to cover the cost of services it provides. Based on a recent budget review, it was determined that the current fees are not able to sustain program services, resulting in consistent monthly revenue loss. Since the program has been operating with a fund balance that is below a six-month operating reserve, continuing to perform services at the current fee schedule will result in the program not being able to meet the needs of stakeholders. If a fee increase is not initiated, the program will be in a negative fund balance within the next fiscal year and as a fee for service program, the grain program is prohibited from operating with a negative fund balance.

Increasing program fees, revising the current fee structure to more accurately reflect the scope of services provided including, but not limited to, adding fees for services that are not specifically identified, and clarifying language to ease in the understanding of the rule will enable the program to maintain financial stability while continuing to provide services described and provided for in chapter 22.09 RCW and will provide clarity on confusing language already present in the rule.

Statutory Authority for Adoption: RCW 22.90.020 and 22.09.790.

Statute Being Implemented: Chapter 22.09 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington state department of agriculture, governmental.

Name of Agency Personnel Responsible for Drafting: Rachel Furth, 1111 Washington Street S.E., Olympia, WA 98504, 360-902-1997; Implementation and Enforcement: Philip Garcia, 1111 Washington Street S.E., Olympia, WA 98504, 360-902-1921.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington state department of agriculture is not a listed agency under RCW 34.05.328 (5) (a) (i).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

Scope of exemption for rule proposal:

Is fully exempt.

June 3, 2024
Jessica Allenton
Assistant Director

OTS-5469.1

AMENDATORY SECTION (Amending WSR 17-19-051, filed 9/13/17, effective 10/14/17)

WAC 16-240-020 Washington state grain and commodity service points. The offices located in the following cities are service points for providing sampling, inspecting, weighing, and certification services.

- (1) Service points:
 - (a) Colfax.
 - (b) Kalama (North).
 - (c) Kalama (South).
 - (d) Longview.
 - (e) Olympia.
 - (f) ~~((Othello.~~
 - ~~(g) Paseo.~~
 - ~~(h)) Quincy.~~
 - ~~((i)) (g) Seattle.~~
 - ~~((j)) (h) Spokane.~~
 - ~~((k)) (i) Tacoma.~~
 - ~~((l)) (j) Vancouver.~~

(2) Aberdeen has been delegated to Washington state as a service point by the Federal Grain Inspection Service. Services for Aberdeen are as follows:

- (a) Services for Aberdeen may be requested through the Tacoma grain inspection office.
- (b) Travel time and mileage will be charged from Tacoma to Aberdeen for all services requested at Aberdeen until a permanent staff is established.
- (3) Inspection points may be added or deleted within the department's delegated and designated service area.

AMENDATORY SECTION (Amending WSR 17-19-051, filed 9/13/17, effective 10/14/17)

WAC 16-240-036 Permanent contract staffing ((requests)). An applicant may request the department to establish permanent staffing on shifts ~~((as shown below))~~ using the application issued by the department:

(1) ~~Requests for permanent staffing ((of day, night, swing, or graveyard shifts must be made in writing at least seven business days prior to the shift(s) that are requested))~~ must be submitted to the department by July 5th for permanent staffing to be established that year. For FY 2025, the department will accept requests until September 5, 2024.

(a) Requests for permanent contract staffing of any night, swing or graveyard shift will be deemed to include a request for permanent contract staffing of the day shift.

(b) The requested shift(s) will be established if the department has an adequate number of trained personnel and the applicant and the department execute a permanent contract.

~~((c) Confirmation of staffing requirements must be received by the inspection office by 2:00 p.m. each business day for the next service day, including requests for weekend days, for Mondays, or for holidays, which must be requested by 2:00 p.m. on the last business day of the week (see WAC 16-240-034).~~

~~(d) Failure to meet the notification requirement may result in denial of service.)~~

(2) When the department is able to staff the permanent night, swing, or graveyard shift(s) requested by the applicant, the overtime rate established under WAC 16-240-048 will be waived for the requested shift(s). Permanent staffing contracts will establish the billing structure for permanent staffing.

~~(3) ((Once established, permanent shifts will continue until canceled by the requesting party or canceled by the department for good cause))~~ Permanent staffing contracts lapse one year from the date that service is to commence under the agreement unless the contract is properly renewed by the applicant by sufficient written notice consistent with the terms of the permanent staffing contract.

~~(a) ((Cancellation))~~ Termination requests must be received, in writing, ~~((giving))~~ at least ~~((fifteen business days' notice))~~ 60 days before the termination may be effective, unless the parties mutually agree to an earlier termination date.

~~(b) Applicants will be charged for any shifts established ((at their request until the cancellation))~~ in the permanent staffing contract until the termination notice period has expired.

AMENDATORY SECTION (Amending WSR 22-23-008, filed 11/3/22, effective 12/4/22)

WAC 16-240-038 Revenue minimum determination. The circumstances under which the department adjusts rates to meet the revenue minimum are as follows:

(1) When the daily volume of work at a service location at the established fees does not generate revenue at least equal to the straight time hourly rate per hour, per employee, a sufficient additional amount, calculated by using the straight time hourly rate per hour, per employee, will be added to the established fee amount to meet the revenue minimum, except as provided in subsection (2) of this section.

(2) The daily revenue minimum charge applies only to the Tier 1 ~~((and)),~~ Tier 2, and emergency tier metric tonnage rate shown in WAC 16-240-070 (2)(b) at USGSA Table 1 and in WAC 16-240-080 (2)(b) at AMA Table 1. When the Tier 3 rate is in effect (WAC 16-240-043, 16-240-070, and 16-240-080), export locations will not be subject to daily revenue minimum charges during the Tier 3 rate period allowed under WAC 16-240-043.

(3) Work volume daily averaging at export locations will be determined as follows:

(a) When the daily volume of work at a service location at the established fees does not generate revenue equivalent to the straight time hourly rate per hour, per employee, including applicable supervisory and clerical employee hours, according to the staffing needs at the facility, the department will charge an additional fee, except as provided in subsection (2) of this section.

(b) The straight time hourly rate will be charged per hour, per employee.

(c) Service cancellation fees, WAC 16-240-054, are not considered to be revenue under daily averaging.

(4) Work volume monthly averaging at export locations will be determined as follows:

(a) When the applicant has requested the department to establish one or more permanent shifts, the applicant may request, in writing, that the revenue minimum required for staffing at the location be determined based on the completed invoices for the calendar month, instead of paying the fees for daily volume of work.

(b) Under this subsection (4), and except for when the work volume monthly averaging for the revenue minimum is determined under (a) of this subsection, when the monthly volume of work at the established fees does not generate revenue equivalent to the contract/noncontract straight time hourly rate per hour, per employee, including applicable supervisory and clerical employee hours, according to the staffing needs at the facility, a sufficient additional amount, calculated by using the contract/noncontract straight time hourly rate per hour, per employee, will be added to the established fee amount to meet the revenue minimum for each month during which work volume monthly averaging applies. As provided under ~~((f))~~ (e) of this subsection, this revenue minimum adjustment applies only during any month when Tier 1 ~~((and)),~~ Tier 2, and emergency tier rates are in effect.

(c) At export locations, the request for monthly averaging stays in effect until canceled.

~~(d) ((An applicant's written request to establish or cancel monthly averaging for the coming month must be received by 2:00 p.m. of the last business day in the month.~~

~~(e))~~ Service cancellation fees under WAC 16-240-054 are not considered to be revenue under monthly averaging.

~~((f))~~ (e) The monthly revenue minimum charge applies only to the Tier 1 ~~((and)),~~ Tier 2, and emergency tier rate shown in USGSA Table 1 under WAC 16-240-070 (2)(b) and AMA Table 1 under WAC 16-240-080 (2)(b) of this schedule. When the Tier 3 rate is in effect, export locations will not be subject to daily revenue minimum charges during the Tier 3 rate period allowed under WAC 16-240-043.

~~((i) Upon the applicant's written notification to the department, the monthly revenue minimum will not be applied to the month in which an export facility resumes operations after an extended downtime. This exception for maintenance or repair is available once per fiscal year.~~

~~(ii))~~ When the department provides services at a nonexport location or a transloading facility, and the hourly, unit, and applicable travel fees do not cover the cost of providing the service, a sufficient additional amount calculated by using the travel straight time hourly rate per hour, per employee, will be added to the established fee amount to meet the revenue minimum.

AMENDATORY SECTION (Amending WSR 17-19-051, filed 9/13/17, effective 10/14/17)

WAC 16-240-043 Minimum operating fund balance fee adjustment.

The department shall establish the minimum operating fund balance amount on the first business day of July each year.

(1) At the time the minimum operating fund balance amount is established, if the fund balance is above the new minimum operating fund balance amount by at least ~~((ten))~~ 10 percent, the metric ton vessel rate and the approved automated weighing system rate per metric ton under WAC 16-240-070 (2)(b) at USGSA Table 1 shall be the next lower tier rate beginning August 1st of that year, and the metric ton vessel

rate and the approved automated weighing systems rate per metric ton under WAC 16-240-080 (2)(b) at AMA Table 1 shall be the next lower tier rate beginning August 1st of that year.

(2) At the time the minimum operating fund balance amount is established, if the fund balance is below the new minimum operating fund balance by at least ~~((ten))~~ 10 percent, the metric ton vessel rate and the approved automated weighing systems rate per metric ton under WAC 16-240-070 (2)(b) at USGSA Table 1 shall be the next higher tier rate beginning August 1st of that year, and the metric ton vessel rate and the approved automated weighing systems rate per metric ton under WAC 16-240-080 (2)(b) at AMA Table 1 shall be the next higher tier rate beginning August 1st of that year.

(3) If after three months at the Tier 2 rate the fund balance is not reduced to or projected by the department to achieve reduction to the minimum operating fund balance within the following six months, the metric ton vessel rate and approved automated weighing system rate per metric ton under WAC 16-240-070 (2)(b) at USGSA Table 1 shall be the Tier 3 rate beginning the first day of the following month, and the metric ton vessel rate and the approved automated weighing systems rate per metric ton under WAC 16-240-080 (2)(b) at AMA Table 1 shall be the Tier 3 rate beginning the first day of the following month.

(4) In the event that the fund balance drops below one-half of the determined six-month operating fund balance any time during the fiscal year, the Emergency Tier (EM) and Automated Emergency Tier (AEM) will be implemented the 1st of the following month. When the fund balance returns to the determined six-month operating fund balance, Tier 2 will be implemented on the first of the following month.

(5) The department may review the status of the minimum operating fund balance any month during each fiscal year. On the first business day of the month following such review, if the fund balance is above the minimum operating balance by at least ~~((ten))~~ 10 percent, the next lower tier rate under this section shall apply. If the fund balance is below the minimum operating fund balance by at least ~~((ten))~~ 10 percent, the next higher tier rate under this section shall apply. Any change in the rates required under this subsection shall take effect beginning the first day of the following month. The department shall give notice of any rate change as provided under subsection ~~((+5))~~ (6) of this section.

~~((+5))~~ (6) The department shall post notice of each year's current minimum operating fund balance amount on the department's ~~((WSDA-grades.com))~~ website within three business days of the date in July when that amount is established under this section.

~~((+6))~~ (7) The department shall post notice of the rates established under subsections (1) through ~~((+4))~~ (5) of this section on the department's ~~((WSDAgrades.com))~~ website within three business days of the date the department determines the rates. The posted notice shall identify the rate for each affected category of service and the date each rate takes effect. Notice is not required to be posted when an established rate does not change following review under this section.

~~((+7))~~ (8) By email or other means, the department may provide optional additional notice to current customers and to any other interested persons of the minimum operating fund balance established under this section and notice of any rates established or changed under subsections (1) through ~~((+4))~~ (5) of this section. Such optional additional notice should be given within the same times as the required notices under subsections ~~((+5))~~ (6) and ~~((+6))~~ (7) of this section.

This subsection ((-7)) (8) shall not affect the validity of any rates established or changed under this section.

AMENDATORY SECTION (Amending WSR 17-19-051, filed 9/13/17, effective 10/14/17)

WAC 16-240-048 Rates for working outside established business hours (overtime). In addition to regular inspection and weighing fees and any applicable hourly rate, the department will charge the overtime rate per hour, per employee, including applicable supervisory and clerical employee hours, when a service is requested:

- (1) Anytime on Saturdays, Sundays, or holidays.
- (2) Before or after regularly scheduled office hours, Monday through Friday, except as provided in WAC 16-240-036 for an established permanent staffing (~~request~~) contract.
- (3) During established meal periods on any shift.
- (4) For services requested at unstaffed export locations.
- (5) Overtime is charged in one-half hour increments.

AMENDATORY SECTION (Amending WSR 22-05-011, filed 2/4/22, effective 3/7/22)

WAC 16-240-060 WSDA grain program hourly rates, fees and cancellation fees. USGSA—AMA—WSDA Table 1 contains fees for USDA, AMS, FGIS scale authorization, contract straight-time hourly rate, noncontract hourly rate, contract overtime hourly rate, noncontract overtime hourly rate, travel hourly rate, and service cancellation fees for services performed under the United States Grain Standards Act, the Agricultural Marketing Act of 1946, and Washington state rule.

**USGSA—AMA—WSDA Table 1
WSDA Grain Program Hourly Rates, Fees and
Cancellation Fees**

1. Scale authorization/ <u>travel time</u> fee, per hour, per employee	\$56.00
2. Straight-time rate/ <u>contract rate</u> , per hour, per employee	(\$56.00) \$75.00
3. Overtime rate/ <u>contract overtime rate</u> established under WAC 16-240-048, per hour, per employee	(\$28.00) \$37.50
4. <u>Noncontract rate</u> , per hour, per employee	\$150.00
5. <u>Noncontract overtime rate</u> , per hour, per employee	\$75.00
6. Service cancellation fee, per employee	(\$200.00) \$300.00

AMENDATORY SECTION (Amending WSR 22-23-008, filed 11/3/22, effective 12/4/22)

WAC 16-240-070 Fees for services under the United States Grain Standards Act. (1) USGSA Tables 1 through (8) in this section contain fees for official sampling, inspection, weighing services, and fees for other associated services under the United States Grain Standards Act (USGSA). Services available include inspection, sampling, testing, weighing, laboratory analysis, and certification.

(2) Fees that are not otherwise provided for in this chapter for services under the United States Grain Standards Act are described below.

(a) Fees for other services under the United States Grain Standards Act not specifically cited in WAC 16-240-070 are provided at the rates contained in WAC 16-240-080 or 16-240-090 or at the published rates of the laboratory or organization providing the official service or analysis. The program will require the applicant for service to provide advance consent to the rate for any service necessary to be performed at an external laboratory or organization.

(b) An applicant may be required to provide the necessary supplies and equipment when requesting a new or special type of analysis.

**USGSA Table 1
Fees for Combination Inspection and Weighing Services**

1.	In, out, or local, rate for all tiers, per metric ton	(\$0.250) \$0.300
2.	Vessels (export and domestic ocean-going), Tier 1 rate, per metric ton	\$0.300
3.	Vessels and local (export and domestic ocean-going) with approved automated weighing systems, Tier 1 rate, per metric ton	\$0.280
Note: For automated weighing systems:		
■	When approved automated weighing systems are not functioning properly, dedicated staff time may be required at the rates established in WAC 16-240-060.	
4.	Vessels and local (export and domestic ocean-going), Tier 2 rate, per metric ton	\$0.250
5.	Vessels and local (export and domestic ocean-going) with approved automated weighing systems, Tier 2 rate, per metric ton	\$0.230
6.	Vessels and local (export and domestic ocean-going), Tier 3 rate, per metric ton	\$0.100
7.	<u>Vessels (export and domestic ocean-going), Emergency Tier rate, per metric ton</u>	\$0.400
8.	<u>Vessels (export and domestic ocean-going) with approved automated weighing system, Automated Emergency Tier rate, per metric ton</u>	\$0.380

<u>9.</u>	Official ship samples	\$7.00
<p>Note: For vessels (export and domestic ocean-going):</p> <ul style="list-style-type: none"> ■ The metric ton vessel rate includes all additional factor inspection services required by the load order. All other additional factor inspection services in USGSA Table 1 are charged at the per factor fee. ■ Stress crack analysis in corn (is included in the fees in USGSA Table 1) <u>will be charged one-half hour per inspection.</u> ■ During vessel loading, fees for other tests, such as protein analysis, falling number determinations, or mycotoxin analysis will be charged at the per unit rates included under this chapter. 		
((8-)) <u>10.</u>	Trucks or containers, per truck or container	\$35.00
((9-)) <u>11.</u>	Additional nongrade determining factor analysis, per factor	\$3.00

**USGSA Table 2
Fees for Official Sampling and Inspection
Without Weighing Services**

1.	Original or new sample reinspection trucks or containers sampled by approved grain probe, including factor only or sampling only services, per truck or container	\$30.00
2.	Barge sampled by USDA approved mechanical sampler, including factor only or sampling only services, per metric ton	(\$0.10) \$0.150
3.	Railcars sampled by USDA approved mechanical sampler, including factor only or sampling only services, per railcar	\$20.00
4.	Original or new sample reinspection railcars sampled by USDA approved grain probe, applicant assisted, including factor only or sampling only services, per railcar	\$20.00
5.	Original or new sample reinspection railcars sampled by USDA approved grain probe, including factor only or sampling only services, per railcar	\$40.00
<p>Note: The following applies to all fees in this table:</p> <ul style="list-style-type: none"> ■ For barley, determining and certifying of dockage to tenths is included in the fees in USGSA Table 2. ■ Stress crack analysis in corn (is included in the fees in USGSA Table 2) <u>will be charged one-half hour per inspection.</u> ■ Analysis that requires additional equipment or personnel will be provided at the applicable hourly rate under this chapter. 		

■	The per railcar rate applies to each railcar included in a batch grade. A batch grade is two or more cars that are combined, at the applicant's request, for a single grade.	
■	FGIS supervision fee will be assessed at current per metric ton rate (WAC 16-240-039).	
6.	Inspection of bagged grain, including tote bags, per hundredweight (cwt)	\$0.140
7.	Additional nongrade determining factor analysis, per factor	\$5.00

**USGSA Table 3
Fees for Official Class X Weighing Services
Without an Inspection of Bulk Grain**

1.	In, out, or local, per metric ton	(\$0.200) \$0.250
2.	Vessels (export and domestic ocean-going), per metric ton	(\$0.200) \$0.250
3.	Trucks or containers, per weight lot	\$20.00
4.	Class Y weighing per railcar	(\$1.00) \$2.00
■	FGIS supervision fee will be assessed at current per metric ton rate (WAC 16-240-039).	

**USGSA Table 4
Fees for Inspection of Submitted Samples,
Fees for Reinspections Based on Official
File Samples and Fees for Additional Factors**

1.	Submitted samples, including factor-only inspections, per inspection	\$15.00
2.	Reinspections based on official file sample, including factor-only reinspections, per inspection	\$15.00
3.	Warehousemen samples	\$15.00
4.	Warehousemen reinspection	\$15.00
5.	Additional, nongrade determining factor analysis, per factor	\$5.00
6.	Stress crack only analysis on corn, per sample	\$9.00
<p>Note: The following applies to all fees in this table:</p> <ul style="list-style-type: none"> ■ When submitted samples are not of sufficient size to allow for official grade analysis, obtainable factors may be provided, upon request of the applicant, at the submitted sample rates shown above. ■ For barley, determining and certifying of dockage to tenths is included in the fees in USGSA Table 4. ■ Stress crack analysis in corn is included in the fees in USGSA Table 4. ■ Analysis that requires additional equipment or personnel will be provided at the applicable hourly rate under this chapter. 		

- FGIS supervision fee will be assessed at current per metric ton rate (WAC 16-240-039).

**USGSA Table 5
Fees for Miscellaneous Services**

1. Laboratory analysis, at cost	At cost
2. All other USGSA services not listed in this section, per hour, per employee	(\$56.00) \$75.00

- Note: The following applies to all fees in this table:**
- On request, shipping arrangements billed directly by shipper to the customer's shipping account may be coordinated by the department.
 - FGIS supervision fee will be assessed at current per metric ton rate (WAC 16-240-039).

**USGSA Table 6
Fees for Official Analysis for Protein, Oil, or Other Official Constituents**

Original or reinspection based on file sample, per test	\$9.00
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- Note: The following applies to the fee in USGSA Table 6:**
- When a reinspection service includes a request for a new sample, the appropriate sampling fee will also be charged.
 - Results for multiple criteria achieved in a single testing operation are provided at the single test rate unless certificated separately.
 - FGIS supervision fee will be assessed at current per metric ton rate (WAC 16-240-039).

**USGSA Table 7
Fees for Testing for the Presence of Mycotoxins Using USDA Approved Methods**

Original, reinspection based on official file sample, or submitted sample, per test	(\$40.00) \$50.00
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- Note: The following applies to this table:**
- When a reinspection service includes a request for a new sample, the appropriate sampling fee to obtain the sample will be charged in addition to the per test fee shown earlier (see WAC 16-240-070, USGSA Table 2).
 - FGIS supervision fee will be assessed at current per metric ton rate (WAC 16-240-039).

**USGSA Table 8
Fees for Stowage Examination Services on Vessels or Ocean-Going Barges and Fees for Other Stowage Examination Services**

1. Vessels or ocean-going barges stowage examination, original or reinspection, per request	(\$500.00) \$650.00
2. Other stowage examinations of railcars, trucks, trailers, or containers, original or reinspection, per inspection	\$9.00

AMENDATORY SECTION (Amending WSR 22-23-008, filed 11/3/22, effective 12/4/22)

WAC 16-240-080 Fees for services under the Agricultural Marketing Act of 1946. (1) AMA Tables 1 through 5 in this section contain official sampling, inspection, or weighing services and fees for other services under the Agricultural Marketing Act of 1946 (AMA). Services available include inspection, sampling, testing, weighing, laboratory analysis, and certification.

(2) Fees that are not otherwise provided for in this chapter for services under the Agricultural Marketing Act of 1946 are described below.

(a) Fees for other services under the Agricultural Marketing Act of 1946 not contained in WAC 16-240-080 are contained in WAC 16-240-070 or 16-240-090 or at the published rates of the laboratory or organization providing the official service or analysis.

(b) An applicant may be required to provide the necessary supplies or equipment when requesting a new or special type of analysis.

**AMA Table 1
Fees for Combination Sampling, Inspection
and Weighing Services, and Additional Factors**

1.	In, out, or local, rate for all tiers, per metric ton	(\$0.250) \$0.300
2.	Vessels (export or domestic), Tier 1 rate, per metric ton	\$0.300
3.	Vessels and local (export and domestic ocean-going) with approved automated weighing systems, Tier 1 rate, per metric ton	\$0.280
Note: For automated weighing systems:		
<ul style="list-style-type: none"> ■ When approved automated weighing systems are not functioning properly, dedicated staff time may be required at the rates established in WAC 16-240-060. 		
4.	Vessels and local (export and domestic ocean-going), Tier 2 rate, per metric ton	\$0.250
5.	Vessels and local (export and domestic ocean-going) with approved automated weighing systems, Tier 2 rate, per metric ton	\$0.230
6.	Vessels and local (export and domestic ocean-going), Tier 3 rate, per metric ton	\$0.100
7.	<u>Vessels (export and domestic ocean-going), Emergency Tier rate, per metric ton</u>	\$0.400
8.	<u>Vessels (export and domestic ocean-going) with approved automated weighing system, Automated Emergency Tier rate, per metric ton</u>	\$0.380
9.	Official ship samples	\$7.00
Note: For vessels (export and domestic ocean-going):		

	<ul style="list-style-type: none"> ■ The metric ton vessel rate includes all additional factor inspection services required by the load order. All other additional factor inspection services in AMA Table 1 are charged at the per factor fee. ■ During vessel loading, fees for other tests, such as protein analysis, falling number determinations, or mycotoxin analysis will be charged at the per unit rates included under this chapter. 	
((8-)) <u>10.</u>	Trucks or containers, per truck or container	\$30.00
((9-)) <u>11.</u>	Additional, nongrade determining factor analysis, per factor	\$3.00
<p>Note: The following applies to all fees in this table:</p> <ul style="list-style-type: none"> ■ The rates in the above section also apply to services provided under federal criteria inspection instructions, state established standards, or other applicant requested criteria. ■ Dockage breakdown is included in the basic inspection fee. ■ The metric ton vessel rate includes all additional factor inspection services required by the load order. All other additional factor inspection services in AMA Table 1 are charged at the per factor fee. ■ Fees for other tests, such as mycotoxin analysis, provided during vessel loading will be charged at the per unit rates included in this fee schedule. 		

**AMA Table 2
Fees for Official Sampling and Inspection
Without Weighing Services, and Additional
Factors**

1.	Trucks or containers sampled by USDA approved grain probe, including factor only or sampling only services, per truck or container	\$30.00
2.	Barge sampled by USDA approved mechanical sampler, including factor only or sampling only services, per metric ton	((\$0.10)) \$0.150
3.	Railcars sampled by USDA approved mechanical samplers, including factor only or sampling only services, per railcar	\$30.00
4.	Railcars sampled by USDA approved grain probe, including factor only or sampling only services, per railcar	\$40.00
5.	Inspection of bagged commodities or tote bags, including factor only or sampling only services, per hundredweight (cwt)	\$0.140
6.	Additional, nongrade determining factor analysis, per factor	\$5.00
<p>Note: The following applies to all fees in this table:</p> <ul style="list-style-type: none"> ■ Dockage breakdown is included in the basic inspection fee. 		

- Analysis for special grade requirements or criteria analysis that requires additional equipment or personnel will be provided at the hourly rate.
- The rates shown above also apply to services provided under federal criteria inspection instructions.

**AMA Table 3
Fees for Official Weighing Services without Inspections**

1.	In, out, or local, per metric ton	((\$0.200)) \$0.250
2.	Vessels (export and domestic ocean-going), per metric ton	((\$0.200)) \$0.250
3.	Trucks or containers, per weight lot	\$20.00

**AMA Table 4
Fees for Inspecting Submitted Samples**

1.	Submitted sample, thresher run or processed, including factor-only inspections, per sample	\$24.00
2.	Additional, nongrade determining factor analysis, per factor	\$5.00
<p>Note: The following applies to all fees in this table:</p> <ul style="list-style-type: none"> ■ Dockage breakdown is included in the basic inspection fee. ■ Analysis for special grade requirements or criteria analysis that requires additional equipment or personnel will be provided at the hourly rate. ■ The rates shown above also apply to inspection services provided under federal criteria inspection instructions. ■ When the size of a submitted sample is insufficient to perform official grade analysis, factor-only analysis is available on request of the applicant. 		

**AMA Table 5
Fees for Miscellaneous Services**

1.	Falling number determinations, including liquefaction number on request, per determination	\$20.00
2.	Sampling and handling of processed commodities, per hour, per employee	\$56.00
3.	Laboratory analysis, at cost	At cost
<p>Note: The following applies to all fees in this table:</p> <ul style="list-style-type: none"> ■ On request, shipping arrangements billed directly by shipper to the customer's shipping account may be coordinated by the department. 		