

Title 1

CODE REVISER, OFFICE OF THE

Chapters

1-21 Rule making.

Chapter 1-21 WAC RULE MAKING

WAC

1-21-010	Preproposal statement of inquiry.
1-21-020	Notice—Form, contents, numbers.
1-21-070	Administrative order.
1-21-170	Official forms.
1-21-180	Rule-making activity report.

WAC 1-21-010 Preproposal statement of inquiry.

To solicit comments from the public as required by RCW 34.05.310 on a subject of possible rule making, but before a formal notice is filed under RCW 34.05.320, an agency shall complete and file with the code reviser's office a CR-101 form (Preproposal Statement of Inquiry). This requirement does **not** apply to all rule making. The exceptions are set forth in RCW 34.05.310(4).

The text of the new rule is neither required nor recommended at this stage, but if text is submitted for filing, it must meet the form and style requirements of WAC 1-21-110 through 1-21-130. The filing will appear in the Register in accordance with the schedule provided in WAC 1-21-040. Note that the CR-101 must be published at least thirty days before the CR-102 form (Proposed Rule Making) may be filed.

WAC sections proposed for expedited repeal under RCW 34.05.354 should be listed by citation and caption only, either individually or by entire chapter, and filed either March 10th through April 1st or September 10th through October 1st of each year.

[Statutory Authority: RCW 1.08.110, 34.05.385, 34.08.020, 34.08.030, 34.05.230, 34.05.354 and 1997 c 409 §§ 202 and 208. 97-15-035, § 1-21-010, filed 7/10/97, effective 7/27/97. Statutory Authority: RCW 1.08.110, 34.05.385, 34.08.020, 34.08.030, 34.05.310, 34.05.320 and 1995 c 403 §§ 701 and 704. 95-17-070, § 1-21-010, filed 8/17/95, effective 9/17/95. Statutory Authority: RCW 1.08.110, 34.05.385, 34.08.030 and 34.05.310 as amended by 1994 c 249 § 1. 94-12-075, § 1-21-010, filed 5/31/94, effective 6/9/94. Statutory Authority: RCW 34.05.385 and 34.08.030. 89-12-028 (Order 89-1), § 1-21-010, filed 5/31/89.]

WAC 1-21-020 Notice—Form, contents, numbers.

(1)(a) An agency shall file a regular notice of proposed rule making under RCW 34.05.320 with the code reviser's office on a CR-102 form (Proposed Rule Making). The agency must file the full text of the proposed rule along with the Notice form (RCW 34.08.020). This filing must be at least thirty days after the CR-101 form, if required, was published (RCW 34.05.310); or

(b) An agency shall file notice for the expedited adoption of rules under RCW 34.05.230 with the code reviser's office on a CR-102XA form (Expedited Adoption—

Proposed Rule Making). The agency must file the full text of the proposed rule along with the CR-102XA form (RCW 34.05.230). This filing must be published in the Register at least forty-five days before the agency may adopt the proposal and file a CR-103 form (Rule-Making Order).

(2) The agency shall file the original and six copies of either notice package (form and text). The code reviser's office will keep the original and two copies and return four stamped copies to the agency. The joint administrative rules review committee has requested that the agency submit three of these copies to the committee for purposes of legislative review. The agency should keep the remaining copy for its files.

[Statutory Authority: RCW 1.08.110, 34.05.385, 34.08.020, 34.08.030, 34.05.230, 34.05.354 and 1997 c 409 §§ 202 and 208. 97-15-035, § 1-21-020, filed 7/10/97, effective 7/27/97. Statutory Authority: RCW 1.08.110, 34.05.385, 34.08.020, 34.08.030, 34.05.310, 34.05.320 and 1995 c 403 §§ 701 and 704. 95-17-070, § 1-21-020, filed 8/17/95, effective 9/17/95. Statutory Authority: RCW 34.05.385 and 34.08.030. 89-12-028 (Order 89-1), § 1-21-020, filed 5/31/89.]

WAC 1-21-070 Administrative order. (1) The administrative order by which an agency adopts a rule shall be done on a CR-103 form (Rule-making Order) provided by the code reviser's office or, if required by agency practice, on an agency form that provides the information required by RCW 34.05.360.

(2) The agency shall file with the code reviser's office the original and three copies of the text of permanent rules, along with four copies of the administrative order. Emergency rules require an additional three copies of the order and the text, which the agency shall file with the rules review committee after the copies have been stamped by the code reviser's office.

[Statutory Authority: RCW 1.08.110, 34.05.385, 34.08.020, 34.08.030, 34.05.230, 34.05.354 and 1997 c 409 §§ 202 and 208. 97-15-035, § 1-21-070, filed 7/10/97, effective 7/27/97. Statutory Authority: RCW 34.05.385 and 34.08.030. 89-12-028 (Order 89-1), § 1-21-070, filed 5/31/89.]

WAC 1-21-170 Official forms. Agencies may obtain the following official forms from the code reviser's office upon request:

- (1) Form CR-101 Preproposal Statement of Inquiry
- (2) Form CR-101XR Expedited Repeal—Preproposal Statement of Inquiry
- (3) Form CR-102 Proposed Rule Making
- (4) Form CR-102XA Expedited Adoption—Proposed Rule Making
- (5) Form CR-103 Rule-making Order
- (6) Form CR-104 Review of Previously Adopted Rules.

[Statutory Authority: RCW 1.08.110, 34.05.385, 34.08.020, 34.08.030, 34.05.230, 34.05.354 and 1997 c 409 §§ 202 and 208. 97-15-035, § 1-21-170, filed 7/10/97, effective 7/27/97. Statutory Authority: RCW 1.08.110, 34.05.385, 34.08.020, 34.08.030, 34.05.310, 34.05.320 and 1995 c 403 §§ 701 and 704. 95-17-070, § 1-21-170, filed 8/17/95, effective 9/17/95. Statutory Authority: RCW 1.08.110, 34.05.385, 34.08.030 and 34.05.310 as amended by 1994 c 249 § 1. 94-12-075, § 1-21-170, filed 5/31/94, effective 6/9/94. Statutory Authority: RCW 34.05.385 and 34.08.030. 89-12-028 (Order 89-1), § 1-21-170, filed 5/31/89.]

WAC 1-21-180 Rule-making activity report. To implement RCW 1.08.112, agencies shall supply the information required by RCW 1.08.112 (1)(a) through (f) and (i)

by completing the appropriate parts of the CR-103 form. Agencies shall report information required by RCW 1.08.112 (1)(g) and (h) by a memorandum on agency letterhead to the code reviser.

[Statutory Authority: RCW 1.08.110, 34.05.385, 34.08.020, 34.08.030, 34.05.230, 34.05.354 and 1997 c 409 §§ 202 and 208. 97-15-035, § 1-21-180, filed 7/10/97, effective 7/27/97. Statutory Authority: RCW 1.08.110, 34.05.385, 34.08.020, 34.08.030, 34.05.310, 34.05.320 and 1995 c 403 §§ 701 and 704. 95-17-070, § 1-21-180, filed 8/17/95, effective 9/17/95.]

Title 16 WAC AGRICULTURE, DEPARTMENT OF

Chapters

- 16-08 Practice and procedure.
- 16-34 Dead animals, packing house offal, meat market scraps—Transportation and disposal.
- 16-46 Domestic and imported animal semen.
- 16-50 Importation of mink.
- 16-101 Milk and milk products.
- 16-105 Packaging of bacon.
- 16-139 Penalties.
- 16-156 Organic producer and transition to organic producer certification.
- 16-158 Standards for the certification of processors of organic food.
- 16-162 Animal production standards for organic meat and dairy products.
- 16-218 Hops—Certification analyses—Fees.
- 16-316 Seed certification.
- 16-324 Rules for the certification of seed potatoes.
- 16-409 Standards for asparagus.
- 16-470 Quarantine—Agricultural pests.
- 16-473 Lentil anthracnose quarantine.
- 16-532 Hops.
- 16-580 Washington farmed salmon commission.
- 16-602 Apiaries.
- 16-650 Weights and measures—Absorbent tissues.
- 16-654 Weights and measures—Fluid dairy products.
- 16-660 Weights and measures—Solid wood fuel.
- 16-662 Weights and measures—National handbooks.
- 16-664 National type evaluation program.
- 16-666 Weights and measures—Packaging and labeling regulations.
- 16-670 Weights and measures—Prepackage checking procedure.
- 16-675 Calibration services.
- 16-695 Rules relating to ginseng management.
- 16-700 State fair fund—Proration.
- 16-750 State noxious weed list and schedule of monetary penalties.
- 16-752 Noxious weed control.

Chapter 16-08 WAC

PRACTICE AND PROCEDURE

WAC

- 16-08-031 Application for adjudicative proceeding.
- 16-08-141 Brief adjudicative proceedings.
- 16-08-171 Documents—Filing.

WAC 16-08-031 Application for adjudicative proceeding. An application for an adjudicative proceeding shall be made on a form provided by the department. Written application for an adjudicative proceeding shall be received at the address designated on the application form within twenty-five days of service of the proposed department action giving rise to the application unless provided for otherwise by statute or rule.

[Statutory Authority: Chapter 34.05 RCW. 97-14-050, § 16-08-031, filed 6/27/97, effective 7/28/97; 91-23-051, § 16-08-031, filed 11/15/91, effective 12/16/91.]

WAC 16-08-141 Brief adjudicative proceedings. (1) Pursuant to RCW 34.05.482, the department will use brief adjudicative proceedings where not violative of law and where protection of the public interest does not require the department to give notice and an opportunity to participate to persons other than the parties. Those circumstances may include:

- (a) Actions taken by the agency based on the failure:
 - (i) To maintain, supply, or display records; and/or
 - (ii) To display evidence of a license; and/or
 - (iii) To display or post information required by law; and/or
 - (iv) To possess required insurance, bonding or other security.
- (b) Actions taken with respect to late application renewal fees.
- (c) Actions taken with respect to certificate of compliance agreements under WAC 16-461-010.
- (d) Actions taken with respect to sale permits pursuant to RCW 15.13.270.
- (e) Actions taken to revoke certification of plant material as foundation or breeder planting stock pursuant to RCW 15.14.110.
- (f) Penalty actions taken with respect to cattle breed name use.
- (g) Penalty actions taken against milk producers pursuant to RCW 15.36.115 or 15.36.595.
- (h) Dairy degrade or permit suspension actions taken pursuant to chapter 15.36 RCW.
- (i) Actions taken with respect to licenses for sale of milk for animal food pursuant to RCW 15.37.030 et seq.
- (j) Actions taken with respect to registration of commercial feed pursuant to RCW 15.53.9036.
- (k) Actions taken with respect to pesticide registration under RCW 15.58.110.
- (l) Actions taken with respect to organic certification pursuant to RCW 15.86.060 and/or 15.86.070.
- (m) Actions taken with respect to mushroom buyer or dealer licenses pursuant to RCW 15.90.020.
- (n) Actions taken with respect to animal health certificates pursuant to RCW 16.36.050.