

WSR 21-10-097

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed May 5, 2021, 9:01 a.m., effective August 1, 2021]

Effective Date of Rule: August 1, 2021.

Purpose: This rule-making order amends chapter 16-218 WAC, Hops—Certification and analysis—Fees, by:

- Increasing all fees related to the certification of hops by approximately forty-five percent;
- Updating section titles to move away from the current question and answer format; and
- Modifying the language to improve readability.

Citation of Rules Affected by this Order: Amending WAC 16-218-015, 16-218-025, 16-218-035, and 16-218-040.

Statutory Authority for Adoption: RCW 22.09.020 and 22.09.790.

Adopted under notice filed as WSR 21-01-205 on December 23, 2020.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 4, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 5, 2021.

Derek I. Sandison
Director

OTS-2804.1

AMENDATORY SECTION (Amending WSR 05-07-150, filed 3/23/05, effective 4/23/05)

WAC 16-218-015 (~~What fees does the department charge~~) Fees for the certification of hops(?). (1) Based upon standards established by the Federal Grain Inspection Service of the United States Department of Agriculture, the Washington state department of agriculture's (department) fees for the certification of hops are:

Type of Inspection and Other Service	Fee Charged for Inspection and Other Service
(a) Official lot inspections and certification for baled hops.	(One dollar and twenty-five cents) <u>\$1.81</u> per bale with a minimum charge of (thirty dollars) <u>\$44.00</u> per lot for official inspection and grading with certification.
(b) Official lot inspection and/or certification for alternative methods of packaging hops, or other services for which no fee has been established.	A contract fee may be negotiated, based on the agency's costs to furnish the services.
(c) Submitted sample inspections and certification.	(One hundred fifty dollars) <u>\$217.50</u> for an unofficial sample submitted for grading with certification of a quantity not to exceed 100,000 lbs. of dried hops.
(d) Appeal inspections.	The Federal Grain Inspection Service in Portland, Oregon establishes the charges for appeal inspections, and payments for such inspections must be made to them. Department time for sampling, handling and administration regarding appeal inspections will be assessed at the sampler hourly rate.

(2) (a) Before official sampling of baled hops takes place, each and every bale in a lot of hops must be readily accessible so that:

- (i) Each bale can be properly stenciled; and
- (ii) Samples can be drawn from the bales selected by the inspector.

(b) Official samples drawn from baled hops must be brought back to the laboratory by the inspector for grading analysis.

(3) The department may perform official lot inspection and/or certification of hops packaged by alternative methods (e.g., hops not baled prior to processing) subject to conditions specified in a written agreement between the department and the person(s) requesting the service.

(4) (a) Submitted samples provided by a grower or dealer for grading analysis must be representative of the lot(s) and the hop material.

(b) Submitted samples (~~are~~) must be delivered to the laboratory.

[Statutory Authority: Chapters 22.09 and 34.05 RCW, 2003 1st sp.s. c 25 § 309(2). WSR 05-07-150, § 16-218-015, filed 3/23/05, effective 4/23/05.]

AMENDATORY SECTION (Amending WSR 08-17-024, filed 8/12/08, effective 9/12/08)

WAC 16-218-025 (~~What does the department charge~~) Fees for chemical analysis regarding brewing values and additional constituents in raw hops, hop extract, hop pellets and hop powder(?).

(1) Before official sampling of baled hops takes place, each and every bale in a lot of hops must be readily accessible so that:

(a) Each bale can be properly stenciled (not done for brewing value only sampling); and

(b) Samples can be drawn from the bales selected by the inspector.

(2) Official samples drawn from baled hops must be brought back to the laboratory by the inspector for chemical analysis, simultaneous with grading analysis.

(3) Brewing value samples are obtained from a representative composite of the official samples drawn for grade analysis.

(4) Brewing value samples not sampled simultaneously for grade analysis will be charged at the same fee per bale.

(5) When department personnel officially sample hops, a brewing value certificate will be issued when the chemical analysis is done.

(6) (a) Submitted brewing value samples provided by a grower or dealer for chemical analysis must be representative of the lot(s).

(b) Submitted samples (~~are~~) must be delivered to the laboratory.

(7) Submitted brewing value certificates will be issued for submitted samples when the chemical analysis is done.

(8) Department fees for the chemical analyses of officially sampled raw hops are:

Type of Analyses	Fee	Minimum Fee
(a) ASBC spectrophotometric with moisture	(\$0.35) <u>\$0.50</u> per bale	(\$30.00) <u>\$50.00</u> per sample
(b) ASBC spectrophotometric/ conductometric or EBC conductometric without moisture	(\$0.30) <u>\$0.44</u> per bale	(\$30.00) <u>\$44.00</u> per sample
(c) Mebak, Zurich, Verzele, Ganzlin, or conductometric	(\$0.60) <u>\$0.87</u> per bale	(\$60.00) <u>\$87.00</u> per sample

(9) Department fees for chemical analyses of submitted raw hops, hop extract, hop pellets or hop powders are:

Type of Analyses	Fee
(a) ASBC spectrophotometric	(\$30.00) <u>\$44.00</u>
(b) ASBC conductometric	(\$30.00) <u>\$44.00</u>
(c) EBC conductometric	(\$30.00) <u>\$44.00</u>
(d) EBC conductometric (Wollmer, Zurich, Mebak, Verzele, Ganzlin, or Resins (hard or soft))	(\$60.00) <u>\$87.00</u>

	Type of Analyses	Fee
(e)	H ₂ O	(\$10.00) \$14.50
(f)	Total oil	(\$25.00) \$36.00
(g)	Wort test, particle size	(\$10.00) \$14.50

(10) (a) The department will assess hourly charges for analytical chemistry work if no other fee has been established.

(b) Hourly charges are set by written agreement and shall be based on the costs incurred to conduct the analysis, such as:

- Labor
- Laboratory equipment
- Chemicals and materials
- Administration and overhead.

[Statutory Authority: Chapters 22.09 and 34.05 RCW. WSR 08-17-024, § 16-218-025, filed 8/12/08, effective 9/12/08. Statutory Authority: Chapters 22.09 and 34.05 RCW, 2003 1st sp.s. c 25 § 309(2). WSR 05-07-150, § 16-218-025, filed 3/23/05, effective 4/23/05.]

AMENDATORY SECTION (Amending WSR 05-07-150, filed 3/23/05, effective 4/23/05)

WAC 16-218-035 (~~What does the department charge~~) **Fees for issuing export certificates for hops and hop products(?)**. The department charges the following fees for issuing certificates related to hops and hop products:

	Type of Certificate	Fee for Each Certificate
(1)	State phytosanitary certificates	(\$25.00) \$36.00
(2)	Other certificates attesting to origin, compliance with standards of other states or nations or specifications of contracts, or conditions of production or processing	(\$20.00) \$29.00

[Statutory Authority: Chapters 22.09 and 34.05 RCW, 2003 1st sp.s. c 25 § 309(2). WSR 05-07-150, § 16-218-035, filed 3/23/05, effective 4/23/05.]

AMENDATORY SECTION (Amending WSR 05-07-150, filed 3/23/05, effective 4/23/05)

WAC 16-218-040 (~~When are the~~) **Payment of fees and charges** (~~required by this chapter due to the department?~~). (1) The department will bill (~~you~~) for (~~the~~) services (~~it renders~~) rendered. (2) The fees and charges billed (~~to you~~) are due to the department within thirty days of the statement date.

(3) If the department does not receive (~~your~~) payment within thirty days of the statement date, the department may:

(a) Withhold (~~its~~) services (~~from you~~) until (~~your~~) the delinquent account is paid; and

(b) Accept only cash payments (~~from you~~) for future services rendered.

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

[Statutory Authority: Chapters 22.09 and 34.05 RCW, 2003 1st sp.s. c 25 § 309(2). WSR 05-07-150, § 16-218-040, filed 3/23/05, effective 4/23/05.]