

Chapter 16-390 WAC

WSDA FRUIT AND VEGETABLE INSPECTION DISTRICTS, INSPECTION FEES AND OTHER CHARGES

WAC

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WAC 16-390-005 What definitions are important to this chapter? "Certification" means the issuance of an official document confirming the inspection results for grade, classification, condition, and the absence or presence of plant pests or diseases and/or other defects.

"Customer assisted inspection program (CAIP)" means a quality and/or condition inspection performed by industry with verification and oversight by WSDA.

"Department" means the Washington state department of agriculture (WSDA).

"Director" means the director of the department or the director's designated representative.

"Grade and condition certificate" means a document issued by the director of a certification confirming the results of an inspection.

"Inspection" means a review or examination of fruits and vegetables in order to determine quality, condition, and/or presence or absence of pests or diseases and/or other defects.

"Platform inspection" means any inspection and/or certification performed on a lot that has no defined per unit charges for the service.

[Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-005, filed 5/18/04, effective 6/18/04.]

(11/4/08)

WAC 16-390-010 How many WSDA fruit and vegetable inspection districts are there? The department has two fruit and vegetable inspection districts, which are:

(1) Fruit and vegetable inspection district two, which consists of Kittitas, Klickitat, Skamania, Yakima, Pacific, Lewis, Wahkiakum, Cowlitz, Clark, Benton, Franklin, Walla Walla, Columbia, Asotin, Whitman and Garfield counties; and

(2) Fruit and vegetable inspection district four, which consists of Grays Harbor, Jefferson, Clallam, Island, Mason, Kitsap, Pierce, Thurston, King, Snohomish, Skagit, Grant, Adams, Ferry, Pend Oreille, Stevens, Spokane, Lincoln, San Juan, Whatcom, Chelan, Douglas and Okanogan counties.

[Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-010, filed 5/18/04, effective 6/18/04.]

WAC 16-390-020 What are the fees for grade and condition certificates for fruit? WSDA fees for grade and condition certificates for all fruits are:

(1) A minimum charge of sixteen dollars.

(2) The fees for **federal-state or state grade and condition certificates** of all fresh market apples, pears, and soft fruits in containers (wrapped, place pack, face and fill), bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins, or bags are listed in the following table:

Type of Fruit	Fees per CWT or Fraction Thereof
Apples on-line for domestic shipping, CA, etc.	\$0.17
Apples for export	\$0.17
Apricots, cherries, nectarines, peaches, plums, prunes, other soft fruits, grapes and berries	\$0.23
Pears	\$0.17
Pears for export	\$0.17

(3) The department will give a volume discount for apples and pears that are inspected and certified on-line for domestic shipment, controlled atmosphere certification, etc. Packing of up to 4800 cwt per eight-hour shift, the normal inspection fee will be assessed, and every cwt of product above 4800 cwt for that same shift will be charged at \$0.12 cwt. Platform inspection fees will still apply (WAC 16-390-200).

(4) The department charges a fee of three dollars per ton net weight (or fraction thereof) for all apples, pears, stone fruits, berries, and grapes in bulk or in containers that are inspected for processing.

(5) The department charges a fee of thirty-two dollars per hour, with a minimum certificate charge of sixteen dol-

lars, when an inspection is requested only to verify the product, conveyance, markings, or other factors not related to quality.

[Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25 § 309(2). 05-12-054, § 16-390-020, filed 5/26/05, effective 6/26/05. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-020, filed 5/18/04, effective 6/18/04.]

WAC 16-390-030 What are the fees for grade and condition certificates for vegetables? WSDA fees for grade and condition certificates for all vegetables are:

- (1) A minimum charge of sixteen dollars.
- (2) The fees for **federal-state or state grade and condition certificates** for all fresh market vegetables in containers (wrapped, place pack, face and fill), bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins, or bags are listed in the following table:

Type of Vegetables	Fees per CWT or Fraction Thereof
Asparagus	\$0.23
Cantaloupes and corn	\$0.14
Onions	\$0.09
Potatoes	\$0.07
In-state processing potatoes Complete inspection	\$0.08 Rate shall be reduced for the level of service required
Tomatoes	\$0.21

(3) For the inspection of vegetables not listed, the department charges a fee of thirty-two dollars per hour.

(4) The department charges a fee of three dollars per ton net weight (or fraction thereof) for the inspection of vegetables to be processed, whether in bulk or in containers.

(5) When an inspection is requested only to verify the product, conveyance, markings, or other factors not related to quality, the department charges the rate of thirty-two dollars per hour, with a minimum certificate charge of sixteen dollars.

[Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25 § 309(2). 05-12-054, § 16-390-030, filed 5/26/05, effective 6/26/05. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-030, filed 5/18/04, effective 6/18/04.]

WAC 16-390-040 What are the fees for grade and condition certificates for fruits and vegetables inspected under the customer assisted inspection program (CAIP)? WSDA fees for grade and condition certificates for all fruits and vegetables issued under the customer assisted inspection program (CAIP) are:

- (1) A minimum charge of sixteen dollars.
- (2) The fees for **federal-state grade and condition certificates** for all fresh market fruits and vegetables in containers (wrapped, place pack, face and fill), bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins, or bags are:

Type of Fruit or Vegetable	Fees per CWT or Fraction Thereof
Fresh potatoes	Three and one-half cents per cwt., with a minimum charge of thirty-two dollars per hour for each staff hour worked.
All other fresh market fruits and vegetables	Three-fourths of the cwt. rates specified in WAC 16-390-020(2) and 16-390-030(2) but not less than the equivalent rate of thirty-two dollars per staff hour worked. If the cwt. rate results in an inspection fee that is less than the equivalent of thirty-two dollars per staff hour worked, the department will assess additional certification charges. For example, if an inspection takes three staff hours (\$96.00) to complete and the cwt. rate results in a fee of \$85.00, the department will assess additional certification charges of \$11.00.

[Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-040, filed 5/18/04, effective 6/18/04.]

WAC 16-390-060 Fees for inspecting beans, peas, lentils, hay and straw. Inspection fees for beans, peas, lentils, hay, and straw are found in the following rule sections:

Beans, Peas, Lentils	
WAC Section	Title
16-240-010	Definitions.
16-240-020	Washington state grain and commodity service points.
16-240-030	Commodities covered by chapter 22.09 RCW.
16-240-032	Grades and standards adopted by Washington state.
16-240-034	Service requests.
16-240-036	Permanent staffing requests.
16-240-038	Revenue minimum.
16-240-040	Official commercial inspection services.
16-240-042	Payment of fees and charges.
16-240-044	GIPSA, FGIS scale authorization.
16-240-046	Straight time rate.
16-240-048	Rates for working outside established business hours (overtime).
16-240-050	Calculating travel time, mileage and per diem.
16-240-052	Fees for stowage examination.
16-240-054	Service cancellation fee.
16-240-060	WSDA grain program fees for service.
16-240-080	Fees for services under the Agricultural Marketing Act of 1946.
16-240-090	Fees for other services performed by WSDA.

Hay, Straw	
WAC Section	Title
16-470-900	Schedule of fees and charges—Billing policies and procedures.
16-470-912	Schedule of fees and charges—Applicable fees and charges.

[Statutory Authority: RCW 15.17.030 and chapter 34.05 RCW. 08-22-084, § 16-390-060, filed 11/4/08, effective 12/5/08. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-060, filed 5/18/04, effective 6/18/04.]

WAC 16-390-100 What are the fees for fruit and vegetable certificates? As shown in the following table, WSDA certificate fees vary with the type of certificate requested:

Type of Certificate Requested	Fee
Consolidation certificates	Fees are specified in WAC 16-390-020 and 16-390-030 with an added charge of three dollars for each additional lot.
Condition certificates for previously inspected lots	Fee is two-thirds of the fee charged for grade and condition certificates, with a minimum charge of sixteen dollars.
Condition certificates for lots not previously inspected for quality or grade with a request that the certificate carry out-bound car, truck, or state lot number	Fees are based upon the applicable grade and condition certificate schedules.
Out-of-state products reported on state certificates	Fees are based either upon the applicable grade and condition certificate schedule or a charge of thirty-two dollars per hour whichever is greater.
A state condition certificate or quality control inspection for previously certified controlled atmosphere storage apple lots	A state condition certificate or quality control inspection may be issued without additional charge.
Sanitary and quarantine certificates for fruits and vegetables	Sixteen dollars for issuing a certificate, plus the hourly rates specified in WAC 16-390-200(1) when the shipment is not covered by federal-state or state certificates.
Container weight, or check loading certificates	Fee is charged at the rates specified in WAC 16-390-200(1).

[Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-100, filed 5/18/04, effective 6/18/04.]

WAC 16-390-150 What requirements apply to shipping permits and certificates of compliance for fruits and vegetables? (1) Each shipment of apples, apricots, Italian prunes, peaches, pears, dark sweet cherries, Rainier cherries (11/4/08)

and asparagus must be covered by a shipping permit. All other sweet cherries, whether certified or not, must have a shipping permit indicating freedom from cherry fruit fly larvae.

(2) Shipments of apricots, cherries, peaches, prunes, and asparagus to processors do not require a shipping permit.

(3) A permit or certificate of compliance may be issued without additional charge if the lot is certified.

(4) If the lot has not been certified, a permit or certificate of compliance may be issued based upon the following charges:

(a) The minimum charge for a permit or certificate of compliance is three dollars.

(b) Two-thirds of the rate for federal-state or state grade and condition certificates applies.

(c) A permit to ship apples and/or pears to a by-product plant outside the state is three dollars.

[Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25 § 309(2). 05-12-054, § 16-390-150, filed 5/26/05, effective 6/26/05. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-150, filed 5/18/04, effective 6/18/04.]

WAC 16-390-200 What are the fees for platform inspection services? (1) Fees for platform inspections, taking samples, extra time, phytosanitary and/or quarantine inspection, and all other platform services are charged at the rate of thirty-two dollars per hour.

(2) When a platform inspector is working full time at one house and is also doing certification inspections, the inspector must allow credit, according to the limits outlined in the schedule for such inspections, for the time spent on the inspection at the rate of thirty-two dollars per hour.

(a) Platform fees will not be assessed if the certificate cwt. fee divided by the respective hourly rates is equal to or exceeds the number of hours worked.

(b) Platform fees will be assessed if the certificate cwt. fee divided by the respective hourly rates is less than the number of hours worked. The amount assessed will be sufficient to make the total fee equal to the number of hours worked multiplied by the thirty-two dollars per hour rate.

[Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-200, filed 5/18/04, effective 6/18/04.]

WAC 16-390-210 What is the fee for supervising fumigations? (1) The minimum fee for supervising fumigation shall be equivalent to one and one-half hours specified in WAC 16-390-200(1) for the master fumigation certificate. Additional certificates issued from this master certificate will cost sixteen dollars each.

(2) The department will charge for any additional stand-by time at the rate specified in WAC 16-390-200(1).

(3) In facilities that are either temporary or without adequate devices for maintaining acceptable treatment temperatures, fumigations must not start after:

- (a) 3:00 p.m. from October 1 to May 31; or
- (b) 10:00 p.m. from June 1 to September 30.

[Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-210, filed 5/18/04, effective 6/18/04.]

WAC 16-390-220 What is the fee for a field or orchard inspection? The fee for field or orchard inspections

made at the applicant's request to determine the presence or absence of disease or insect infestation, or for some other reason is:

(1) Three dollars per acre or fraction thereof; or

(2) At the platform inspection rate specified in WAC 16-390-200(1).

[Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25 § 309(2). 05-12-054, § 16-390-220, filed 5/26/05, effective 6/26/05. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-220, filed 5/18/04, effective 6/18/04.]

WAC 16-390-230 What is the fee for an apple pest certification? The fee for apple pest certification, using the survey method, on all fresh apples produced in Washington state or marketed under Washington state grades and standards, is \$.015 per cwt. or fraction thereof.

[Statutory Authority: Chapters 15.17, 17.24, and 34.05 RCW. 08-21-068, § 16-390-230, filed 10/13/08, effective 11/13/08. Statutory Authority: Chapters 15.17 and 34.05 RCW. 06-19-008, § 16-390-230, filed 9/8/06, effective 10/9/06. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-230, filed 5/18/04, effective 6/18/04.]

WAC 16-390-240 What is the fresh produce audit verification program? The fresh produce audit verification program is a federal-state inspection service program that reviews and verifies a participating company's facility and agronomic practices, along with its documented procedures, to help determine if "good agricultural practices" and "good handling practices" are maintained.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-16-084, § 16-390-240, filed 7/30/07, effective 8/30/07. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-240, filed 5/18/04, effective 6/18/04.]

WAC 16-390-242 What charges does the department assess for fruit and vegetable audit verification certificates issued under the fresh produce audit verification program? Charges assessed by the department for good agricultural practices (GAP) and good handling practices (GHP) audit verification certificates issued under the fresh produce audit verification program are as follows:

(1) The hourly rate for audit time, administration time and applicable travel time is seventy-five dollars per audit hour.

(2) Mileage related to GAP and GHP audit services is charged at the rate established by the office of financial management (OFM) at the time the service was performed.

[Statutory Authority: Chapters 15.17 and 34.05 RCW. 07-16-084, § 16-390-242, filed 7/30/07, effective 8/30/07. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-242, filed 5/18/04, effective 6/18/04.]

WAC 16-390-245 What requirements apply to certifications using USDA positive lot identification? (1) Certification fees using USDA positive lot identification are based upon the rates specified in WAC 16-390-020, 16-390-030, 16-390-040, 16-390-100, 16-390-200, 16-390-210, 16-390-250 and 16-390-260.

(2) The department may add an additional charge of ten percent if an inspector is required to be on-site when no other inspections are requested.

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(3) The department responds to requests for positive lot identification services in the following order:

(a) First priority is given to those situations where positive lot identification is a mandatory condition of a sales transaction.

(b) All other requests will be honored based upon adequate notice to the inspection service and the availability of inspectors.

[Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-245, filed 5/18/04, effective 6/18/04.]

WAC 16-390-250 What miscellaneous inspection and certification fees does WSDA charge? (1) Department services provided to other agencies, commissions, and organizations are charged at the rate of thirty-two dollars per hour.

(2) The charge for mileage related to inspection and certification services is at the rate established by the office of financial management (OFM) at the time the service was performed.

(3) The department may charge for telegrams, facsimile, or electronic transmission of inspection documents at the rate of four dollars per transmission in addition to any Western Union charges made directly to the applicant.

(4) The cost of extra copies of original documents is four dollars per set.

(5) The department may charge twenty-five cents per copy for Xerox copies of inspectors' notes, certificates or related documents.

(6) When, through no fault of the inspection service, it is necessary to retype or reissue a document, the cost of retyping or reissuing the document is four dollars per set.

[Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-250, filed 5/18/04, effective 6/18/04.]

WAC 16-390-260 Does the department assess extra charges for the inspection and certification services it provides? The department does assess extra charges on services provided according to the following:

(1) The minimum inspection charge for each commodity and requested document is sixteen dollars.

(2) If, through no fault of the inspection service, excess time is required over the maximum time allowed (as supported by unit rates for each commodity and requested document) the excess time is charged at the rate of thirty-two dollars per hour.

(3)(a) For all inspection services performed beyond a regularly scheduled eight-hour week day shift or on Saturdays, or Sundays, or state legal holidays, a rate equivalent to forty-two dollars will be charged for actual hours spent in performance of duties. Such charges include unit charges, plus, if necessary, overtime charges to equal the respective overtime hourly rates.

(b) The following are state legal holidays:

Holiday	Date
New Year's Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday of May
Independence Day	July 4
Labor Day	First Monday in September

Holiday	Date
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day following Thanksgiving Day	Fourth Friday in November
Christmas Day	December 25

(4) Additional hourly or overtime charges will not be assessed when the per unit inspection charge in any one day equals or exceeds the basic hourly and/or overtime charge.

[Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-260, filed 5/18/04, effective 6/18/04.]

WAC 16-390-270 Can the department waive fruit and vegetable inspection fees? The department may waive inspection fees for fruits and vegetables donated to bona fide nonprofit organizations if the shipping containers are conspicuously labeled or marked "not for resale."

[Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-270, filed 5/18/04, effective 6/18/04.]

WAC 16-390-280 What requirements apply to the payment and collection of fruit and vegetable fees and charges? (1) All fees and charges for services rendered are due within thirty days after the date of the billing statement you receive from the department.

(2) If your payment is not received within thirty days, service may be withheld until your delinquent account is paid.

(3) If your account is delinquent, the department may require that you pay cash for subsequent services.

(4) The department assesses a penalty of eighteen percent per annum on all delinquent account balances.

[Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. 04-11-078, § 16-390-280, filed 5/18/04, effective 6/18/04.]