

WSR 21-21-114

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed October 20, 2021, 11:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-08-089.

Title of Rule and Other Identifying Information: Chapter 16-303 WAC, Seed assessment, fees for seed services and seed certification. The department is proposing the following amendments:

- Increasing fees for certification and testing to ensure the financial stability of the seed inspection program.
- Establishing new testing and certification fees for services not previously identified in the rule.
- Restructuring the fee schedule to clarify and allow for easier interpretation of the fees.
- Creating WAC 16-303-117 Seed program testing categories, to standardize the seed testing categories and associated crop kinds referenced in WAC 16-303-200 and 16-303-210. This change is also being made to clarify inconsistencies in these sections.
- Creating WAC 16-303-350 Seed tagging fees, to capture all of the seed tagging fees in one place.
- Updating the footnote characters in all tables of this chapter to provide clarity.
- Repealing WAC 16-303-317 to clarify the rule language by ensuring that all quarantine inspections are handled in the same manner.

Hearing Location(s): On December 21, 2021, at 9:00 a.m., Microsoft Teams conference line https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F_%23%2F1%2Fmeetup-join%2F19%3Ameeting_OTU2ZGY1ZDktNzM4Yi00YmE0LWExZDgtOWEyYjBmNzA4NDZj%40thread.v2%2F0%3Fcontext%3D%257b%2522Tid%2522%253a%252211d0e217-264e-400a-8ba0-57dcc127d72d%2522%252c%2522Oid%2522%253a%2522838c55c7-c187-44ae-8de0-2be684ce5d4a%2522%257d%26anon%3Dtrue&type=meetup-join&deeplinkId=692bf511-52e0-49af-b0a0-d392d93284ec&directDl=true&msLaunch=true&enableMobilePage=true&suppressPrompt=true; join by phone +1 564-999-2000, Phone Conference ID 243 579 647#. Due to the ongoing COVID-19 pandemic, the public hearing will be held solely over video and teleconference.

Date of Intended Adoption: December 28, 2021.

Submit Written Comments to: Gloriann Robinson, Agency Rules Coordinator, P.O. Box 42560, Olympia, WA 98504-2560, email wsdarulescomments@agr.wa.gov, fax 360-902-2092, by December 21, 2021.

Assistance for Persons with Disabilities: Contact Reanna McNamara, phone 360-902-1931, fax 360-902-2085, TTY 800-833-6388, email rmcnamara@agr.wa.gov, by December 14, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department certifies, inspects, samples, tests, and analyzes agricultural, vegetable, or flower seed sold or offered for sale in Washington state.

The department is proposing the following changes:

- Increasing some current testing and certification fees in the following sections in order to build and maintain a six month operative reserve.
 - WAC 16-303-105, 16-303-200, 16-303-210, 16-303-230, 16-303-240 16-303-250, 16-303-300, 16-303-310, and 16-303-320.

- Establishing new service fees that are not listed in the current fee schedule.
 - WAC 16-303-200 added new sample processing and manual sample processing fees for all testing categories to cover the cost of administrative staff time to engage industry for sample check-in.
 - WAC 16-303-210 added the following additional fees in the special seed test category that were not previously identified in rule. This clarifies the testing fees for all of industry.
 - Electrical conductivity test.
 - In dirt samples, field run samples.
 - Manual seed count.
 - Seed coat dehull for tetrazolium (TZ).
 - Species exam or veskof exam.
 - Dickey-John Test.
 - Oven moisture test.
 - Seed mixture purity exam.
 - Additional sodium hydroxide exam, wheat only.
 - Dust like species exam.
 - Broomrape in red clover exam.
 - Noxious weed search in animal feed, bird seed or organic matter.
 - Total kernel weight seed count.
 - Canadian seed grade report.
 - EC norms conversion from Association of Official Seed Analysis (AOSA) report.
 - Potassium iodide test.
 - WAC 16-303-250 established the following new testing and administrative fees for the following services not previously identified in the rule under miscellaneous service fees. This clarifies the testing fees for all of industry.
 - Combined report.
 - Split seed sample for outsourcing.
 - Washington wilderness hay and mulch certificate.
 - Cancellation of seed test.
 - WAC 16-303-300 added fees for certificates of origin, phytosanitary field application, and nematode soil sampling since these are not currently listed in rule and this will clarify field and testing fees for industry.
 - WAC 16-303-310 added the fee for a reissuance of an Organization for Economic Cooperation and Development (OECD) certificate that were not previously identified in the current rule. This will allow the industry to see the fees associated with the services they request.
 - WAC 16-303-315 added quality seed tagging fees for timothy and orchardgrass seed and footnotes to create transparency for services that are currently being provided but are not listed in rule.
 - Added footnote 1/ to identify where to find the per tag cost.
 - Added footnote 2/ to clarify that additional laboratory analysis is necessary to complete the quality tagging request.
 - Added footnote 3/ to identify where industry can find quality seed tagging standards.

- WAC 16-303-320 added seed certification crop fees for camelina, radish, sunflower, woody plants and forbs, and hybrids to provide clarity on fees for industry for services that have been provided which were not listed in current rule.
- WAC 16-303-320 added service field inspections that were not previously identified in the current rule. This will allow the industry to see the fees associated with the services they request.
- Restructuring the fee schedule to clarify and allow for easier interpretation of the fees.
 - Creating WAC 16-303-117 to clarify inconsistencies in seed testing categories and associated crop kinds referenced in WAC 16-303-200 and 16-303-210. WAC 16-303-117 was established to identify the category number with the crop kind and list the specific crops to be used as a reference for WAC 16-303-200 and 16-303-210. Removed the additional crops column in WAC 16-303-200 and 16-303-210 for readability and listed in WAC 16-303-117. Previously, in WAC 16-303-200 the crop names were inconsistent and did not match the crop kinds. WAC 16-303-117 restructures all crop kinds to better fit the category by botanical name. The following is a summary of all the updates in these sections.
 - Industrial hemp is renamed as hemp as it is federally identified.
 - The category native grasses added species which are used for reclamation purposes.
 - Eliminated crop groups A, B, C as wheatgrass, wild rye, and native species were all listed and added confusion to industry.
 - Added woody plants and forbs as a new category for better organization of these plant types.
 - Identified for clarity the three species which require a 400 seed TZ test according to AOSA rules, previously this was buried in the footnote of the table.
 - Added fruit and vegetable crops which are currently seed tested in the lab and were not previously listed in rule.
 - Added camelina to the Brassica species category.
 - Clarified the bluegrass category to not include native or reclamation species.
 - Removed the vegetable swiss chard and spinach from the beets section and listed in the fruit and vegetable category.
 - Moved the crop of lupine from the alfalfa and clover section and listed in peas and other large seeded legumes.
 - Additional crops in each category were updated.
 - WAC 16-303-200 changed the crop groupings to better match botanical name. Removed the additional crops column in WAC 16-303-200 and 16-303-210 for readability and listed in WAC 16-303-117. This will allow the program to charge consistent fees based upon the correct crop grouping. Industry will now be charged an appropriate fee based upon the body of work.
 - WAC 16-303-210 reorganized the fees into two separate tables, part A shows the fees that are specific to crop kind, and part B shows the fees applicable to all crop kinds.

- WAC 16-303-240, the program restructured how revenue is generated for field work and will no longer charge the production hundred weight (cwt) at laboratory analysis and therefore, must pass the per tag cost to industry. By restructuring the fees and no longer charging a cwt, the options A and B for tagging of grass or blended certified crops is no longer applicable. The program will now charge an application fee and the cost per tag. This amendment will benefit industry as the fees charged for the field work earlier in the season cover programs costs for the field work. Therefore, industry will not see a high production fee based on cwt at the time of lab analysis, they will now only pay for the lab work itself. This will allow industry to pay for services over the course of the year instead of having to pay a large payment at the end of the year in the form of a production fee by cwt.
- WAC 16-303-250 updated "High priority sample" to "super rush sample" to reflect current industry language.
- WAC 16-303-300 added clarifying information about fees and combined all field inspections into a single fee since the amount of work for wheat is the same as all other crops.
- WAC 16-303-310 restructured the fee table and added footnotes for clarification of services and the removal of cwt production fee. The program will now charge an application fee and the cost per tag. This amendment will benefit industry as the fees charged for the field work earlier in the season cover programs costs for the field work. Therefore, industry will not see a high production fee based on cwt at the time of lab analysis, they will now only pay for the lab work itself. This will allow industry to pay for services over the course of the year instead of having to pay a large payment at the end of the year in the form of a production fee by cwt.
- WAC 16-303-320 updated the current table to reflect services that were not applicable by adding "N/A" instead of leaving that cell blank. This will provide clarity for industry that there is no service provided for that crop and therefore no fee listed.
- WAC 16-303-320 updated the footnotes to reflect the changes made in the table relating to field fees.
 - Removed footnote 1/ and added this language to the top of the table as it is the most important message for industry to acknowledge.
 - Updated footnote 2/ to reflect a seed applicant vs a seed processor to include all business types.
 - Removed footnotes 5/ and 6/ since cwt is no longer applicable and grass option A and B will no longer be offered as a service.
 - Replaced footnote 5/ to state that shipping and handling charges will now be applicable when outsourced laboratory analysis for plant disease is necessary.
 - Removed footnote 11/ on seed lots packaged in less than 25 pound bags since cwt is no longer applicable and grass option A and B will no longer be offered as a service.
 - Replaced footnote 1/ to reflect the new minimum field inspection fee.

- Replaced footnote 7/ to clarify when a field application is refundable or nonrefundable.
- Replaced footnote 8/ to identify seed stock classes with the updated fee per application.
- Replaced footnote 9/ to clarify that additional travel time and mileage may be applicable to late applications.
- Replaced footnote 10/ to identify the billable rate for corn bin inspections.
- WAC 16-303-320 moved all field inspections from WAC 16-303-317 to this section, specifically annual and rough bluegrass inspections. This will allow industry to see all field inspection fees in one location.
- WAC 16-303-320 production fees by cwt are removed as they are no longer applicable, fees are restructured to bill by acreage at both the seedling and crop inspections when applicable. The program restructured how revenue is generated for field work and will no longer charge the production hundred weight (cwt) at laboratory analysis and therefore, must pass the per tag cost to industry. Tags will now be requested and purchased separately by quantity at the per tag price. This will allow industry to pay for services over the course of the year instead of having to pay a large payment at the end of the year in the form of a production fee by cwt.
- Creating WAC 16-303-350 confines all of the tagging fees in one place in the rule language which helps to clarify the rule and make it more easily understood. This change also adds a per tag cost for all certified seed classes, crucifer quarantine tag, and including specialty tags. The program previously purchased tags as it was included with the production cwt charge at the time of laboratory analysis. The annual cost of tags to the program is significant and no longer covers the field work and cost of tags as originally designed. The program restructured how revenue is generated for field work and will no longer charge the production hundred weight (cwt) at laboratory analysis and therefore, must pass the per tag cost to industry. Tags will now be requested and purchased separately by quantity at the per tag price. This will allow industry to pay for services over the course of the year instead of having to pay a large payment at the end of the year in the form of a production fee by cwt.
- Updating all footnote characters in each table of the chapter to allow for easier readability. Previously, the footnotes were identified in the tables with a /1, /2, /3, etc. and it was difficult to identify the footnote characters within the tables. The footnotes will now be labeled as *1, *2, *3, etc. so industry can easily identify the footnotes.
- Repealing WAC 16-303-317 to clarify the rule language by ensuring that all quarantine inspections are handled in the same manner. Inspection fees for annual and rough bluegrass were moved to WAC 16-303-320 for clarity since all field inspections are being listed there. No other quarantine inspections have additional fees if a positive finding occurs, therefore this section is now obsolete.

Reasons Supporting Proposal: Currently, the program's financial operating reserve is fully depleted and will continue to deplete into the negative. The proposed fee increase and restructure is needed to

allow the program to rebuild and then maintain the recommended six month reserve, as well as maintain the current staffing level. Without rebuilding the financial reserve and covering current costs, the program will need to reduce staffing and services to industry.

Without the proposed amendments, the department will be forced to eliminate the laboratory and maintain only seed certification and the phytosanitary inspections and certificates. The necessary laboratory analysis for final seed certification for purity and viability would be outsourced to a different lab. This would not be in the best interest of industry because the Washington state department of agriculture (WSDA) would be reliant on outside lab knowledge, skills, and abilities without regulatory oversight, as well as turnaround times. Additionally, the industry is subject to a free market and price increases at will by a private laboratory without industry review or input. Lastly, the current volume of seed samples the WSDA laboratory intakes annually would go elsewhere in the market and create an unknown backlog among other seed testing laboratories. In all cases, the loss of the department seed laboratory is a hindrance to the body of work industry desires.

The program identified a need to add necessary laboratory succession planning in order to cover an increase in workload. In 2017, the average days behind in laboratory rush samples of grain was six days. The performance expectation by industry and by the quarterly performance management system for rush samples is that rush samples are to be started in three or less days during the busy season. The sample volume from 2017 has been over 8,000 samples per year and over 22,000 individual seed tests. Previously, the requests had been under 11,000 samples per year. The industry requested lab tests have more than doubled in the last five years. Looking into the future, the program has four seasoned purity staff whom are eligible for retirement. To maintain the skill level of the laboratory, it is necessary to succession plan now. It is required by AOSA that an analyst has two years of prior experience to test for accreditation. In order for new purity staff to gain adequate experience, we have initiated an in-training program with performance benchmarks to build crop specific skills. The industry benefits from building the skillset of analysts over time to be proficient in all crops and maintain the program legacy knowledge.

From 2013 - 2018, the amount of certified acreage applied for inspection increased by 35,828 and is close to a 40 percent increase. The field locations have dispersed to further remote and rural locations than prior years causing more drive time. The additional drive times make reaching each location multiple times during the active growing season difficult with the prior field staffing level. Starting in 2018, the program had to increase the number of staff because the average overtime hours over the entire season was reaching 250 - 300 hours per person. The risk of burnout and accident rate increases by having tired staff. Lack of staff causes an increase in the number of late inspections. It benefits industry to have adequate field staffing and field inspections completed in time to make harvest decision.

Through analysis, the program has restructured the way revenue will be generated by eliminating the cwt production field fee. The production fee by cwt is currently based upon the assumption that each field inspection will generate one laboratory sample to bill the production fee. This kept the per acre cost down and collected revenue at the end of the season when the sample was billed by weight. The program has not seen a one to one relationship and thus is not collecting all the potential revenue. Therefore, for every field inspection con-

ducted the program is spending more on transportation and salaries than generating in revenue. Industry benefits by having the field work billed and paid for in the earlier part of the year and not having a large production fee due when the lab sample arrives for analysis.

The increase of laboratory fees is designed to support the body of work the lab staff conducts instead of relying on the field production fees to fill the void. The fee increase proposal is designed to cover all the laboratory overhead, staffing, and supplies supported by lab fees. This will no longer make the laboratory expenditure dependent upon the revenue collected by the production fees designed to support field costs. The benefit to industry is having a fully self-sufficient laboratory that is not depend[ent] upon field harvest yields and cwt production charges.

Establishing new service fees that are not included in the current fee schedule will allow customers to know what the testing cost will be prior to submitting the request. This change will also ensure that all customers are being charged the same fee for services.

Addressing the inconsistencies in WAC 16-303-200 and 16-303-210 will provide clarity for program customers regarding purity, germination, and TZ testing fees associated with their specific crop type.

Statutory Authority for Adoption: RCW 15.49.005 and [15.49].310.

Statute Being Implemented: Chapter 15.49 RCW.

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

Name of Proponent: WSDA, governmental.

Name of Agency Personnel Responsible for Drafting: Reanna McNamara, 1111 Washington Street S.E., Olympia, WA 98504, 360-902-1931; Implementation and Enforcement: Paula Moore, 21 North 1st Avenue, Suite 203, Yakima, WA 98902, 509-249-6950.

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. WSDA is not a listed agency under RCW 34.05.328 (5)(a)(i).

The proposed rule does impose more-than-minor costs on businesses.

Small Business Economic Impact Statement (SBEIS)

Chapter 16-303 WAC

Seed Assessment, Fees for Seed Services and Seed Certification

October 15, 2021

SECTION 1: Describe the proposed rule, including: A brief history of the issue; an explanation of why the proposed rule is needed; and a brief description of the probable compliance requirements and the kinds of professional services that a small business is likely to need in order to comply with the proposed rule.

History and Overview: WSDA seed program conducts preharvest field inspections and laboratory testing of agricultural, vegetable, and flower seeds grown under the seed certification program. Field inspection services are performed according to the requirements of the national Association of Official Seed Certifying Agencies (AOSCA) and when requested, the international OECD. The program tests seed samples submitted by seed growers and companies to determine compliance with purity and germination standards, and to certify seed for domestic and international marketing. Seed testing services are performed under the auspices of AOSA, International Seed Testing Association (ISTA), and the Canadian Methods and Procedures for Testing Seed. The program operates Washington state's only official seed testing laboratory and

official seed samplers. This is a self-supporting, fee for service program that is fully funded by the fees received from businesses seeking certification and testing services.

In addition to field inspection and seed testing services, the seed program is responsible for overseeing and enforcing seed packaging requirements for seed sold within Washington state. The purpose is to provide uniformity and consistency in the packing of agricultural, vegetable, and flower seeds to facilitate the interstate movement of seed to protect consumers.

Services provided by the program include:

Field	<ul style="list-style-type: none"> • Official seed sampling • Field inspection <ul style="list-style-type: none"> ◦ AOSCA field standards ◦ OECD field standards ◦ Quarantine inspections • Seed conditioning plant permit inspections
Laboratory	<ul style="list-style-type: none"> • Purity • Germination • TZ • Special tests such as phytosanitary lab examinations
Seed Regulatory	<ul style="list-style-type: none"> • Seed labeling permits • Seed dealer permits • Enforcement of Federal Seed Act
Phytosanitary	<ul style="list-style-type: none"> • Phytosanitary field inspection standards • Federal/state phytosanitary certificates

Why the Rule Change is needed: In 2017, the seed program began assessing the need for a possible fee increase. Utilizing the first month of the fiscal year, the monthly program operating expense increased a total of 93.79 percent from 2013 to 2020, in the amount of \$19,214 to \$37,229. The program cannot reduce operating expenses without imperiling its ability to meet its statutory directives and to provide services desired by the industry. The projected budget in 2017 showed the program was solvent and in good standing, but the recommended six month reserve started to deplete in 2019. From 2017 through 2019, the industry placed a higher demand on program services and requests increased over time. The number of lab test requests increased, as well as the requests for field services, such as phytosanitary field inspections and acreage. The program responded by increasing the number of field staff to meet the demand. The added cost of the additional field staff, the in-training staff, along with a rising cost of goods and services, and agency overhead costs finally caught up with the old fee schedule. In March of 2019, the need for the fee increase was identified and outreach to stakeholders to express the need for the program to increase fees began. At that time, the program's projected budget indicated a possible negative fund balance by the end of May 2021.

In 2019, the program began gathering data and developing ideas for how chapter 16-303 WAC might be changed to meet the needs of the program as well as provide more clarity and transparency for industry. The fee schedule that is currently in rule does not allow WSDA to maintain operations since this fee structure has not seen an increase in nearly 13 years. The program attended commodity commission meetings, as well as local and regional seed meetings to express the need

for a fee increase. At that time, the program remained solvent and in good standing with a positive balance. The program continued to engage industry at local and regional meetings to explain the rising cost of goods and services, and the need for additional staffing. These costs increased by a total of 64.58 percent from 2013 to 2020 in the amount of \$147,978 to \$243,539. In this same time frame, the number of annual staffing for the program increased, including seasonal staff, from 29.6 to 37.5 FTEs. The additional staffing started in 2018 to meet the needs of industry for laboratory turnaround time, to address the backlog of samples, and field inspections. The program also started a staff in-training project in 2020 to address succession planning for natural staff attrition due to expected staff retirements. The field staffing increased by four through the inspection season to meet the needs of increased acreage and the geographic distance of inspection locations. The succession planning for accredited lab analyst was identified as a need with the aging of current staff. To become an accreditation lab analyst, it requires a staff member to have two years prior experience before allowed to test with the national organizations to become either an AOSA or Society of Commercial Seed Technologists (SCST) analyst. In the meantime, the agency overhead costs increased by 93.79 percent and the reserve dropped below the required six months operating expenses.

WSDA is proposing to restructure the existing fees in this rule to ensure the cost of providing services is recovered. The necessary increase in fees will allow WSDA to maintain program operations. Once a six-month operating balance has been reached, the program will use the revenue to add laboratory, field, and office staff for succession planning and to reduce overtime hours worked by current staff. There have been several new services offered since the last time this rule was amended, and since these services are not listed in the current fee schedule, the fees for these services have been charged based on staff time and other expenses. Establishing fees for these new services would increase transparency for customers using these services.

The department is also proposing to make clerical changes, including adding native species not previously included, and modifying crop groupings to ensure that all crops are listed under the correct groupings. These changes are for clarification only and do not change the effect of the current rule or impose any additional costs on businesses in order to comply with the rule.

Changes for clarification that do not change the effect of the current rule:

WAC 16-303-200

- Name change of industrial hemp to hemp per federal crop name change.
- Moved crops to better fit the classification in additional crop category.
- Identified the native and reclamation grasses in additional crop category.

WAC 16-303-210

- Reorganized into a table format that is more clear for specialty tests of Canadian, ISTA and quarantine tests.
- Identify which crops undesirable grass species test is available.
- Name change of industrial hemp to hemp per federal crop name change.
- Made a section B for services that are applicable to all crops.

WAC 16-303-230

- Filled in the table with services that were left blank but assumed to be the same of the line above.

WAC 16-303-250

- Changed the name of high priority sample to super rush and referenced by staff and industry.

WAC 16-303-515 [16-303-315]

- Added the two other quality exams not previously listed.
- Renamed the section from sod quality with the addition of timothy and orchard grass.

WAC 16-303-317

- Moved the annual and rough bluegrass quarantine inspection rates to the certified field WAC 16-303-320.

WAC 16-303-320

- Name change of industrial hemp to hemp per federal crop name change.
- Moved service inspection from the footnote to the table to clarify the fee structure.
- Added annual and rough bluegrass quarantine inspections as these are only applicable to certified field inspections.
- Added seedling inspection fees to the table as applicable to clarify when charges were previously charged automatically for two (seedling and crop) inspections.

New tag fee (WAC 16-303-330)

- Clarifies the types of tags available for certified seed by listing each crop, type and tag size available.

The following table shows an overview of how the fees are being amended:

Increase	New	No Change	Deleted
<ul style="list-style-type: none"> • Application fee—All crops • Application late fee—Per application • Area inspection • Bioassay variety specific • Cold (vigor) test for wheat • Crop or weed exam standard AOSA working amount (in addition to other tests requested) • Fees for blending-out-of-state origin certified seed—minimum fee • Fees for blending-Washington origin certified seed—Minimum fee • Field staff stand-by time at warehouse • Germination • Hourly charge increase • Hourly rate • ISTA sampling—All other kinds—Minimum fee increase • ISTA Sampling—Peas, beans, small grains or seeds of similar size—Minimum fee increase • Late application fee penalty • Mill check 	<ul style="list-style-type: none"> • Application fee—Camelina, sunflower, woody plants and forbs, canola/radish hybrid • Additional sodium hydroxide exam (wheat only) • All Other: Shipping and handling • Ammonia test (required for Fescue certification) • Broomrape (Orobanche minor) in red clover and other species (dry method) • Canadian seed grade report (Canadian test required) • Cancellation of seed test • Canola/radish hybrid • Certificate of origin • Combined report • Corn cold test new • Dust like species exam (dry method) • EC norms Conversion from AOSA report electrical conductivity (EC) new • Fluorescent test (all perennial and annuals) • Germination test in soil 	<ul style="list-style-type: none"> • Annual and rough bluegrass quarantine • Cwt fee • Federal phytosanitary certificate • ISTA sampling—All other kinds - cwt fee no change • ISTA sampling—Peas, beans, small grains or seeds of similar size - cwt fee no change • Mileage • OECD assessment • Quarantine inspection of grass seed fields found to be in violation of the quarantine requirements • Revised reports • Standard sampling—All other kinds - cwt fee no change • Standard sampling - Peas, beans, small grains or seeds of similar size - cwt fee no change • State phytosanitary certificate 	<ul style="list-style-type: none"> • Fees for blending seed-out-of-state origin certified seed—Removed cwt charge • Fees for blending seed—Washington origin certified seed—Removed cwt charge • Production fee (includes tagging) • Fees for blending seed-out-of-state origin certified seed—Removed cwt charge • Fees for blending seed—Washington origin certified seed—Removed cwt charge • Production fee (includes tagging)

Increase	New	No Change	Deleted
<ul style="list-style-type: none"> • Minimum tagging fee • Miscellaneous service, in dirt samples, field run samples, cleaning inert • Moisture test (oven) • OECD certificate • OECD grow out test • OECD tagging fee • Paired tests or 400 TZ when required by AOSA (from section 200) • Paper documents: Additional copies—Registered mail • Pest and disease (phyto exam) and/or soil exam including sclerotinia, ergot, smut • Phytosanitary field inspection—All seed (for each required inspection) • Purity w/ noxious • Quarantine tests on seed • Reinspection fee (other than isolation) • Rules test—Canadian (no grade report) • Rules test-ISTA (no orange certificate) • Rush samples • Samples: Fee for special shipping/packaging for seed samples, plant health samples (live plants) by Federal Express, air parcel or air freight • Seed tag minimum fee—Sod, quality timothy, quality orchardgrass • Seeding [seedling] producing or field inspection • Seedling field acreage inspection fee—Alfalfa, red clover, white clover and trefoil, perennial grasses, rapeseed, canola, and mustard • Sod or quality seed analysis • Standard sampling—All other kinds—Minimum fee increase • Standard sampling—Peas, beans, small grains or seeds of similar size—Minimum fee increase • Super rush samples • TZ • Wheat species exam 	<ul style="list-style-type: none"> • Late application fee penalty—Camelina, radish, sunflower, woody plants and forbs, service inspections except hybrid • Manual sample processing per request • Moisture test/Dickey-John Test • Nematode soil sample • Noxious weed conversion fee • Noxious weed search in animal feed pellets, bird seed or organic matter • OECD reissued certificate • Orchardgrass quality seed analysis • Paper documents: Additional copies—Digital • Per tag fee • Phytosanitary field application • Potassium iodine/iodide test new • Preliminary germination percent via email • Reinspection fee (other than isolation)—Camelina, corn, radish, sunflower, woody plants and forbs, service inspections except hybrid • Sample processing per request • Seed coat dehull for TZ (Sanfoin/oat) • Seed count, manual • Seed count, mechanical • Seed mixture purity exam • Seed shipped out-of-state (uncleaned)—New flat fee (no longer cwt) • Species or Veskof Exam • Split seed sample for outsourcing • Stress germination exam • TKW 1000 seed count (total kernel weight/1000 seed) • Undesirable grass species test, no other purity requested • Washington wilderness hay and mulch (WWHAM) certification, if done at time of seed certification inspection 		

Probable compliance requirements: The only probable compliance requirement will be paying the updated fees for seed certification and testing. Section 3 provides a detailed overview of what the cost of compliance will look like with the proposed changes. WSDA performed an in-depth analysis to determine the proposed fee structure and that in-

formation is also provided in Section 3. No professional services will be required by businesses in order to comply with the proposed rule amendments.

SECTION 2: Identify which businesses are required to comply with the proposed rule using the North American Industry Classification System (NAICS) codes and what the minor cost thresholds are.

NAICS Code (4, 5 or 6 Digit)	NAICS Business Description	Estimated Number of Businesses in Washington	***Minor Cost Threshold = 1% of Average Annual Payroll	***Minor Cost Threshold = 0.3% of Average Annual Revenue
111110	Soybean Farming	Data Not Available	****\$100.00	****\$100.00
111140	Wheat Farming	675	\$522.88	\$834.97
111191	Oilseed and Grain Combination Farming	24	\$675	****\$100.00
111199	All Other Grain Farming	187	\$462.90	\$1,321.28
111211	Potato Farming	92	\$7,788.72	\$3,509.36
111219	Other Vegetable (except Potato) and Melon Farming	312	\$3,531.73	\$8,532.32
111334	Berry (except Strawberry) Farming	218	\$2,891.00	\$6,275.41
111339	Other Non-citrus Fruit Farming	896	\$2,745.17	\$622.21
111421	Nursery and Tree Production	195	\$4,955.96	\$2,712.36
111422	Floriculture Production	64	\$6,901.82	\$411.75
111940	Hay Farming	323	\$1,312.82	\$3,818.83
111998	All Other Miscellaneous Crop Farming	255	\$9,125.33	\$2,834.77
112111	Beef Cattle Ranching and Farming	244	\$847.30	\$365.99
112990	All Other Animal Production	25	\$499.58	\$468.09
115112	Soil Preparation, Planting, and Cultivating	111	\$1,769.02	\$1,769.65
115114	Postharvest Crop Activities (except Cotton Ginning)	121	\$43,667.20	\$16,986.68
115115	Farm Labor Contractors and Crew Leaders	96	\$13,104.71	\$4,835.64
311224	Soybean and Other Oilseed Processing	5	\$28,531.69	\$48,585.04
311411	Frozen Fruit, Juice, and Vegetable Manufacturing	21	\$105,850.18	\$595,506.45
311421	Fruit and Vegetable Canning	42	\$20,550.40	\$62,568.88
311999	All Other Miscellaneous Food Manufacturing	23	\$11,304.51	\$31,257.46
325320	Pesticide and Other Agricultural Chemical Manufacturing	Data Not Available	****\$100.00	\$47,824.19
325412	Pharmaceutical Preparation Manufacturing	84	\$9,153.91	\$51,592.66
325998	All Other Miscellaneous Chemical Product and Preparation Manufacturing	26	****\$100.00	\$23,409.10
339999	All Other Miscellaneous Manufacturing	107	\$5,711.64	\$10,446.42
423920	Toy and Hobby Goods and Supplies Merchant Wholesalers	61	\$17,959.60	\$110,868.68
423990	Other Miscellaneous Durable Goods Merchant Wholesalers	233	\$2,397.26	\$6,938.84

NAICS Code (4, 5 or 6 Digit)	NAICS Business Description	Estimated Number of Businesses in Washington	*/**Minor Cost Threshold = 1% of Average Annual Payroll	***Minor Cost Threshold = 0.3% of Average Annual Revenue
424480	Fresh Fruit and Vegetable Merchant Wholesalers	163	\$15,965.96	\$46,340.76
424510	Grain and Field Bean Merchant Wholesalers	36	\$8,827.12	\$49,430.75
424590	Other Farm Product Raw Material Merchant Wholesalers	25	\$3,684.24	\$6,733.79
424910	Farm Supplies Merchant Wholesalers	242	\$7,647.50	\$37,719.39
424930	Flower, Nursery Stock, and Florists' Supplies Merchant Wholesalers	94	\$4,244.49	\$6,329.91
424990	Other Miscellaneous Nondurable Goods Merchant Wholesalers	234	\$2,043.58	\$7,116.01
425120	Wholesale Trade Agents and Brokers	4,494	\$4,610.21	\$5,670.92
444220	Nursery, Garden Center, and Farm Supply Stores	330	\$3,429.16	\$3,622.59
445230	Fruit and Vegetable Markets	116	\$2,338.66	\$2,105.40
445299	All Other Specialty Food Stores	200	\$3,946.47	\$2,580.20
453998	All Other Miscellaneous Store Retailers (except Tobacco Stores)	774	\$3,127.96	\$3,615.53
484110	General Freight Trucking, Local	306	\$6,775.14	\$2,041.21
484121	General Freight Trucking: Long Distance; Truckload	806	\$5,599.75	\$3,671.28
488320	Marine Cargo Handling	51	\$48,056.51	\$78,668.59
488510	Freight Transportation Arrangement	515	\$10,427.53	\$18,581.46
493110	General Warehousing and Storage	160	\$35,157.63	\$8,711.98
493130	Farm Product Warehousing and Storage	22	\$4,066.42	\$9,383.12
523130	Commodity Contracts Dealing	14	\$2,889.95	\$37,513.78
541611	Administrative Management and General Management Consulting Services	2,241	\$8,298.46	\$1,874.37
541618	Other Management Consulting Service	82	\$6,273.33	\$5,854.91
541620	Environmental Consulting Services	328	\$6,796.19	\$1,942.49
541690	Other Scientific and Technical Consulting Services	1,268	\$2,753.32	\$2,561.01
541714	Research and Development in Biotechnology (except Nanobiotechnology)	250	\$45,741.36	\$16,554.07
561730	Landscaping Services	3,183	\$2,070.15	\$790.57
561910	Packaging and Labeling Services	25	\$4,274.19	\$5,749.64
611310	Colleges: Universities; and Professional Schools	228	\$115,887.10	\$19,905.17
813410	Civil and Social Organizations	527	\$4,166.62	\$1,260.36

* Data source: 2018 Employment security department.

** Data source: 2019 Quarterly Census of Employment and Wages (Bureau of Labor Statistics).

*** Data source: 2019 Department of revenue.

**** Data not available. Minor cost is defined in RCW 19.85.020 as "cost per business that is less than three-tenths of one percent of annual revenue or income, or one hundred dollars, whichever is greater, or one percent of annual payroll." When minor cost data is not available, the department uses a minor cost threshold of \$100.

SECTION 3: Analyze the probable cost of compliance. Identify the probable costs to comply with the proposed rule, including: Cost of equipment, supplies, labor, professional services and increased administrative costs; and whether compliance with the proposed rule will cause businesses to lose sales or revenue.

The proposed revisions to chapter 16-303 WAC do not result in an across-the-board increase for all fees. An in-depth analysis of the fees collected by the different types of operations allowed WSDA to develop a new structure that will better recover costs per service. The result of the restructure is an increase in some fees and a reduction or removal for others. Table 3.1 shows the proposed new fee schedule as it compares to the current fees. The probable cost of compliance will be dependent on services that each business requests. Table 3.2 provides an overview of how businesses will be impacted based on the proposed fees as compared to the fees they paid in 2019.

In addition, the proposed revisions to this rule are not likely to have an appreciable impact on the cost of equipment, supplies, labor, professional services, or administrative costs. Compliance with the proposed rule will not likely cause businesses to lose sales or revenue. However, it will likely increase overall expenses for each business. In contrast, if the program was not able to continue providing the current level of service, or had to shut down completely due to lack of funds, the businesses it serves would likely lose sales due to the inability to have their seeds tested and certified.

While the proposed revision aims to restructure the existing fee structure for seed certification and testing, it does not impose any additional recordkeeping or administrative costs beyond those currently present in the existing rule.

Table 3.1 - WSDA proposed fees compared to current fees.

Service	Current Fee	New Fee
Seed assessment (WAC 16-303-105)	\$0.11	\$0.28
Seed assessment penalty minimum fee (WAC 16-303-105)	\$20	\$28
Germination	\$25-\$123*	\$60-\$146*
Purity w/noxious	\$29-\$84*	\$68-\$153*
TZ	\$45-\$49*	\$101-\$202*
Sample processing per request	N/A	\$8
Sample processing per request—Manual	N/A	\$13
Sod or quality seed analysis	\$45-\$81*	\$126
Undesirable grass species test, no other purity requested (UGS)	\$76	\$114
Paired Test or 400 TZ when required by AOSA	\$90	\$202
Crop or weed exam standard AOSA working amount (in addition to other tests required)	\$24-\$54*	\$76
Quarantine tests on seed	\$20-\$100*	\$86-\$139*
Rules test—Canadian—Purity	\$35-\$78*	\$68-\$153*
Rules test—Canadian—Germ	\$27-\$38*	\$59-\$82*
Rules test—ISTA—Purity	\$33-\$35*	\$68-\$153*
Rules test—ISTA—Germ	\$33	\$59-\$76*
Additional sodium hydroxide exam (wheat only)	\$23	\$47
Ammonia test (required for Fescue certification)	\$33	\$46
Bioassay variety specific	\$54	\$96
Dust like species exam (dry method) including Broomrape (Orobanche minor)	N/A	\$152

Service	Current Fee	New Fee
Canadian seed grade report (Canadian test required)	N/A	\$45
Cold (vigor) test for wheat with Palouse soil	\$70	\$107
Cold Test without soil	\$70	\$57
Cold Test with soil - specify soil type	\$40/hour	\$65/hour
EC norms conversion from AOSA report	N/A	\$45
Electrical conductivity (EC)	N/A	\$158
Fluorescent test (all perennial and annual ryegrass)	\$29	\$40
Germination test in soil	\$54	\$65/hour
Hourly charge (applies to especially contaminated or extraordinary samples, e.g., sample prep for coated seed; also used for custom work such as sample preparation, special bulk searches)	\$40/hour	\$65/hour
Mill check 1/	N/A	\$65/hour
Miscellaneous service, in dirt samples, field run samples, cleaning inert	\$40/hour	\$65/hour
Moisture test (oven)	\$33	\$65/hour
Moisture test/Dickey-John Test	N/A	\$63
Noxious weed conversion fee	N/A	\$45
Noxious weed search in animal feed pellets, bird seed or organic matter	N/A	\$65/hour
Pest and disease (phyto exam) and/or soil exam including sclerotinia, ergot, smut	\$39	\$95
Potassium iodine/iodide test	N/A	\$65/hour
Preliminary germination percent via email	N/A	\$15
Pre-clean quality grain exam	N/A	\$139
Seed coat dehull for TZ (Sanfoin/oat)	N/A	\$65/hour
Seed count, manual	N/A	\$65/hour
Seed count, mechanical	\$10-\$13*	\$24
Seed mixture purity exam, each crop component	N/A	\$76
Species or Veskof Exam	N/A	\$222
Stress germination exam	N/A	\$65/hour
TKW 1000 seed count (total kernel Weight/1000 seed)	N/A	\$56.00
Wheat species exam	\$24	\$65/hour
Standard sampling—Peas, beans, small grains or seeds of similar size	\$0.09/cwt, \$40 minimum	\$0.13/cwt, \$90 minimum
ISTA sampling—Peas, beans, small grains or seeds of similar size	\$0.11/cwt plus \$9 per lot, \$40 minimum plus \$9 per lot	\$0.21/cwt plus \$13 per lot, \$90 minimum
Standard sampling—All other kinds	\$0.20/cwt, \$40 minimum	\$0.28/cwt, \$90.00 minimum
ISTA sampling—All other kinds	\$0.24/cwt plus \$9/lot, \$40 minimum plus \$9/lot	\$0.33/cwt plus \$13/lot, \$90 minimum
Blending seed—Washington origin	\$0.10/cwt	\$17 plus cost of tag
Blending seed—Out-of-state origin	\$0.66/cwt	\$17 plus cost of tag
Rush samples (purity started in 48 hours, including phone report if requested at time sample is submitted)	\$16	\$136
Super rush sample—Purity result completed before the end of the next business day. (Based upon availability with a limit per day, call ahead for availability.)	\$160	\$204
Paper documents: Additional copies—Digital	N/A	\$8

Service	Current Fee	New Fee
Paper documents: Additional copies—Registered mail	\$6/destination	\$8 plus exact shipping cost
Samples: Fee for special shipping/packaging for seed samples, plant health samples (live plants) by Federal Express, air parcel or air freight	\$5 plus exact shipping	\$20 plus exact shipping
All Other: Shipping and handling	\$5 plus exact shipping	\$8 plus exact shipping cost
Revised report	\$11 minimum (hourly fee when applicable)	\$15 minimum (hourly fee when applicable)
Combined report	N/A	\$15 minimum (hourly fee when applicable)
Drive time and mileage for additional or special requested trips	\$40/hour plus mileage rate established by OFM	Drive time at hourly rate plus mileage - OFM rate
Field staff stand-by time at warehouse	N/A	\$65/hour
Split seed sample for outsourcing	N/A	\$50
Digital photo per photo	N/A	\$11
Washington wilderness hay and mulch (WWHAM) certification, if done at time of seed certification inspection	N/A	\$90
Cancellation of seed test	N/A	Proportional to work completed prior to cancellation - hourly rate minimum .25 hour
Hourly rate	\$40/hour	\$65/hour
Federal phytosanitary certificate	\$50	\$70
State phytosanitary certificate	\$45	\$63
Phyto field inspection	\$5.83/acre, per required inspection - \$55 minimum per inspection	\$8/acre, per required inspection - \$90 minimum per inspection
Certificate of origin	N/A	\$55
Resignature	\$1	\$4
Verification	\$1	\$4
Phyto field application	N/A	\$45
Area inspection	\$0.60/acre	\$3.11/acre, per required inspection
Late fee—Per field application	\$50	\$139
Nematode soil sample	N/A	\$33
OECD assessment	Pass through to USDA	Pass through to USDA
OECD certificate	\$17	\$40
OECD reissued certificate	\$3 plus \$6 per destination if applicable	[\$no fee provided] plus shipping cost if applicable
OECD grow out test	\$72	\$100
OECD tagging fee	\$0.55-\$0.91/cwt*	\$17 plus cost of tag
Quality seed tagging—Sod	\$0.25/cwt plus \$13 tagging fee	\$17 plus tag cost
Quality seed tagging—Quality timothy	\$0.25/cwt plus \$13 tagging fee	\$17 plus tag cost
Quality seed tagging—Quality orchardgrass	\$0.25/cwt plus \$13 tagging fee	\$17 plus tag cost
Annual and rough bluegrass quarantine fees	\$215/field inspection	\$215/field found in violation

Service	Current Fee	New Fee
Application fee—Certification	\$32.50/field	\$45/field
Seedling field inspection fee	\$54/field	\$3.90/acre, per required inspection
Seedling field inspection fee—Annual and rough bluegrass quarantine	N/A	\$87.60/acre plus time and mileage including travel time
Seedling producing or field inspection	\$2/acre	\$3.90/acre per required inspection
Seedling producing or field inspection—Corn	\$55 first acre, \$12 each add'l acre - hybrid \$5.35 each add'l acre	\$76 first acre, \$17 each add'l acre
Seedling producing or field inspection—Perennial grasses	\$54/field	\$3.90/acre per required inspection
Seedling producing or field inspection—Rapeseed, canola and mustard	\$2/acre	\$3.90/acre per required inspection - hybrid, \$7/acre per required inspection
Seedling producing or field inspection—Sunflower	N/A	\$3.90/acre per required inspection - hybrid, \$7 per acre per required inspection
Seedling producing or field inspection—Annual and rough bluegrass quarantine	\$63.53/acre	\$87.60/acre plus time and mileage including travel time
Late application fee penalty	\$50	\$139/field
Seed shipped out of state (uncleaned)	\$0.22 per cwt	\$7/document
Seed shipped out of state (uncleaned)—Corn	\$4/document	\$7/document
Seed shipped out of state (uncleaned)—Perennial grasses	[\$]0.34 cwt	\$7/document
Application	\$32.25	\$45
Application per grower/variety—Alfalfa, bean, canola, mustard	\$32.25	\$45
Seedling field inspection—Alfalfa	\$54/field	\$3.90/acre
Seedling field inspection—Annual grass	N/A	NA
Seedling field inspection—Bean	N/A	NA
Seedling field inspection—Corn	N/A	NA
Seedling field inspection—Hemp	N/A	NA
Seedling field inspection—Perennial grass	\$54/field	\$3.90/acre
Seedling field inspection—Canola, mustard	N/A	\$3.90/acre
Seedling field inspection—Turnip, rutabaga, kale	N/A	\$3.90/acre
Seedling field inspection—Camolina	N/A	NA
Seedling field inspection—Radish	N/A	NA
Seedling field inspection—Sunflower	N/A	NA
Seedling field inspection—Woody plants, forbs	N/A	NA
Seedling producing or field inspection fee—Alfalfa	\$2/acre	\$3.90/acre
Seedling producing or field inspection fee—Annual grass	\$2/acre	\$3.90/acre
Seedling producing or field inspection fee—Bean	\$2/acre	\$3.90/acre
Seedling producing or field inspection fee—Corn	\$55 first acre/\$12 ea. additional acre/\$5.35 hybrid acre	\$76 first acre/\$17 ea. additional acre
Seedling producing or field inspection fee—Hemp	\$40/hour, travel time/miles	\$3.90/acre
Seedling producing or field inspection fee—Perennial grass	\$54/field	\$3.90/acre

Service	Current Fee	New Fee
Seedling producing or field inspection fee—Canola, mustard	\$2/acre	\$3.90/acre
Seedling producing or field inspection fee—Turnip, rutabaga, kale	\$2/acre	\$3.90/acre
Seedling producing or field inspection fee—Camolina	\$2/acre	\$3.90/acre
Seedling producing or field inspection fee—Radish	\$2/acre	\$3.90/acre
Seedling producing or field inspection fee—Sunflower	\$2/acre	\$3.90/acre
Seedling producing or field inspection fee—Woody plant, forbs	\$2/acre	\$3.90/acre
Late application penalty fee	\$50	\$139
Late application penalty fee—Canola, mustard	\$50/grower	\$139
Reinspection fee (other than isolation)	\$58	\$65/hour plus drive time and mileage
Reinspection fee (other than isolation)—Hemp	\$40/hour rate plus drive time and mileage	\$65/hour rate plus drive time and mileage
Production fee—Alfalfa	\$0.57/cwt	NA
Production fee—Annual grass	\$0.45/cwt	NA
Production fee—Bean	\$0.57/cwt	NA
Production fee—Corn	\$0.15/cwt	NA
Production fee—Hemp	\$0.15/cwt	NA
Production fee—Perennial grass	Option A \$0.91/cwt; Option B \$1.26/cwt	NA
Production fee—Canola, mustard	\$0.57/cwt	NA
Production fee—Turnip, rutabaga, kale	\$0.57/cwt	NA
Seed shipped out of state—Alfalfa	\$0.22/cwt	\$7/document, plus cost per tag **
Seed shipped out of state—Annual grass	\$0.22/cwt	\$7/document, plus cost per tag **
Seed shipped out of state—Bean	\$0.22/cwt	\$7/document, plus cost per tag **
Seed shipped out of state—Corn	\$4/document	\$7/document, plus cost per tag **
Seed shipped out of state—Hemp	N/A	\$7/document, plus cost per tag **
Seed shipped out of state—Perennial grass	\$0.34/cwt	\$7/document, plus cost per tag **
Seed shipped out of state—Canola, mustard	\$0.22/cwt	\$7/document, plus cost per tag **
Seed shipped out of state—Turnip, rutabaga, kale	\$0.22/cwt	\$7/document, plus cost per tag **
Hybrid inspection (pollen counts)—At time of certification	\$48.50	\$7/document, plus cost per tag **
Hybrid inspection (pollen counts)—Not conducted at time of certification	\$135	\$7/document, plus cost per tag **
Minimum tagging fee	\$13	\$7/document, plus cost per tag **

* A fee range is provided to indicate this service is priced by crop and based upon the amount of labor necessary to complete the task. Crops that naturally take more time are priced accordingly. Those crops that take less evaluation time are priced lower. The lowest and highest fee is listed as a summary for each service. The actual price by crop is listed in the rule language.

** New tagging section lists the per tag price as a pass through cost since WSDA doesn't earn any revenue from the per tag sale.

In 2019, an estimated 187 small businesses and 49 large businesses paid fees to the WSDA seed program. The program analyzed 2019 fees instead of 2020 fees because the applications for acreage by crop and lab samples did not follow historic trend due to COVID-19. Table 3.2

shows the total fees paid by each business, as well as the estimated cost under the proposed fee increase.

Table 3.2 - Estimated cost for each business that paid fees in 2019.

Business	Business Size	NAICS Code	Total Cost 2019 ***	Total Cost w/ Proposed Increase ***	Cost Difference Between 2019 and Proposed Increase ***	Percent Change in Cost
1	Small	444220	\$48.00	\$96.22	\$48.22	100%
2	Small	424510	\$1,403.98	\$4,429.91	\$3,025.93	216%
3	Large	424510	\$9,670.42	\$464.49	-\$9,205.93	-95%
4	Large	425120	\$1,132.67	\$4,456.00	\$3,323.33	293%
5	Small	111191	\$397.48	\$947.69	\$550.21	138%
6	Large	424910	\$3,380.93	\$8,216.45	\$4,835.52	143%
7****	Small*	444220	\$122.65	\$278.09	\$155.44	127%
8	Small	424910	\$121.00	\$202.00	\$81.00	67%
9	Small	111998	\$142.59	\$500.84	\$358.25	251%
10****	Large	424910	\$10,789.41	\$25,326.16	\$14,536.75	135%
11	Small	111998**	\$336.28	\$501.28	\$165.00	49%
12	Large	424910	\$225.62	\$487.05	\$261.43	116%
13	Small	424910	\$98.69	\$219.73	\$121.04	123%
14	Small	111998**	\$20.00	\$28.00	\$8.00	40%
15	Small*	111998**	\$31.13	\$34.13	\$3.00	10%
16	Small	424910	\$876.35	\$1,420.89	\$544.54	62%
17	Small	424910	\$26,672.90	\$48,826.84	\$22,153.94	83%
18	Large	325412	\$24,331.82	\$47,620.61	\$23,288.79	96%
19	Large	424910	\$104,987.02	\$157,751.84	\$52,764.82	50%
20	Small	424590	\$20.00	\$28.00	\$8.00	40%
21	Small	424910	\$9,911.90	\$16,650.42	\$6,738.52	68%
22	Small	111998	\$43,750.27	\$62,252.71	\$18,502.44	42%
23	Small	111998**	\$166.18	\$238.90	\$72.72	44%
24	Small	115114	\$290.00	\$609.00	\$319.00	110%
25	Small	444220	\$30.00	\$38.00	\$8.00	27%
26	Large	111998**	\$432.28	\$992.33	\$560.05	130%
27	Small	111421	\$1,271.44	\$1,687.01	\$415.57	33%
28	Small	115114	\$1,731.00	\$3,505.00	\$1,774.00	102%
29	Small	424910	\$19,243.46	\$34,219.48	\$14,976.02	78%
30	Small	111998**	\$29.40	\$36.40	\$7.00	24%
31	Large	424910	\$191.22	\$750.57	\$559.35	293%
32	Small	424930	\$30.00	\$38.00	\$8.00	27%
33	Large	445299	\$137.56	\$137.56	\$0.00	0%
34	Small	541620	\$165.71	\$383.01	\$217.30	131%
35	Small	115114	\$72,388.40	\$103,160.25	\$30,771.85	43%
36	Small	111998**	\$2,830.33	\$3,944.00	\$1,113.67	39%
37	Small	111998**	\$75.35	\$231.35	\$156.00	207%
38-41*****	Large	424910	\$25,352.93	\$46,604.19	\$21,251.26	84%
42	Small	424990	\$30.00	\$38.00	\$8.00	27%
43	Small	424910	\$40,918.50	\$76,579.10	\$35,660.60	87%

Business	Business Size	NAICS Code	Total Cost 2019 ***	Total Cost w/ Proposed Increase ***	Cost Difference Between 2019 and Proposed Increase ***	Percent Change in Cost
44	Small	541611	\$1,455.52	\$2,250.02	\$794.50	55%
45	Small	115115	\$610.05	\$781.93	\$171.88	28%
46	Large	424510	\$5,855.01	\$4,436.58	-\$1,418.43	-24%
47	Small	111334	\$136.25	\$761.17	\$624.92	459%
48-49*****	Large	424510	\$4,847.48	\$12,358.88	\$7,511.40	155%
50	Small	115114	\$149,339.26	\$192,378.88	\$43,039.62	29%
51-52*****	Small	424910	\$5,456.37	\$8,524.47	\$3,068.10	56%
53	Large	493130	\$62.22	\$128.22	\$66.00	106%
54	Small	424510	\$20.00	\$28.00	\$8.00	40%
55	Small	424910	\$80,694.63	\$132,927.64	\$52,233.01	65%
56	Small	444220	\$20.00	\$28.00	\$8.00	40%
57	Small	444220	\$452.63	\$781.76	\$329.13	73%
58	Small*	111940	\$20.00	\$28.00	\$8.00	40%
59	Large	424910	\$6,746.97	\$10,406.99	\$3,660.02	54%
60	Small	111140	\$3,398.25	\$3,229.12	-\$169.13	-5%
61	Small	111339	\$196.55	\$745.52	\$548.97	279%
62	Small	444220	\$196.55	\$24.05	-\$172.50	-88%
63	Small	111998**	\$245.00	\$186.50	-\$58.50	-24%
64	Large	424910	\$40,715.15	\$64,479.30	\$23,764.15	58%
65	Small*	111998**	\$20.00	\$28.00	\$8.00	40%
66	Small	424910	\$548.30	\$581.90	\$33.60	6%
67	Small*	111998**	\$297.00	\$462.00	\$165.00	56%
68	Small	424990	\$24,000.39	\$41,606.33	\$17,605.94	73%
69	Large	424910	\$30.00	\$38.00	\$8.00	27%
70	Small	111219	\$27.00	\$60.00	\$33.00	122%
71	Small	444220	\$37.66	\$207.02	\$169.36	450%
72	Small	444220	\$132.00	\$236.00	\$104.00	79%
73	Small	424910	\$1,431.73	\$1,752.23	\$320.50	22%
74	Small	424910	\$8,715.22	\$15,661.80	\$6,946.58	80%
75	Small	424910	\$114.00	\$240.00	\$126.00	111%
76	Small	424910	\$5,819.03	\$14,139.69	\$8,320.66	143%
77	Small	424910	\$68,980.17	\$135,074.63	\$66,094.46	96%
78	Small	111998	\$553.30	\$1,230.94	\$677.64	122%
79	Small	424910	\$16,728.90	\$42,220.90	\$25,492.00	152%
80	Small	424910	\$400.00	\$560.00	\$160.00	40%
81	Small	424910	\$20.00	\$28.00	\$8.00	40%
82	Small	424510	\$20.00	\$28.00	\$8.00	40%
83	Small	424910	\$117.28	\$159.28	\$42.00	36%
84	Small	111219	\$653.75	\$886.10	\$232.35	36%
85	Small	111998	\$185,448.79	\$254,911.33	\$69,462.54	37%
86	Small	111998	\$222.50	\$568.14	\$345.64	155%
87	Small	424910	\$401.21	\$956.77	\$555.56	138%
88	Small	111998	\$11.07	\$11.07	\$0.00	0%
89	Large	424910	\$546.76	\$1,229.92	\$683.16	125%

Business	Business Size	NAICS Code	Total Cost 2019 ***	Total Cost w/ Proposed Increase ***	Cost Difference Between 2019 and Proposed Increase ***	Percent Change in Cost
90	Small*	111998**	\$33.00	\$60.00	\$27.00	82%
91	Small	453998	\$50.00	\$66.00	\$16.00	32%
92	Small	111219	\$20.00	\$201.00	\$181.00	905%
93	Small*	424930	\$20.00	\$28.00	\$8.00	40%
94	Large	311411	\$27.00	\$60.00	\$33.00	122%
95	Large	424910	\$133.72	\$136.72	\$3.00	2%
96	Small	424910	\$6,479.30	\$14,290.57	\$7,811.27	121%
97	Small	493130	\$33,020.33	\$78,670.93	\$45,650.60	138%
98	Small	112990	\$6,355.79	\$10,384.69	\$4,028.90	63%
99	Small	424510	\$909.95	\$11,840.34	\$10,930.39	1201%
100	Large	424910	\$19,116.07	\$26,301.00	\$7,184.93	38%
101	Small	424910	\$726.00	\$1,657.00	\$931.00	128%
102	Small	424910	\$1,360.31	\$3,293.49	\$1,933.18	142%
103	Small	339999	\$114.87	\$157.87	\$43.00	37%
104	Small*	111940	\$358.84	\$711.17	\$352.33	98%
105	Small*	111998**	\$2,200.41	\$2,874.34	\$673.93	31%
106	Small	424910	\$388.59	\$926.03	\$537.44	138%
107	Large	541714	\$30.00	\$38.00	\$8.00	27%
108	Small	424510	\$1,106.00	\$2,905.00	\$1,799.00	163%
109	Small	111422	\$20.00	\$28.00	\$8.00	40%
110	Small	424910	\$22.97	\$32.19	\$9.22	40%
111	Small	424910	\$360.22	\$317.12	-\$43.10	-12%
112	Small	424910	\$146.50	\$336.20	\$189.70	129%
113	Small	424480	\$4,959.79	\$13,503.79	\$8,544.00	172%
114	Small*	445230	\$20.00	\$28.00	\$8.00	40%
115	Small	541690	\$15,111.63	\$25,816.60	\$10,704.97	71%
116	Small	111110	\$136.25	\$1,139.50	\$1,003.25	736%
117	Small	111140	-\$6.78	-\$6.78	\$0.00	0%
118	Large	424910	\$649.70	\$1,441.70	\$792.00	122%
119	Small	453998	\$24.90	\$24.90	\$0.00	0%
120	Small	424910	\$21,306.12	\$32,694.19	\$11,388.07	53%
121	Small	484121	\$670.67	\$1,231.03	\$560.36	84%
122	Small	424910	\$60,429.18	\$98,329.24	\$37,900.06	63%
123	Small	561730	\$15.56	\$15.56	\$0.00	0%
124	Large	488510	\$13.64	\$13.64	\$0.00	0%
125	Large	325998	\$247.02	\$581.10	\$334.08	135%
126	Small	424910	\$53.00	\$117.00	\$64.00	121%
127	Small	541714	\$1,374.80	\$2,469.43	\$1,094.63	80%
128****	Small*	111998**	\$3.67	\$3.67	\$0.00	0%
129	Small	523130	\$296.42	\$694.42	\$398.00	134%
130	Small	424910	\$2,206.15	\$5,354.26	\$3,148.11	143%
131	Small	111998**	\$1,811.94	\$2,836.52	\$1,024.58	57%
132	Small	111998**	\$39,213.52	\$39,652.55	\$439.03	1%
133	Small	488320	\$189.00	\$513.00	\$324.00	171%

Business	Business Size	NAICS Code	Total Cost 2019 ***	Total Cost w/ Proposed Increase ***	Cost Difference Between 2019 and Proposed Increase ***	Percent Change in Cost
134	Small	112111	\$136.25	\$1,103.50	\$967.25	710%
135	Small	424930	\$6,157.34	\$5,785.49	-\$371.85	-6%
136	Large	111998	\$10,807.07	\$24,963.62	\$14,156.55	131%
137	Small	424510	\$23,645.24	\$84,136.39	\$60,491.15	256%
138	Small	111998**	\$20.00	\$28.00	\$8.00	40%
139	Small	444220	\$913.65	\$2,191.65	\$1,278.00	140%
140	Small	111219	\$5,734.59	\$4,691.57	-\$1,043.02	-18%
141	Large	111998	\$60.94	\$60.94	\$0.00	0%
142	Large	423920	\$30.00	\$38.00	\$8.00	27%
143	Small	111421	\$20.00	\$28.00	\$8.00	40%
144	Small	424510	\$81.00	\$156.00	\$75.00	93%
145	Small	444220	\$810.63	\$1,600.95	\$790.32	97%
146	Small	111998**	\$211.00	\$532.00	\$321.00	152%
147	Small	111998**	\$418.78	\$789.78	\$371.00	89%
148	Small	111211	\$86.25	\$220.50	\$134.25	156%
149	Small	424990	\$37.00	\$84.00	\$47.00	127%
150	Small	111998**	\$7,074.91	\$8,008.97	\$934.06	13%
151	Large	311411	\$137.33	\$596.33	\$459.00	334%
152	Small	111998**	\$50.00	\$66.00	\$16.00	32%
153	Small	115114	\$127,075.90	\$190,207.39	\$63,131.49	50%
154	Small	111199	\$23,695.26	\$54,038.26	\$30,343.00	128%
155	Small	493130	\$330.00	\$34.00	-\$296.00	-90%
156	Small	444220	\$438.00	\$816.00	\$378.00	86%
157	Small	424910	\$641.85	\$998.07	\$356.22	55%
158	Large	424510	\$20,830.81	\$57,093.81	\$36,263.00	174%
159	Small	111199	\$25.66	\$41.80	\$16.14	63%
160	Small	325320	\$110.00	\$156.00	\$46.00	42%
161-162*****	Large	424910	\$649.83	\$1,237.43	\$587.60	90%
163	Small	444220	\$102.27	\$207.72	\$105.45	103%
164	Small	111998**	\$351.37	\$1,001.37	\$650.00	185%
165	Small	111998**	\$1,285.35	\$2,924.09	\$1,638.74	127%
166	Large	488510	\$9.61	\$9.61	\$0.00	0%
167-169*****	Large	424510	\$22,805.50	\$56,146.71	\$33,341.21	146%
170	Small	561910	\$30.00	\$38.00	\$8.00	27%
171	Small	311999	\$174.51	\$380.51	\$206.00	118%
172	Large	339999	\$172.00	\$374.00	\$202.00	117%
173	Small	424910	\$533.00	\$988.00	\$455.00	85%
174	Large	424910	\$2,757.56	\$6,697.69	\$3,940.13	143%
175	Small	111998**	\$108.49	\$281.49	\$173.00	159%
176-178*****	Large	424990	\$110,671.34	\$238,529.94	\$127,858.60	116%
179	Small	541618	\$59,508.85	\$111,913.10	\$52,404.25	88%
180	Small	111219	\$3,502.05	\$6,957.26	\$3,455.21	99%
181	Small	493110	\$63.00	\$171.00	\$108.00	171%
182	Small	111998**	\$4,218.38	\$8,783.88	\$4,565.50	108%

Business	Business Size	NAICS Code	Total Cost 2019 ***	Total Cost w/ Proposed Increase ***	Cost Difference Between 2019 and Proposed Increase ***	Percent Change in Cost
183	Small	111219	\$64,740.09	\$101,855.21	\$37,115.12	57%
184	Large	424910	\$4,864.88	\$7,452.42	\$2,587.54	53%
185	Small	111998**	\$338.00	\$618.50	\$280.50	83%
186	Small	424590	\$29,786.50	\$46,927.88	\$17,141.38	58%
187	Small	111998	\$2,037.84	\$4,563.84	\$2,526.00	124%
188	Small	111998**	\$7,451.03	\$6,517.67	-\$933.36	-13%
189	Small*	111998	\$20.00	\$28.00	\$8.00	40%
190	Small	424910	\$196.55	\$420.55	\$224.00	114%
191	Small*	111998**	\$22,198.77	\$32,010.11	\$9,811.34	44%
192	Large	424910	\$17,683.19	\$37,837.12	\$20,153.93	114%
193	Small	444220	\$468.56	\$930.56	\$462.00	99%
194	Small	488320	\$7,266.99	\$18,364.99	\$11,098.00	153%
195****	Small*	111998**	\$20.00	\$28.00	\$8.00	40%
196	Small*	453998	\$20.00	\$28.00	\$8.00	40%
197	Small	111998**	\$6,667.44	\$8,104.10	\$1,436.66	22%
198	Small	444220	\$417.31	\$1,264.20	\$846.89	203%
199	Small	444220	\$38,297.54	\$81,421.87	\$43,124.33	113%
200	Large	424910	\$501.18	\$1,122.28	\$621.10	124%
201-202*****	Large	424910	\$37,836.18	\$70,270.92	\$32,434.74	86%
203	Large	311421	\$5,302.16	\$9,740.04	\$4,437.88	84%
204	Small	111998**	\$116.00	\$256.00	\$140.00	121%
205	Small	111998**	\$194.92	\$877.42	\$682.50	350%
206	Large	424910	\$227,424.68	\$277,826.69	\$50,402.01	22%
207	Large	424910	\$337.00	\$747.00	\$410.00	122%
208	Small	111219	\$1,886.42	\$3,632.15	\$1,745.73	93%
209	Large	111998	\$1,256.05	\$4,027.99	\$2,771.94	221%
210	Small	111998**	\$314.00	\$364.00	\$50.00	16%
211	Small*	111998**	\$20.00	\$28.00	\$8.00	40%
212	Small	424910	\$653.35	\$1,342.90	\$689.55	106%
213	Small	311999	\$5,395.41	\$12,842.92	\$7,447.51	138%
214	Small	424910	\$231.89	\$491.49	\$259.60	112%
215	Small	424510	\$1,582.46	\$4,516.46	\$2,934.00	185%
216	Small	424910	\$33.00	\$60.00	\$27.00	82%
217	Small	424590	\$1,653.94	\$2,853.86	\$1,199.92	73%
218	Small	424910	\$22.68	\$34.54	\$11.86	52%
219	Small	424590	\$1,106.78	\$4,620.58	\$3,513.80	317%
220	Small	111998**	\$285.75	\$301.70	\$15.95	6%
221	Small	424910	\$20.00	\$28.00	\$8.00	40%
222-226*****	Large	424910	\$213,189.70	\$369,145.88	\$155,956.18	73%
227	Small	484110	\$1,006.34	\$2,550.34	\$1,544.00	153%
228	Small	444220	\$20.00	\$28.00	\$8.00	40%
229	Small	423990	\$50.00	\$66.00	\$16.00	32%
230	Large	813410	\$225.00	\$505.00	\$280.00	124%
231	Small	424480	\$1,029.26	\$1,797.81	\$768.55	75%

Business	Business Size	NAICS Code	Total Cost 2019 ***	Total Cost w/ Proposed Increase ***	Cost Difference Between 2019 and Proposed Increase ***	Percent Change in Cost
232	Small*	111998**	\$584.00	\$1,282.00	\$698.00	120%
233	Small	311224	\$2,278.57	\$4,790.79	\$2,512.22	110%
234	Large	424510	\$998.04	\$1,837.04	\$839.00	84%
235	Small	424590	\$1,124.00	\$2,803.00	\$1,679.00	149%
236	Large	424990	\$361.30	\$706.80	\$345.50	96%
237	Small	115114	\$14,261.13	\$36,571.46	\$22,310.33	156%
238	Small	424910	\$437.00	\$1,224.00	\$787.00	180%
239	Small	444220	\$66.20	\$140.56	\$74.36	112%
240	Small	424510	\$2,375.36	\$5,633.26	\$3,257.90	137%
241	Small	115112	\$1,742.24	\$3,436.00	\$1,693.76	97%
242	Large	611310	\$723.00	\$1,431.00	\$708.00	98%
243	Small	111998	\$883.33	\$1,577.23	\$693.90	79%
244	Small	111940	\$380.17	\$2,126.78	\$1,746.61	459%
245	Small	115114	\$1,766.41	\$3,029.84	\$1,263.43	72%
246	Small	424910	\$176.68	\$221.68	\$45.00	25%
247	Small	424910	\$860.99	\$1,662.99	\$802.00	93%
248	Small	112990	\$1,829.00	\$4,164.00	\$2,335.00	128%
249****	Small*	111998	\$76.00	\$292.00	\$216.00	284%
250	Small	424910	\$378.00	\$937.00	\$559.00	148%
251	Small	424510	\$17,179.42	\$31,723.23	\$14,543.81	85%
252	Small	424910	\$20.00	\$28.00	\$8.00	40%
253	Small	424510	\$630.58	\$1,514.15	\$883.57	140%
254	Large	424910	\$69.82	\$142.82	\$73.00	105%
255	Small	111219	\$3,780.49	\$5,068.11	\$1,287.62	34%
256	Large	424910	\$4,259.33	\$7,200.51	\$2,941.18	69%

* Data on number of employees was unavailable, so calculated as one staff employed.

** NAICS code not found, assigned 111998 (the classification for all other miscellaneous crop farming).

*** Calculated using fees paid by each business in 2019 compared to projected new fees.

**** No information found, or business has closed. Removed from analysis.

***** These businesses were billed as separate locations, but had a single "headquarters" location. All locations were combined into one for the analysis and a range was used for the business number.

SECTION 4: Analyze whether the proposed rule may impose more-than-minor costs on businesses in the industry.

Total fees paid by each business in 2019 were compared with estimated costs under the proposed fee increase and the minor cost thresholds identified in Section 2. Businesses expected to experience an increase that exceeds the minor cost threshold for their industry are shown in Table 4.1. Businesses that are not expected to experience more-than-minor costs for their industry are shown in Table 4.2.

Table 4.1 - Businesses with estimated cost increases expected to **exceed** the minor cost threshold.

Business	Business Size	NAICS Code	Estimated Cost Increase ***	Minor Cost Threshold ****
22	Small	111998	\$18,502.44	\$9,125.33
55	Small	424910	\$52,233.01	\$37,719.39
68	Small	424990	\$17,605.94	\$7,116.01

Business	Business Size	NAICS Code	Estimated Cost Increase ***	Minor Cost Threshold ****
77	Small	424910	\$66,094.46	\$37,719.39
85	Small	111998	\$69,462.54	\$9,125.33
97	Small	493130	\$45,650.60	\$9,383.12
98	Small	112990	\$4,028.90	\$499.58
115	Small	541690	\$10,704.97	\$2,753.32
116	Small	111110	\$1,003.25	\$100.00
122	Small	424910	\$37,900.06	\$37,719.39
134	Small	112111	\$967.25	\$847.30
137	Small	424510	\$60,491.15	\$49,430.75
153	Small	115114	\$63,131.49	\$43,667.20
154	Small	111199	\$30,343.00	\$1,321.28
179	Small	541618	\$52,404.25	\$6,273.33
183	Small	111219	\$37,115.12	\$8,532.32
186	Small	424590	\$17,141.38	\$6,733.79
191	Small*	111998**	\$9,811.34	\$9,125.33
199	Small	444220	\$43,124.33	\$3,622.59
248	Small	112990	\$2,335.00	\$499.58
19	Large	424910	\$52,764.82	\$37,719.39
38-41*****	Large	424910	\$46,604.19	\$37,719.39
136	Large	111998	\$14,156.55	\$9,125.33
176-178*****	Large	424910	\$127,858.60	\$37,719.39
206	Large	424910	\$50,402.01	\$37,719.39
222-226*****	Large	424910	\$155,956.18	\$37,719.39

* Data on number of employees was unavailable, so calculated as one staff employed.

** NAICS code not found, assigned 111998 (the classification for all other miscellaneous crop farming).

*** Calculated using fees paid by each business in 2019 compared to projected new fees.

**** Determined based on highest amount between one percent of average annual payroll and 0.3 percent of average annual revenue for each NAICS code. Data from the Washington state employment security department and the Washington state department of revenue.

***** These businesses were billed as separate locations, but had a single "headquarters" location. All locations were combined into one for the analysis and a range was used for the business number.

Table 4.1 indicates that of the 236 businesses which paid fees in 2019, 25 are expected to have costs exceeding the minor cost threshold. Nineteen of these businesses are considered to be small and six are considered to be large.

However, not all businesses that paid fees in 2019 are expected to have costs exceeding the minor cost threshold. Table 4.2 shows that 211 businesses are expected to have cost increases **less** than the minor cost threshold. 168 of these businesses are considered small and 43 are considered to be large.

Table 4.2 - Businesses with estimated cost increases expected to be **less than** the minor cost threshold.

Business	Business Size	NAICS Code	Estimated Cost Increase ***	Minor Cost Threshold ****
1	Small	444220	\$48.22	\$3,622.59
2	Small	424510	\$3,025.93	\$49,430.75
5	Small	111191	\$550.21	\$675.00
8	Small	424910	\$81.00	\$37,719.39
9	Small	111998	\$358.25	\$9,125.33

Business	Business Size	NAICS Code	Estimated Cost Increase ***	Minor Cost Threshold ****
11	Small	111998**	\$165.00	\$9,125.33
13	Small	424910	\$121.04	\$37,719.39
14	Small	111998**	\$8.00	\$9,125.33
15	Small*	111998*	\$3.00	\$9,125.33
16	Small	424910	\$544.54	\$37,719.39
17	Small	424910	\$22,153.94	\$37,719.39
20	Small	424590	\$8.00	\$6,733.79
21	Small	424910	\$6,738.52	\$37,719.39
23	Small	111998**	\$72.72	\$9,125.33
24	Small	115114	\$319.00	\$43,667.20
25	Small	444220	\$8.00	\$3,622.59
27	Small	111421	\$415.57	\$4,955.96
28	Small	115114	\$1,774.00	\$43,667.20
29	Small	424910	\$14,976.02	\$37,719.39
30	Small	111998**	\$7.00	\$9,125.33
32	Small	424930	\$8.00	\$6,329.91
34	Small	541620	\$217.30	\$6,796.19
35	Small	115114	\$30,771.85	\$43,667.20
36	Small	111998**	\$1,113.67	\$9,125.33
37	Small	111998**	\$156.00	\$9,125.33
42	Small	424990	\$8.00	\$7,116.01
43	Small	424910	\$35,660.60	\$37,719.39
44	Small	541611	\$794.50	\$8,298.46
45	Small	115115	\$171.88	\$13,104.71
47	Small	111334	\$624.92	\$6,275.41
50	Small	115114	\$43,039.62	\$43,667.20
51-52*****	Small	424910	\$3,068.10	\$37,719.39
54	Small	424510	\$8.00	\$49,430.75
56	Small	444220	\$8.00	\$3,622.59
57	Small	444220	\$329.13	\$3,622.59
58	Small	111940	\$8.00	\$3,818.83
60	Small	111140	-\$169.13	\$834.97
61	Small	111339	\$548.97	\$2,745.17
62	Small	444220	-\$172.50	\$3,622.59
63	Small	111998**	-\$58.50	\$9,125.33
65	Small*	111998**	\$8.00	\$9,125.33
66	Small	424910	\$33.60	\$37,719.39
67	Small*	111998**	\$165.00	\$9,125.33
70	Small	111219	\$33.00	\$8,532.32
71	Small	444220	\$169.36	\$3,622.59
72	Small	444220	\$104.00	\$3,622.59
73	Small	424910	\$320.50	\$37,719.39
74	Small	424910	\$6,946.58	\$37,719.39
75	Small	424910	\$126.00	\$37,719.39
76	Small	424910	\$8,320.66	\$37,719.39

Business	Business Size	NAICS Code	Estimated Cost Increase ***	Minor Cost Threshold ****
78	Small	111998	\$677.64	\$9,125.33
79	Small	424910	\$25,492.00	\$37,719.39
80	Small	424910	\$160.00	\$37,719.39
81	Small	424910	\$8.00	\$37,719.39
82	Small	424510	\$8.00	\$49,430.75
83	Small	424910	\$42.00	\$37,719.39
84	Small	111219	\$232.35	\$8,532.32
86	Small	111998	\$345.64	\$9,125.33
87	Small	424910	\$555.56	\$37,719.39
88	Small	111998	\$0.00	\$9,125.33
90	Small*	111998**	\$27.00	\$9,125.33
91	Small	453998	\$16.00	\$3,615.53
92	Small	111219	\$181.00	\$8,532.32
93	Small*	424930	\$8.00	\$6,329.91
96	Small	424910	\$7,811.27	\$37,719.39
99	Small	424510	\$10,930.39	\$49,430.75
101	Small	424910	\$931.00	\$37,719.39
102	Small	424910	\$1,933.18	\$37,719.39
103	Small	339999	\$43.00	\$10,446.42
104	Small*	111940	\$352.33	\$3,818.83
105	Small	111998**	\$673.93	\$9,125.33
106	Small	424910	\$537.44	\$37,719.39
108	Small	424510	\$1,799.00	\$49,430.75
109	Small	111422	\$8.00	\$6,901.82
110	Small	424910	\$9.22	\$37,719.39
111	Small	424910	-\$43.10	\$37,719.39
112	Small	424910	\$189.70	\$37,719.39
113	Small	424480	\$8,544.00	\$46,340.76
114	Small*	445230	\$8.00	\$2,338.66
117	Small	111140	\$0.00	\$834.97
119	Small	453998	\$0.00	\$3,615.53
120	Small	424910	\$11,388.07	\$37,719.39
121	Small	484121	\$560.36	\$5,599.75
123	Small	561730	\$0.00	\$2,070.15
126	Small	424910	\$64.00	\$37,719.39
127	Small	541714	\$1,094.63	\$45,741.36
129	Small	523130	\$398.00	\$37,513.78
130	Small	424910	\$3,148.11	\$37,719.39
131	Small	111998**	\$1,024.58	\$9,125.33
132	Small	111998**	\$439.03	\$9,125.33
133	Small	488320	\$324.00	\$78,668.59
135	Small	424930	-\$371.85	\$6,329.91
138	Small	111998**	\$8.00	\$9,125.33
139	Small	444220	\$1,278.00	\$3,622.59
140	Small	111219	-\$1,043.02	\$8,532.32

Business	Business Size	NAICS Code	Estimated Cost Increase ***	Minor Cost Threshold ****
143	Small	111421	\$8.00	\$4,955.96
144	Small	424510	\$75.00	\$49,430.75
145	Small	444220	\$790.32	\$3,622.59
146	Small	111998**	\$321.00	\$9,125.33
147	Small	111998**	\$371.00	\$9,125.33
148	Small	111211	\$134.25	\$7,788.72
149	Small	424990	\$47.00	\$7,116.01
150	Small	111998**	\$934.06	\$9,125.33
152	Small	111998**	\$16.00	\$9,125.33
155	Small	493130	-\$296.00	\$9,383.12
156	Small	444220	\$378.00	\$3,622.59
157	Small	424910	\$356.22	\$37,719.39
159	Small	111199	\$16.14	\$1,321.28
160	Small	325320	\$46.00	\$47,824.19
163	Small	444220	\$105.45	\$3,622.59
164	Small	111998**	\$650.00	\$9,125.33
165	Small	111998**	\$1,638.74	\$9,125.33
170	Small	561910	\$8.00	\$5,749.64
171	Small	311999	\$206.00	\$31,257.46
173	Small	424910	\$455.00	\$37,719.39
175	Small	111998**	\$173.00	\$9,125.33
180	Small	111219	\$3,455.21	\$8,532.32
181	Small	493110	\$108.00	\$35,157.63
182	Small	111998**	\$4,565.50	\$9,125.33
185	Small	111998**	\$280.50	\$9,125.33
187	Small	111998	\$2,526.00	\$9,125.33
188	Small	111998**	-\$933.36	\$9,125.33
189	Small*	111998**	\$8.00	\$9,125.33
190	Small	424910	\$224.00	\$37,719.39
193	Small	444220	\$462.00	\$3,622.59
194	Small	488320	\$11,098.00	\$78,668.59
196	Small*	453998	\$8.00	\$3,615.53
197	Small	111998**	\$1,436.66	\$9,125.33
198	Small	444220	\$846.89	\$3,622.59
208	Small	111219	\$1,745.73	\$8,532.32
204	Small	111998**	\$140.00	\$9,125.33
205	Small	111998**	\$682.50	\$9,125.33
210	Small	111998**	\$50.00	\$9,125.33
211	Small*	111998**	\$8.00	\$9,125.33
212	Small	424910	\$689.55	\$37,719.39
213	Small	311999	\$7,447.51	\$31,257.46
214	Small	424910	\$259.60	\$37,719.39
215	Small	424510	\$2,934.00	\$49,430.75
216	Small	424910	\$27.00	\$37,719.39
217	Small	424590	\$1,199.92	\$6,733.79

Business	Business Size	NAICS Code	Estimated Cost Increase ***	Minor Cost Threshold ****
218	Small	424910	\$11.86	\$37,719.39
219	Small	424590	\$3,513.80	\$6,733.79
220	Small	111998**	\$15.95	\$9,125.33
221	Small	424910	\$8.00	\$37,719.39
227	Small	484110	\$1,544.00	\$6,775.14
228	Small	444220	\$8.00	\$3,622.59
229	Small	423990	\$16.00	\$6,938.84
231	Small	424480	\$768.55	\$46,340.76
232	Small*	111998**	\$698.00	\$9,125.33
233	Small	311224	\$2,512.22	\$48,585.04
235	Small	424590	\$1,679.00	\$6,733.79
237	Small	115114	\$22,310.33	\$43,667.20
238	Small	424910	\$787.00	\$37,719.39
239	Small	444220	\$74.36	\$3,622.59
240	Small	424510	\$3,257.90	\$49,430.75
241	Small	115112	\$1,693.76	\$1,769.65
243	Small	111998	\$693.90	\$9,125.33
244	Small	111940	\$1,746.61	\$3,818.83
245	Small	115114	\$1,263.43	\$43,667.20
246	Small	424910	\$45.00	\$37,719.39
247	Small	424910	\$802.00	\$37,719.39
250	Small	424910	\$559.00	\$37,719.39
251	Small	424510	\$14,543.81	\$49,430.75
252	Small	424910	\$8.00	\$37,719.39
253	Small	424510	\$883.57	\$49,430.75
255	Small	111219	\$1,287.62	\$8,532.32
3	Large	424510	-\$9,205.93	\$49,430.75
4	Large	425120	\$3,323.33	\$5,670.92
6	Large	424910	\$4,835.52	\$37,719.39
12	Large	424910	\$261.43	\$37,719.39
18	Large	325412	\$23,288.79	\$51,592.66
26	Large	111998**	\$560.05	\$9,125.33
31	Large	424910	\$559.35	\$37,719.39
33	Large	445299	\$0.00	\$3,946.47
46	Large	424510	-\$1,418.43	\$49,430.75
48-49*****	Large	424510	\$7,511.40	\$49,430.75
53	Large	493130	\$66.00	\$9,383.12
59	Large	424910	\$3,660.02	\$37,719.39
64	Large	424910	\$23,764.15	\$37,719.39
69	Large	424910	\$8.00	\$37,719.39
89	Large	424910	\$683.16	\$37,719.39
94	Large	311411	\$33.00	\$595,506.45
95	Large	424910	\$3.00	\$37,719.39
100	Large	424910	\$7,184.93	\$37,719.39
107	Large	541714	\$8.00	\$45,741.36

Business	Business Size	NAICS Code	Estimated Cost Increase ***	Minor Cost Threshold ****
118	Large	424910	\$792.00	\$37,719.39
124	Large	488510	\$0.00	\$18,581.46
125	Large	325998	\$334.08	\$23,409.10
141	Large	111998	\$0.00	\$9,125.33
142	Large	423920	\$8.00	\$110,868.68
151	Large	311411	\$459.00	\$595,506.45
158	Large	424510	\$36,263.00	\$49,430.75
161-162*****	Large	424910	\$587.60	\$37,719.39
166	Large	488510	\$0.00	\$18,581.46
167-169*****	Large	424510	\$33,341.21	\$49,430.75
172	Large	339999	\$202.00	\$10,446.42
174	Large	424910	\$3,940.13	\$37,719.39
184	Large	424910	\$2,587.54	\$37,719.39
192	Large	424910	\$20,153.93	\$37,719.39
200	Large	424910	\$621.10	\$37,719.39
201-202*****	Large	424910	\$32,434.74	\$37,719.39
203	Large	311421	\$4,437.88	\$62,568.88
207	Large	424910	\$410.00	\$37,719.39
209	Large	111998	\$2,771.94	\$9,125.33
230	Large	813410	\$280.00	\$4,166.62
234	Large	424510	\$839.00	\$49,430.75
236	Large	424990	\$345.50	\$7,116.01
242	Large	611310	\$708.00	\$115,887.10
254	Large	424910	\$73.00	\$37,719.39
256	Large	424910	\$2,941.18	\$37,719.39

* Data on number of employees was unavailable, so calculated as one staff employed.

** NAICS code not found, assigned 111998 (the classification for all other miscellaneous crop farming).

*** Calculated using fees paid by each business in 2019 compared to projected new fees.

**** Determined based on highest amount between one percent of average annual payroll and 0.3 percent of average annual revenue for each NAICS code. Data from the Washington state employment security department and the Washington state department of revenue.

***** These businesses were billed as separate locations, but had a single "headquarters" location. All locations were combined into one for the analysis and a range was used for the business number.

SECTION 5: Determine whether the proposed rule may have a disproportionate impact on small businesses as compared to the 10 percent of businesses that are the largest businesses required to comply with the proposed rule.

RCW 19.85.040(1) requires the department [to] compare the cost of compliance for small businesses with the cost of compliance for the largest 10 percent of businesses required to comply with the proposed rule amendment. One or more of the following methods can be used as a basis for comparing costs: (a) Cost per employee; (b) cost per hour of labor; or (c) cost per \$100.00 of sales.

Costs per employee were analyzed for the top 10 percent of large businesses impacted by the proposed changes. This was compared with the cost per employee for all impacted small businesses. Table 5.1 shows the results of the analysis, which indicates that small businesses will be disproportionately impacted by the proposed amendments.

Table 5.1 - Comparison of estimated costs per employee for the top 10 percent of large businesses and all small businesses impacted by the proposed amendments.

Business	Business Size	NAICS Code	Estimated Number of Employees	Estimated Cost Increase ***	Cost Per Employee
1	Small	444220	6	\$48.22	\$8.04
2	Small	424510	2	\$3,025.93	\$1,512.97
5	Small	111191	22	\$550.21	\$25.01
8	Small	424910	11	\$81.00	\$7.36
9	Small	111998	2	\$358.25	\$179.13
11	Small	111998**	37	\$165.00	\$4.46
13	Small	424910	12	\$121.04	\$10.09
14	Small	111998**	2	\$8.00	\$4.00
15	Small*	111998*	1	\$3.00	\$3.00
16	Small	424910	10	\$544.54	\$54.45
17	Small	424910	42	\$22,153.94	\$527.47
20	Small	424590	5	\$8.00	\$1.60
21	Small	424910	20	\$6,738.52	\$336.93
22	Small	111998	6	\$18,502.44	\$3,083.74
23	Small	111998**	8	\$72.72	\$9.09
24	Small	115114	6	\$319.00	\$53.17
25	Small	444220	13	\$8.00	\$0.62
27	Small	111421	****2.5	\$415.57	\$166.23
28	Small	115114	****35	\$1,774.00	\$50.69
29	Small	424910	23	\$14,976.02	\$651.13
30	Small	111998**	10	\$7.00	\$0.70
32	Small	424930	25	\$8.00	\$0.32
34	Small	541620	23	\$217.30	\$9.45
35	Small	115114	22	\$30,771.85	\$1,398.72
36	Small	111998**	20	\$1,113.67	\$55.68
37	Small	111998**	4	\$156.00	\$39.00
42	Small	424990	35	\$8.00	\$0.23
43	Small	424910	7	\$35,660.60	\$5,094.37
44	Small	541611	3	\$794.50	\$264.83
45	Small	115115	4	\$171.88	\$42.97
47	Small	111334	7	\$624.92	\$89.27
50	Small	115114	2	\$43,039.62	\$21,519.81
51-52*****	Small	424910	4	\$3,068.10	\$767.03
54	Small	424510	4	\$8.00	\$2.00
55	Small	424910	20	\$52,233.01	\$2,611.65
56	Small	444220	4	\$8.00	\$2.00
57	Small	444220	2	\$329.13	\$164.57
58	Small	111940	1	\$8.00	\$8.00
60	Small	111140	1	-\$169.13	-\$169.13
61	Small	111339	5	\$548.97	\$109.79
62	Small	444220	5	-\$172.50	-\$34.50

Business	Business Size	NAICS Code	Estimated Number of Employees	Estimated Cost Increase ***	Cost Per Employee
63	Small	111998**	2	-\$58.50	-\$29.25
65	Small*	111998**	1	\$8.00	\$8.00
66	Small	424910	4	\$33.60	\$8.40
67	Small*	111998**	1	\$165.00	\$165.00
68	Small	424990	18	\$17,605.94	\$978.11
70	Small	111219	4	\$33.00	\$8.25
71	Small	444220	3	\$169.36	\$56.45
72	Small	444220	1	\$104.00	\$104.00
73	Small	424910	4	\$320.50	\$80.13
74	Small	424910	7	\$6,946.58	\$992.37
75	Small	424910	4	\$126.00	\$31.50
76	Small	424910	5	\$8,320.66	\$1,664.13
77	Small	424910	12	\$66,094.46	\$5,507.87
78	Small	111998	1	\$677.64	\$677.64
79	Small	424910	7	\$25,492.00	\$3,641.71
80	Small	424910	50	\$160.00	\$3.20
81	Small	424910	21	\$8.00	\$0.38
82	Small	424510	3	\$8.00	\$2.67
83	Small	424910	2	\$42.00	\$21.00
84	Small	111219	35	\$232.35	\$6.64
85	Small	111998	2	\$69,462.54	\$34,731.27
86	Small	111998	1	\$345.64	\$345.65
87	Small	424910	45	\$555.56	\$12.35
88	Small	111998	1	\$0.00	\$0.00
90	Small*	111998**	1	\$27.00	\$27.00
91	Small	453998	2	\$16.00	\$8.00
92	Small	111219	18	\$181.00	\$10.06
93	Small*	424930	1	\$8.00	\$8.00
96	Small	424910	3	\$7,811.27	\$2,603.76
97	Small	493130	14	\$45,650.60	\$3,260.76
98	Small	112990	****2.5	\$4,028.90	\$1,611.56
99	Small	424510	50	\$10,930.39	\$218.61
101	Small	424910	2	\$931.00	\$465.50
102	Small	424910	17	\$1,933.18	\$113.72
103	Small	339999	1	\$43.00	\$43.00
104	Small*	111940	1	\$352.33	\$352.33
105	Small	111998**	30	\$673.93	\$22.46
106	Small	424910	25	\$537.44	\$21.50
108	Small	424510	10	\$1,799.00	\$179.90
109	Small	111422	1	\$8.00	\$8.00
110	Small	424910	1	\$9.22	\$9.22
111	Small	424910	5	-\$43.10	-\$8.62
112	Small	424910	5	\$189.70	\$37.94
113	Small	424480	2	\$8,544.00	\$4,272.00

Business	Business Size	NAICS Code	Estimated Number of Employees	Estimated Cost Increase ***	Cost Per Employee
114	Small*	445230	1	\$8.00	\$8.00
115	Small	541690	12	\$10,704.97	\$892.08
116	Small	111110	3	\$1,003.25	\$334.42
117	Small	111140	1	\$0.00	\$0.00
119	Small	453998	7	\$0.00	\$0.00
120	Small	424910	5	\$11,388.07	\$2,277.61
121	Small	484121	12	\$560.36	\$46.70
122	Small	424910	9	\$37,900.06	\$4,211.12
123	Small	561730	3	\$0.00	\$0.00
126	Small	424910	3	\$64.00	\$21.33
127	Small	541714	18	\$1,094.63	\$60.81
129	Small	523130	25	\$398.00	\$15.92
130	Small	424910	8	\$3,148.11	\$393.51
131	Small	111998**	2	\$1,024.58	\$512.29
132	Small	111998**	1	\$439.03	\$439.03
133	Small	488320	39	\$324.00	\$8.31
134	Small	112111	10	\$967.25	\$96.00
135	Small	424930	10	-\$371.85	-\$37.19
137	Small	424510	8	\$60,491.15	\$7,561.39
138	Small	111998**	1	\$8.00	\$8.00
139	Small	444220	2	\$1,278.00	\$639.00
140	Small	111219	3	-\$1,043.02	-\$347.67
143	Small	111421	2	\$8.00	\$4.00
144	Small	424510	3	\$75.00	\$25.00
145	Small	444220	2	\$790.32	\$395.16
146	Small	111998**	2	\$321.00	\$160.50
147	Small	111998**	2	\$371.00	\$185.50
148	Small	111211	20	\$134.25	\$6.71
149	Small	424990	2	\$47.00	\$23.50
150	Small	111998**	15	\$934.06	\$62.27
152	Small	111998**	2	\$16.00	\$8.00
153	Small	115114	****2.5	\$63,131.49	\$25,252.60
154	Small	111199	8	\$30,343.00	\$3,792.88
155	Small	493130	10	-\$296.00	-\$29.60
156	Small	444220	****14.5	\$378.00	\$26.07
157	Small	424910	32	\$356.22	\$11.13
159	Small	111199	2	\$16.14	\$8.07
160	Small	325320	49	\$46.00	\$0.94
163	Small	444220	1	\$105.45	\$105.45
164	Small	111998**	38	\$650.00	\$17.11
165	Small	111998**	9	\$1,638.74	\$182.08
170	Small	561910	40	\$8.00	\$0.20
171	Small	311999	2	\$206.00	\$103.00
173	Small	424910	9	\$455.00	\$50.56

Business	Business Size	NAICS Code	Estimated Number of Employees	Estimated Cost Increase ***	Cost Per Employee
175	Small	111998**	2	\$173.00	\$86.50
179	Small	541618	2	\$52,404.25	\$26,202.13
180	Small	111219	7	\$3,455.21	\$493.60
181	Small	493110	3	\$108.00	\$36.00
182	Small	111998**	6	\$4,565.50	\$760.92
183	Small	111219	29	\$37,115.12	\$1,279.83
185	Small	111998**	2	\$280.50	\$140.25
186	Small	424590	8	\$17,141.38	\$2,142.67
187	Small	111998	1	\$2,526.00	\$2,526.00
188	Small	111998**	1	-\$933.36	-\$933.36
189	Small*	111998**	1	\$8.00	\$8.00
190	Small	424910	7	\$224.00	\$32.00
191	Small*	111998**	1	\$9,811.34	\$9,811.34
193	Small	444220	12	\$462.00	\$38.50
194	Small	488320	28	\$11,098.00	\$396.36
196	Small*	453998	1	\$8.00	\$8.00
197	Small	111998**	1	\$1,436.66	\$1,436.66
198	Small	444220	2	\$846.89	\$423.45
199	Small	444220	15	\$43,124.33	\$2,874.96
204	Small	111998**	8	\$140.00	\$17.50
205	Small	111998**	1	\$682.50	\$682.50
208	Small	111219	6	\$1,745.73	\$290.96
209	Small*	111998	1	\$2,771.94	\$2,771.94
210	Small	111998**	1	\$50.00	\$50.00
211	Small*	111998**	1	\$8.00	\$8.00
212	Small	424910	1	\$689.55	\$689.55
213	Small	311999	46	\$7,447.51	\$161.90
214	Small	424910	3	\$259.60	\$86.53
215	Small	424510	5	\$2,934.00	\$586.80
216	Small	424910	12	\$27.00	\$2.25
217	Small	424590	2	\$1,199.92	\$599.96
218	Small	424910	6	\$11.86	\$1.98
219	Small	424590	22	\$3,513.80	\$159.72
220	Small	111998**	2	\$15.95	\$7.97
221	Small	424910	5	\$8.00	\$1.60
227	Small	484110	20	\$1,544.00	\$77.20
228	Small	444220	2	\$8.00	\$4.00
229	Small	423990	2	\$16.00	\$8.00
231	Small	424480	6	\$768.55	\$128.09
232	Small*	111998**	1	\$698.00	\$698.00
233	Small	311224	11	\$2,512.22	\$228.38
235	Small	424590	31	\$1,679.00	\$54.16
237	Small	115114	4	\$22,310.33	\$4,462.07
238	Small	424910	14	\$787.00	\$56.21

Business	Business Size	NAICS Code	Estimated Number of Employees	Estimated Cost Increase ***	Cost Per Employee
239	Small	444220	1	\$74.36	\$74.36
240	Small	424510	****7	\$3,257.90	\$465.41
241	Small	115112	8	\$1,693.76	\$211.72
243	Small	111998	1	\$693.90	\$693.90
244	Small	111940	2	\$1,746.61	\$873.31
245	Small	115114	24	\$1,263.43	\$52.64
246	Small	424910	9	\$45.00	\$5.00
247	Small	424910	4	\$802.00	\$200.50
248	Small	112990	2	\$2,335.00	\$1,167.50
250	Small	424910	6	\$559.00	\$93.17
251	Small	424510	4	\$14,543.81	\$3,635.95
252	Small	424910	16	\$8.00	\$0.50
253	Small	424510	20	\$883.57	\$44.18
255	Small	111219	2	\$1,287.62	\$643.81
Average cost per employee for all small businesses \$1,147.69					
3	Large	424510	38,100	-\$9,205.93	-\$0.24
12	Large	424910	335	\$261.43	\$0.78
18	Large	325412	17,331	\$23,288.79	\$1.34
19	Large	424910	100,000	\$52,764.82	\$0.53
31	Large	424910	350	\$559.35	\$1.60
38-41*****	Large	424910	10,703	\$21,251.26	\$1.99
94	Large	311411	****1,500	\$33.00	\$0.02
107	Large	541714	950	\$8.00	\$0.01
125	Large	325998	****375	\$334.08	\$0.89
136	Large	111998	330	\$14,156.55	\$42.90
151	Large	311411	1,016	\$459.00	\$0.45
161-162*****	Large	424910	2,900	\$587.60	\$0.20
174	Large	424910	657	\$3,940.13	\$6.00
176-178*****	Large	424910	5,200	\$127,858.60	\$24.59
201-202*****	Large	424910	2,700	\$32,434.74	\$12.01
203	Large	311421	3,375	\$4,437.88	\$1.31
207	Large	424910	4,300	\$410.00	\$0.10
222-226*****	Large	424910	5,134	\$155,956.18	\$30.38
230	Large	813410	3,400	\$280.00	\$0.08
234	Large	424510	1,100	\$839.00	\$0.76
242	Large	611310	3,350	\$708.00	\$0.21
254	Large	424910	2,817	\$73.00	\$0.03
256	Large	424910	805	\$2,941.18	\$3.65
Average cost per employee for 10 percent of large businesses \$5.63					

* Data on number of employees was unavailable, so calculated as one staff employed.

** NAICS code not found, assigned 111998 (the classification for all other miscellaneous crop farming).

*** Calculated using fees paid by each business in 2019 compared to projected new fees.

**** Range given for number of employees, therefore median number used for calculation.

***** These businesses were billed as separate locations, but had a single "headquarters" location. All locations were combined into one for the analysis and a range was used for the business number.

The average cost per employee for the top 10 percent of large businesses impacted by the proposed amendments is \$5.63. In comparison, the average cost per employee for all small businesses impacted by the proposed amendments is \$1,147.69. Costs per employee vary widely for both large and small businesses, it is evident that small businesses may be disproportionately impacted by the proposed amendment.

SECTION 6: If the proposed rule has a disproportionate impact on small businesses, identify the steps taken to reduce the costs of the rule on small businesses. If the costs cannot be reduced, provide a clear explanation of why.

RCW 19.85.030(2) requires consideration of the following methods of reducing the impact of the proposed amendment on small businesses:

(a) *Reducing, modifying, or eliminating substantive regulatory requirements:* RCW 15.49.370 requires the department to adopt and enforce regulations for certifying seeds and collect fees for those services.

The seed program is entirely funded by fees paid by businesses requesting service. The program does not receive any general fund dollars. In order to sustain the program, fees need to be at a level necessary to cover the cost of providing service. Due to mandated wage increases, cost increases for goods and services, and increased cost for agency overhead, the fees currently set in rule are no longer able to cover the costs of providing these services. The agency determined the increase is necessary in order to maintain the current level of service provided by the program. Reducing, modifying, or eliminating the amount in which the proposed fees are increased would lower the level of service the program is currently providing, potentially to a point that the program would not be operational at all and would be in conflict with the statutory mandate.

(b) *Simplifying, reducing, or eliminating recordkeeping and reporting requirements:* There are no recordkeeping or reporting requirements associated with the proposed rule amendment.

(c) *Reducing the frequency of inspections:* Inspections are a fundamental part of the seed program and are required in order to complete the necessary services offered by the program. Therefore, any reduction in the number of inspections would have a negative impact on stakeholders and the industry as a whole. The number and frequency of inspections is mandated by AOSCA or foreign export requirements.

(d) *Delaying compliance timetables:* Delaying compliance timetables is not a viable mitigation measure. The proposed rule amendment is necessary to maintain the financial health of the Seed Program and ensure its continued operation. Delaying compliance timetables would result in a financial deficit making the program unable to perform required duties. This could negatively impact businesses in the industry.

(e) *Reducing or modifying fine schedules for noncompliance:* The fee schedule does not include any fine schedules for noncompliance. There are no fine schedules associated with the proposed rule amendment.

(f) *Any other mitigation techniques including those suggested by small businesses or small business advocates:* The program identified several services that are charged separately that would be combined, fees that could be removed, fees that could be decreased and fees that remain the same. For example:

- Fescue purity for the species of Blue, Hard, Idaho and Sheep require an ammonia test per the rules to certify seed. This service

was at the additional cost of \$33 per sample. The test is part of the purity work to distinguish species from each other. The new proposed fee for just the purity work has increased substantially. To not cause an additional higher price, the ammonia test will now be included because it is essential and required for final seed certification. It mitigates additional costs from combining the two required tests into one service and fee.

- The fluorescent exam for annual and perennial ryegrass will be included for final certification seed samples. This service was at the additional cost of \$29 per sample. The test is part of the purity work to distinguish species from each other. The new proposed fee for just the purity work has increased substantially. To not cause an additional higher price, the fluorescence test will now be included because it is essential and required for final seed certification. It mitigates additional costs from combining the two required tests into one service and fee.
- The wheat sodium hydroxide exam will be included for final certification seed samples. This service was at the additional cost of \$23 per sample. The test is part of the purity work to distinguish red and white wheat contaminants from each other within the sample. The new proposed fee for just the purity work has increased substantially. To not cause an additional higher price, the sodium hydroxide test will now be included because it is essential and required for final seed certification. It mitigates additional costs from combining the two required tests into one service and fee.
- The current fee schedule charges both a minimal acreage fee per inspection and the production fee by cwt to cover the cost of the crop inspection and printing tags. By removing the cwt and charging the acreage fee for both the seedling and crop inspection, this pays the program for the services at the time rendered while the producer does not pay a production fee by cwt at the time a sample is sent to the lab. The cwt production fee structure allowed the program to increase revenue during the years when yield is high and pounds per seed lot increased and gave the producer a break during a low yielding production years. Not all seed that comes to the lab is finally certified with a tag. Thus the producer paid a production fee without obtaining the last final documents of tags. The new acreage fee structure has a producer pay for the services they use when requested by billable acreage fees for a seedling and/or a crop inspection plus the actual per tag cost. If the producer decided to laboratory test but not tag the seed lot, they would not already pay for a production fee designed to cover the cost of tags and back pay the program for a field inspection. This reduced the number of times a producer is billed when the decision is to not proceed to final certification after a field inspection and laboratory seed sample is received. The production fee by cwt for blending seed was also removed. The blending of two certified seed lots will take an application fee per request plus the actual cost of each tag.
- The previous fee schedule for a purity and noxious weed analysis were billed out as separate fees. The noxious weed analysis is requested for specific states or regions. Instead of billing for two separate services, the new structure will include one noxious weed analysis with a purity analysis request. This combines two services into one fee when two were normally billed.
- Removed the assessment fee for blending certified seed.

- A few services remain the same and have not increased. The current time study for the staff labor and inputs of resources indicates the fee should remain the same. The revision of reports upon request from customers, the shipping and handling fee, plus the cost for the annual and rough bluegrass quarantine per acre fee will all remain the same.

No other mitigation techniques were suggested by small businesses or small business advocates.

SECTION 7: Describe how small businesses were involved in the development of the proposed rule.

A combination of both small and large business were engaged for each outreach in Table 7.1 - Stakeholder Outreach. The need for the program to increase fees was discussed with the previously appointed seed advisory committee (SAC) members between 2017 and 2019 and for the first time with the currently appointed SAC members during the annual budget meeting, which was open to the public, in November 2019. These members met and reviewed the budgetary needs of the program in 2019 and again in March 2021. SAC members represent each crop group and membership is split to include both large and small businesses. Individual companies were contacted in various regions and across many crop production groups. An annual budget report was provided at the annual Washington state crop improvement association (WSCIA) meeting which is an open public meeting. The discussions related to budget and staffing levels have been continued at the quarterly WSCIA board meetings.

Table 7.1 - Stakeholder outreach.

Date	Organization Name	Topics Discussed
17-Aug	Seeds Inc.	Seed program budget report, fund balance, and the potential to increase fees.
17-Oct	Columbia River Seed	Seed program budget report, fund balance, and the potential to increase fees.
17-Oct	Field Rep Meeting	The potential of needing to raise fees.
17-Oct	End of Field Season Meeting	Potential to increase fees. The concept of charging upfront for certification fees in field per acre fees.
17-Oct	Rainier Seeds	Seed program budget report, fund balance, and the potential to increase fees.
17-Nov	Seed Advisory Committee/ WSCIA Annual Meeting	Seed program budget report, fund balance, and the potential to increase fees.
17-Nov	Landmark Seed Co.	Seed program budget report, fund balance, and the potential to increase fees.
17-Dec	Trufgrass [Turfgrass] Commission	Seed program budget report, fund balance, and the potential to increase fees. The concept of charging upfront for certification fees in field per acre fees.
18-Jan	WSCIA Board of Directors Meeting	Seed program budget report, fund balance, and the potential to increase fees.
18-Feb	Alforex	The concept of charging upfront for certification fees in field per acre fees.
18-Feb	S&W Seed Company	The concept of charging upfront for certification fees in field per acre fees.
18-Feb	Central Bean Company	The concept of charging upfront for certification fees in field per acre fees.
18-Feb	Jacklin Seed Company	The concept of charging upfront for certification fees in field per acre fees.
18-Apr	Washington North/Idaho Seed Association	Seed program budget report, fund balance, and the potential to increase fees.
18-May	Alfalfa Commission Meeting	The potential of needing to raise fees.

Date	Organization Name	Topics Discussed
18-Aug	Washington North/Idaho Seed Association	Seed program budget report, fund balance, and the potential to increase fees.
18-Aug	WSCIA Board of Directors Meeting	The potential of needing to raise fees.
18-Sep	Washington North/Idaho Seed Association	Seed program budget report, fund balance, and the potential to increase fees.
18-Aug	WSCIA Board of Directors Meeting	The potential of needing to raise fees.
18-Oct	Washington North/Idaho Seed Association	Seed program budget report, fund balance, and the potential to increase fees.
18-Oct	End of Field Season Meeting	Potential to increase fees.
18-Nov	WSCIA Board of Directors Meeting	Potential to increase fees.
18-Nov	Seed Advisory Committee/ WSCIA Annual Meeting	Seed program budget report, fund balance, and the potential to increase fees.
18-Dec	Turfgrass Commission Meeting	Potential to increase fees.
19-Jan	Turfgrass Commission Meeting	Potential to increase fees.
19-Jan	Oilseed Commission Meeting	Potential to increase fees.
19-Jan	WSCIA Board of Directors Meeting	Potential to increase fees.
19-Mar	Alfalfa Commission Meeting	Need to increase fees. Internal audit of finances identified error in interest calculations and making adjustments to accounts.
19-Mar	Turfgrass Commission Meeting	Need to increase fees. Internal audit of finances identified error in interest calculations and making adjustments to accounts.
19-Apr	Oilseed Commission Meeting	Need to increase fees. Internal audit of finances identified error in interest calculations and making adjustments to accounts.
19-May	Alfalfa Commission Meeting	Need to increase fees. Internal audit of finances identified error in interest calculations and making adjustments to accounts.
19-May	Skagit Co. Commissioners Meeting/ PSSGA Meeting	Need to increase fees. Internal audit of finances identified error in interest calculations and making adjustments to accounts.
19-Jun	WSCIA Board of Directors Meeting	Need to increase fees. Internal audit of finances identified error in interest calculations and making adjustments to accounts.
19-Jun	WSCIA General Meeting	Need to increase fees. Internal audit of finances identified error in interest calculations and making adjustments to accounts.
19-Jul	Oilseed Commission Meeting	Need to increase fees. Internal audit of finances identified error in interest calculations and making adjustments to accounts.
19-Aug	New Genetic Hemp Field Tour	Need to increase fees. Potential to modify hemp field standards to match AOSCA standards.
19-Aug	Washington North/Idaho Seed Association	Need to increase fees. Internal audit of finances identified error in interest calculations and making adjustments to accounts.
19-Sep	Turfgrass Commission Meeting	Need to increase fees.
19-Sep	WSCIA Board of Directors Meeting	Need to increase fees.
19-Sep	Alfalfa Commission Meeting	Need to increase fees.
19-Oct	Seed Advisory Committee Meeting	Need to increase fees.
19-Oct	End of Field Season Meeting	Need to increase fees.
19-Nov	WSCIA General Meeting	Need to increase fees.
19-Nov	Seed Advisory Committee/ WSCIA Annual Meeting	Seed program budget report, fund balance, and the need to increase fees. Internal audit completed of finances identified error in interest calculations and making adjustments to accounts. Moving to a new accounting system.
19-Nov	Oilseed Commission Meeting	Potential to increase fees.

Date	Organization Name	Topics Discussed
20-Feb	Seed Advisory Committee Meeting	Seed program budget report, fund balance, and the need to increase fees. Internal audit completed of finances identified error in interest calculations and making adjustments to accounts. Moving to a new accounting system.
20-Mar	Washington North/Idaho Seed Association	Need to increase fees. Moving to a new account[ing] system.
20-Jun	Turfgrass Commission Meeting	Need to increase fees.
20-Jun	WSCIA Board of Directors Meeting	Need to increase fees. Moving to a new account[ing] system.
20-Jun	WSCIA General Meeting	Need to increase fees.
20-Sep	Alfalfa Commission Meeting	Need to increase fees. Moved to a new accounting system. Collecting data on the new accounting system and time study of all services.
20-Oct	End of Field Season Meeting	Need to increase fees.
20-Nov	WSCIA Board of Directors General Meeting	Need to increase fees.
20-Nov	Canola Commission Meeting	Need to increase fees.
20-Dec	Turfgrass Commission Meeting	Need to increase fees.
21-Jan	Turfgrass Commission Meeting	Need to increase fees.
21-Feb	Turfgrass Commission Meeting	Need to increase fees.
21-Feb	WSCIA Board of Directors Meeting	Need to increase fees.
21-Feb	Alfalfa Commission Meeting	Need to increase fees.
21-Feb	WSCIA General Meeting	Need to increase fees.
21-Mar	Seed Advisory Committee Meeting	Seed program budget report, fund balance, and the need to increase fees. The concept of charging upfront for certification fees in field per acre fees.
21-Mar	Kappa Seed	Need to increase fees.
21-Mar	Great Basin Seed	Seed program budget report, fund balance, and the need to increase fees. The concept of charging upfront for certification fees in field per acre fees.
21-May	BFI, Inc.	Seed program budget report, fund balance, and the need to increase fees. The concept of charging upfront for certification fees in field per acre fees. Understands the need for increase. No problem with the increase. Only concerned on specifics of native seed tagging and improved methods to ID and tag.
21-May	Northstar, Canada	Understands the need to increase fees. Only request is to not wait 13 years before next increase. Desires smaller increases more frequently.
21-May	Brassica Grower/Producer Meeting	Requested additional rule making to change the Brassica quarantine. Agreed after the fee increase as that is priority. Explained need for more outreach to other Brassica crops/fresh markets/cover crop markets for outreach. Fee work is priority and should be finished by September. Follow meeting on quarantine to resume after Labor Day 2021.
21-May	Alfalfa Commission Meeting	Seed program budget report, fund balance, and the need to increase fees. The concept of charging upfront for certification fees in field per acre fees.
21-May	Shane Johnson, Ag. Management	Distribute fee information to all commodity commission board members.
21-May	Seed Advisory Committee Meeting	Reviewed fee proposals for each service, documented questions.
21-Jun	Alfalfa Seed Research Day	Seed program services available and the engagement of growers and stakeholders for rule-making process and the fee analysis methods.
21-Jun	Seed Advisory Committee Meeting	Rule-making update.
21-Jun	WSCIA Board of Directors	Discussed the need for a fee increase to maintain operations. If not, may discontinue other services with a down size in staffing. Reduced staff will increase the backlog.

Date	Organization Name	Topics Discussed
21-Jun	Barenbrug USA, Production Manager	Discussed fee proposal rates and roll out period of when potentially new fees are active. Contracted growers are complaining that budgets for the year are already set for 2021. Explained a cross over period for the old fees and new field acreage fees so that it is not a double dipping scenario.
21-Jul	Oilseed Commission Meeting	Expressed the need to increase fees and if not accomplished will assess priority services and may discontinue other services with a down size of staffing. A summary email of WSDA activities is circulated to the committee members not in attendance. Meeting did not meet a quorum.
21-Jul	Clearwater Seed	Expressed the need to increase fees and if not accomplished will assess priority services and may discontinue other services with a down size of staffing. Discussed when to implement field fees. Discussed increased regulatory seed actions in the state to reduce fraud to industry and customers.
21-Jul	Rainier Holdings, LLC	Expressed the need to increase fees and if not accomplished will assess priority services and may discontinue other services with a down size of staffing. Discussed when to implement field fees. Discussed increased regulatory seed actions in the state to reduce fraud to industry and customers.
21-Jul	Syngenta	Expressed the need to increase fees and if not accomplished will assess priority services and may discontinue other services with a down size of staffing. Discussed when to implement field fees. Discussed late fees and how to reduce these fees with field application timing. Discussed phytosanitary certificate applications and USDA auditing methods. Discussed use of laboratory services to reduce their backlog for TZ and purity services.
21-Jul	Washington Wheat Commission	Discussed when the next step is implemented for CR-102. Added emails to the distribution list for the public hearing announcement.
21-Jul	Idaho Crop Improvement Association	Discussed their current fee schedule and rates for services to document the comparison to the new proposed Washington fees. Learned with the per acre fee there is additionally still a production fee charged by cwt and crop type.
21-Jul	Montana Crop Improvement Association	Discussed their current fee schedule and rates for services to document the comparison to the new proposed Washington fees. Learned with the per acre fee there is additionally still a production fee charged by cwt and crop type.
21-Aug	Progene, LLC	Discussed the fee increase and how it relates to this specific company.
21- Sep	Alfalfa Seed Commission	Discussed next steps to proceed with the proposed fee increase and proposed implementation date.
21-Oct	Forage Genetics-Nampa, Idaho	Provided proposed new fee schedule, fact sheet and company specific data to review. Identified proposed implementation of new fee schedule.

SECTION 8: Identify the estimated number of jobs that will be created or lost as the result of compliance with the proposed rule.

The Regulatory Fairness Act requires an agency to estimate the number of jobs created or lost (due to compliance with the proposed rule making) in their SBEIS - RCW 19.85.040.

The Washington state office of financial management's input/output model is the resource the department used to determine estimated jobs created or lost based on the proposed rule making.

The model depicts interindustry relationships within the Washington state economy. The model takes as input the cost to each industry NAICS code (based on the average cost of compliance to the proposed rule) and calculates, among other things, employment change (jobs created or jobs lost). The estimated employment change is measured in full time employees (FTE) to each business sector.

Table 8.1 below shows the average cost of compliance for each industry affected by the propose rule making and the estimated employ-

ment change to that industry. A negative number indicates a job loss, while a positive number indicates a job created.

NOTE: Employment change calculated into FTE's for each NAICS code is NOT per business but rather a total over the entire business industry.

Table 8.1 - Jobs created or lost.

NAICS Code	Average Cost of Compliance	Estimated Employment Change
111140	\$278.04	-0.06
111191	\$550.21	0.00
111199	\$15,179.57	-0.96
111211	\$134.25	0.00
111219	\$5,375.88	-0.64
111334	\$624.92	-0.02
111339	\$548.97	-0.16
111421	\$211.79	-0.01
111422	\$8.00	0.00
111940	\$702.31	-0.08
111998	\$2,929.01	-0.24
112111	\$967.25	-0.05
112990	\$3,181.95	-0.02
115112	\$1,693.76	-0.09
115114	\$23,229.96	-1.44
115115	\$171.88	-0.01
311224	\$2,512.22	0.00
311411	\$246.00	0.00
311421	\$4,437.88	-0.03
311999	\$3,826.76	-0.02
325320	\$46.00	0.00
325412	\$23,288.79	-0.55
325998	\$334.08	0.00
339999	\$122.50	-0.01
423920	\$8.00	0.00
423990	\$16.00	0.00
424480	\$4,656.28	-0.26
424510	\$9,722.76	-0.14
424590	\$4,708.42	-0.04
424910	\$10,412.72	-1.07
424930	\$(118.62)	0.00
424990	\$29,173.01	-2.32
425120	\$3,323.33	-4.53
444220	\$2,972.60	-1.05
445230	\$8.00	0.00
445299	\$0.00	0.00
453998	\$8.00	0.00
484110	\$1,544.00	-0.17
484121	\$560.36	-0.18

NAICS Code	Average Cost of Compliance	Estimated Employment Change
488320	\$5,711.00	-0.34
488510	\$0.00	0.00
493130	\$11,382.15	-0.37
523130	\$398.00	-0.34
541611	\$794.50	-1.60
541620	\$217.30	-0.06
541690	\$10,704.97	-12.63
541714	\$551.32	-0.33
561730	\$0.00	0.00
561910	\$8.00	-0.48
611310	\$708.00	-0.28
813410	\$280.00	-0.85
Total estimated employment change across all industries		-35.28

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting Gloriann Robinson, Rules Coordinator, P.O. Box 42560, Olympia WA 98504-2560, phone 360-902-1802, fax 360-902-2092, TTY 800-833-6388, email wsdarulescomments@agr.wa.gov.

October 20, 2021
 Jessica Allenton
 Assistant Director

OTS-3383.3

AMENDATORY SECTION (Amending WSR 12-19-065, filed 9/17/12, effective 10/18/12)

WAC 16-303-020 Schedule of charges—Billing policies and procedures. (1) Accounts.

(a) All billable services provided for under chapter 15.49 RCW are due and payable upon billing by the department. For the convenience of established accounts and in accord with good business practices, the department provides a monthly billing service. Accounts not paid in full within (~~(thirty)~~) 30 days of billing are considered delinquent.

(b) (~~(On all debts due and payable after July 28, 1991,)~~) All delinquent accounts are assessed a late charge equal to two percent per month, or portion of a month, on the unpaid balance.

(c) Except for established accounts where there is a reasonable expectation of additional charges during a calendar month, the minimum billable amount through the monthly billing system is (~~(twenty dollars)~~) \$20. All billable services of less than (~~(twenty dollars)~~) \$20 are due and payable on the date that service is rendered.

(d) No person with an account (~~(ninety)~~) 90 days or more in arrears may receive service except on the basis of payment in full at

the time service is rendered. Accounts in arrears may be subject to legal action for collection and are not restored to monthly billing status until all past due amounts are paid-in-full.

(e) Accounts that become (~~ninety~~) 90 or more days in arrears twice within a five-year period may be subject to a permanent requirement for payment in full at the time service is provided.

(2) Unless otherwise provided for in rule, requests for refund fees or assessments must be submitted to the department by June 30th of the year following payment of the fee or assessment.

(3) Fees for services not listed in rule are set on the basis of the actual cost to the department of agriculture, or the most appropriate fee established by rule.

[Statutory Authority: RCW 15.49.310, chapter 34.05 RCW, and 2012 2nd sp.s. c 7. WSR 12-19-065, § 16-303-020, filed 9/17/12, effective 10/18/12. Statutory Authority: 2003 1st sp.s. c 25 § 309(2), RCW 15.49.310, 15.49.370(3) and chapter 34.05 RCW. WSR 05-12-053, § 16-303-020, filed 5/26/05, effective 6/26/05. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 01-01-015, § 16-303-020, filed 12/6/00, effective 1/6/01.]

AMENDATORY SECTION (Amending WSR 12-19-065, filed 9/17/12, effective 10/18/12)

WAC 16-303-105 Annual seed inspection charge. (1) Each person required to obtain a seed labeling permit, pursuant to RCW 15.49.400, of the Washington State Seed Act, must also, pursuant to RCW 15.49.310 and 15.49.370, pay a general seed inspection charge annually to the department in the amount of (~~eleven~~) 28 cents per (~~one hundred dollars~~) \$100 gross annual dollar sales in excess of (~~ten thousand dollars~~) \$10,000 of agricultural and/or vegetable seed distributed in this state during the preceding fiscal year, except that no assessment shall be collected on:

(a) Seed for which the assessment has been previously collected, except when such seed is relabeled;

(b) Agricultural or vegetable seed distributed out-of-state;

(c) Seed distributed in containers of four ounces or less;

(d) Stock seed; (~~and~~) or

(e) Seed distributed by governmental agencies (~~r~~) such as, but not limited to, the United States Department of Agriculture national foundation seed project. Agricultural and/or vegetable seeds distributed under bailment contract are valued at the producer-conditioner agreement rate in lieu of sale.

(2) The seed assessment fees for the fiscal period beginning July 1st through June 30th are payable on February 1st of the following calendar year.

(3) The seed assessment (~~may~~) will accompany the annual application for the seed labeling permit. A penalty of (~~fifteen~~) 25 percent of the assessment fee or a minimum of (~~twenty dollars~~) \$28, whichever is greater, is added to all assessments not paid by February 1st.

(4) The annual (~~seed-labeling~~) seed labeling permit (~~may~~) will not be issued until all seed assessments and penalties are satisfied.

[Statutory Authority: RCW 15.49.310, chapter 34.05 RCW, and 2012 2nd sp.s. c 7. WSR 12-19-065, § 16-303-105, filed 9/17/12, effective 10/18/12. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 01-01-015, § 16-303-105, filed 12/6/00, effective 1/6/01.]

NEW SECTION

WAC 16-303-117 Seed program testing categories. (1) Seed testing categories and associated crop kinds for WAC 16-303-200 and 16-303-210 are as follows:

Category	Crop Kind	Additional Crops in each Category *1
1	Alfalfa and Clover	Alfalfa, Black Medic, Clover, Milkvetch, Sainfoin, Trefoil
2	Bean	Bean
3	Beet	Beet
4	Bentgrass, Redtop	Bentgrass, Redtop
5	Bluegrass	Bluegrass, all types except Native and Reclamation
6	Brassica Species	Brassica Species, Camelina
7	Brome	Brome: Mountain, Smooth, Meadow
8	Fescue	Fescue: Tall and Meadow
9	Fescue, all others	Fescue: Arizona, Blue, Blue Hard, Chewings, Creeping, Hard, Idaho, Red, Sheep
10	Flax	Flax, all types
11	Hemp	Hemp, all types
12	Orchardgrass	Orchardgrass
13	Peas and other large seeded legumes	Peas, Chickpeas, Lentil, Lupine, Vetch
14	Ryegrass (perennial or annual)	Ryegrass (perennial or annual)
15	Sudangrass	Sudangrass
16	Timothy	Timothy
17	Fruit and Vegetable	Fruit and Vegetables: Arugula, Asparagus, Any Berries, Cantaloupe, Carrot, Celery, Corn, Coriander, Cucumber, Dill, Eggplant, Endive, Leek, Lettuce, Okra, Onion, Parsley, Parsnip, Pepper, Pumpkin, Radish, Swiss chard, Spinach, Squash, Tomato, Watermelon
18	Grain (500 g. or 1000 g.)	Wheat, Triticale, Sunflower, Sorghum, Safflower, Rye, Rice, Millet, Buckwheat, Barley, Oats, Emmer, Spelt
19	Other native species and flowers (test requires 400 seed TZ according to AOSA rules)	Green needlegrass, Needle and Thread, Penstemon
20	Native and Reclamation Grass	Bluestem, Buffalograss, Lovegrass, Sand dropseed, Sideoats, Squirreltail, Wheatgrass (Crested, Intermediate, Pubescent, Siberian, Slender, Tall, Thickspike, and Western), Wildrye, Indian ricegrass, Junegrass, Oatgrass, Native and Reclamation bluegrass
21	Woody Plants and Forbs (natives)	Bitterbrush, Echinacea, Kochia, Yarrow, Sagebrush, Rabbitbrush, Native buckwheat, Native clover

*1 Crops not listed in the above table will be charged by the category that they best fit into.

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AMENDATORY SECTION (Amending WSR 17-08-090, filed 4/5/17, effective 5/6/17)

WAC 16-303-200 Seed program testing fees. (1) Seed testing fees are as follows:

((Category	Crop kind	PURITY	GERM/A	FZ	Additional Crops in each Category/2
1	Agricultural Grasses	40.00	25.00	45.00	Alkaligrass, Bermudagrass, Canarygrass, Foxtail, Switchgrass, Timothy, Zoysia
2	Alfalfa & Clover	31.00	27.00	45.00	Alfalfa, Black Medic, Clover, Lupine, Milkvetch, Sainfoin, Trefoil
3	Beans	29.00	27.00	45.00	Beans
4	Beets	42.00	47.00	45.00	Beets, Swiss chard, Spinach
5	Bentgrass, redtop	72.00	38.00	45.00	Bentgrass, Redtop
6	Bluegrass	49.00	33.00	45.00	Bluegrass, all types
7	Brassica Species	75.00	38.00	45.00	Brassica Species
8	Brome	51.00	27.00	45.00	Brome: Mountain, Smooth, Meadow
9	Fescue	40.00	27.00	45.00	Fescue: Tall and Meadow
10	Fescue, all others	49.00	27.00	45.00	Fescue: Arizona, Blue, Blue Hard, Chewings, Creeping, Hard, Idaho, Red, Sheep
11	Flax	31.00	27.00	45.00	Lewis flax
12	Industrial hemp	50.00	40.00	45.00	
13	Orchardgrass	55.00	29.00	45.00	Orchardgrass
14	Peas and other large seeded legumes	31.00	27.00	45.00	Peas, Chickpeas, Lentil, Vetch
15	Primrose	31.00	27.00	45.00	Primrose
16	Ryegrass	49.00	25.00	45.00	Ryegrass, (Perennial or Annual)
17	Small burnet	31.00	27.00	45.00	Small burnet
18	Sudangrass	31.00	27.00	45.00	Sudangrass
19	Vegetables	31.00	27.00	49.00	Vegetables: Arugula, Asparagus, Cantaloupe, Carrot, Celery, Corn, Coriander, Cucumber, Dill, Eggplant, Endive, Leek, Lettuce, Okra, Onion, Parsley, Parsnip, Pepper, Pumpkin, Radish, Squash, Tomato, Watermelon
20	Grains	31.00	27.00	45.00	Wheat, Triticale, Sunflower, Sorghum, Safflower, Rye, Rice, Millet, Buckwheat, Barley, Oats, Emmer, Spelt
21	Wheatgrass, Wildrye, other native species Group A	84.00	33.00	45.00	Bluestem, Buffalograss, Lovegrass, Penstemon, Sand dropseed, Sideoats, Squirreltail; Intermediate, Pubescent, Tall, Thickspike, Slender, and Western wheatgrasses; Small-seeded wildrye
22	Wheatgrass, Wildrye, other native species and flowers Group B	75.00	33.00	45.00	Bitterbrush, Echinacea, Indian ricegrass, Junegrass, Kochia, Oatgrass, Indian ricegrass, Blue and other large-seeded wildrye, Crested and Siberian wheatgrasses

((Category	Crop kind	PURITY	GERM/1	TZ	Additional Crops in each Category/2
23	Wheatgrass, Wildrye, other native species and flowers Group C	75.00	123.00/3	45.00	Green needlegrass, Needle & Thread, Penstemon

/1 Standard 400 seed germination test.

/2 Crops not listed in the above table will be charged by the category that they fit into.

/3 Germination requires 400 seed TZ according to AOSA rules.)

Category	Purity W/ Noxious	GERM *1	TZ	Sample Processing per request	Manual Sample Processing per request
1	\$76.00	\$60.00	\$101.00	\$8.00	\$13.00
2	\$68.00	\$60.00	\$101.00	\$8.00	\$13.00
3 *2	\$70.00	\$60.00	\$101.00	\$8.00	\$13.00
4	\$153.00	\$60.00	\$101.00	\$8.00	\$13.00
5	\$118.00	\$70.00	\$101.00	\$8.00	\$13.00
6	\$117.00	\$60.00	\$101.00	\$8.00	\$13.00
7	\$106.00	\$70.00	\$101.00	\$8.00	\$13.00
8	\$106.00	\$76.00	\$101.00	\$8.00	\$13.00
9	\$106.00	\$76.00	\$101.00	\$8.00	\$13.00
10	\$76.00	\$70.00	\$101.00	\$8.00	\$13.00
11	\$70.00	\$60.00	\$101.00	\$8.00	\$13.00
12	\$76.00	\$70.00	\$101.00	\$8.00	\$13.00
13	\$68.00	\$60.00	\$101.00	\$8.00	\$13.00
14	\$117.00	\$60.00	\$101.00	\$8.00	\$13.00
15	\$76.00	\$60.00	\$101.00	\$8.00	\$13.00
16	\$76.00	\$70.00	\$101.00	\$8.00	\$13.00
17	\$68.00	\$60.00	\$101.00	\$8.00	\$13.00
18 *3	500 g. \$68.00	\$60.00	\$101.00	\$8.00	\$13.00
	1000 g. \$136.00				
19	\$90.00	\$146.00 *4	\$202.00 *5	\$8.00	\$13.00
20	\$90.00	\$70.00	\$101.00	\$8.00	\$13.00
21	\$90.00	\$82.00	\$101.00	\$8.00	\$13.00

*1 Standard 400 seed germination test.

*2 Additional sprout counts incur hourly charge.

*3 Includes sodium hydroxide test.

*4 Germ includes dormant TZ count.

*5 Test requires 400 seed TZ according to AOSA rules.

(2) There will be no refund on completed tests. Work will be billed proportional to the amount completed at the time of cancellation. Minimum billed will be one quarter of the hourly rate.

(3) Additional billing will be in 15-minute increments with a minimum of one quarter of the hourly rate for dirty or heavy inert samples which require hand picking for purity analysis.

(4) Additional requests will incur another sample processing check-in fee.

[Statutory Authority: RCW 15.120.030(3), 15.49.021, 15.49.310, and chapter 34.05 RCW. WSR 17-08-090, § 16-303-200, filed 4/5/17, effective]

tive 5/6/17. Statutory Authority: RCW 15.49.310, chapter 34.05 RCW, and 2012 2nd sp.s. c 7. WSR 12-19-065, § 16-303-200, filed 9/17/12, effective 10/18/12. Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. WSR 07-21-060, § 16-303-200, filed 10/12/07, effective 12/1/07. Statutory Authority: 2003 1st sp.s. c 25 § 309(2), RCW 15.49.310, 15.49.370(3) and chapter 34.05 RCW. WSR 05-12-053, § 16-303-200, filed 5/26/05, effective 6/26/05. Statutory Authority: Chapters 15.49 and 34.05 RCW, 2003 c 308. WSR 03-18-071, § 16-303-200, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.370(3), 15.49.310, and chapter 34.05 RCW. WSR 03-08-005, § 16-303-200, filed 3/20/03, effective 4/20/03. Statutory Authority: Chapters 15.49 and 34.05 RCW. WSR 02-12-061, § 16-303-200, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 01-01-015, § 16-303-200, filed 12/6/00, effective 1/6/01.]

AMENDATORY SECTION (Amending WSR 12-19-065, filed 9/17/12, effective 10/18/12)

WAC 16-303-210 Fees for special seed tests.

((Test	Fee	Additional Information
(1) All states noxious weed examination	\$36.00	
(2) Dormant Seed Test	\$45.00	
(a) For crops requiring a 400 seed TZ as required in the AOSA rules	\$90.00	
(b) This fee also applies to paired tests when required by AOSA rules		
(3) Cold (vigor) test for wheat	\$70.00	
(4) Crop or weed exam		Standard noxious amount from AOSA rules
(a) Turf type and other small seeded grasses	\$41.00	Kentucky bluegrass, timothy, alkaligrass, fine-leaved fescues
(b) Small seeded legumes and medium seeded crops	\$47.00	Brassicacs, ryegrass, tall fescue
(c) Wheatgrass and native species	\$54.00	
(d) Grains and large seeded legumes	\$24.00	
(5) Fescue seed ammonia test	\$33.00	Required on all certified Blue, Hard, and Sheep fescues
(6) Fluorescence test (400 seed test)	\$29.00	Required on all Perennial and Annual ryegrass samples
(7) Miscellaneous services, samples requiring extra time, field run samples, etc.	\$40.00/hour	
(8) Pest and disease (phyto exam) and/or soil exam	\$39.00	
(9) Quarantine tests on seed		
Bluegrass and Bentgrass	\$20.00/5 grams	
Other grasses	\$20.00/10 grams	
(10) Rules test—Canadian	PURITY	GERMINATION
Alfalfa, clover, peas, lentils	\$35.00	\$27.00
Kentucky bluegrass	\$53.00	\$33.00
Bentgrass	\$78.00	\$38.00

(Test	Fee	Additional Information
(11) Rules test— I.S.T.A.- Alfalfa, clover, peas, lentils	PURITY \$35.00	GERMINATION \$33.00
Kentucky bluegrass	\$53.00	\$33.00
(12) Moisture test	\$33.00	
(13) Seed Count		
(a) Large seed	\$10.00	
(b) Small seed	\$13.00	
(14) Sod seed analysis	Bluegrass \$81.00 Fescue \$56.00 Ryegrass \$45.00	
(15) Sodium Hydroxide test for presence of red and/or white wheat	\$23.00	
(16) Undesirable grass species test (includes an all-states noxious test) examination (UGS test)	\$76.00	
(17) Germination test in soil	\$54.00	
(18) Wheat bioassay test	\$54.00	
(19) Germination on mixtures Germination requiring embryo excision	\$40.00 per hour for separation of kinds or preparation time	This is in addition to the established germination fee))

Miscellaneous lab testing fees are as follows:

Miscellaneous Lab Fees - Part A											
Category	Sod or quality seed analysis *1	Undesirable grass species test, no other purity requested	Paired tests or 400 TZ when required by AOSA (from section 200)	Crop or weed exam standard AOSA working amount (in addition to other tests requested)	Quarantine tests on seed			Rules test-Canadian (No grade report)		Rules test-ISTA (No orange certificate)	
					Bluegrass (25 gram test)	Bentgrass and redtop (10 gram test)	Other seed stock (25 gram test)	Purity	Germ	Purity	Germ
1	N/A	N/A	\$202.00	\$76.00	N/A	N/A	N/A	\$76.00	\$59.00	\$76.00	\$59.00
2	N/A	N/A	\$202.00	\$76.00	N/A	N/A	N/A	\$68.00	\$59.00	\$68.00	\$59.00
3 *2	N/A	N/A	\$202.00	\$76.00	N/A	N/A	N/A	\$70.00	\$68.00	\$70.00	\$68.00
4	N/A	\$114.00	\$202.00	\$76.00	N/A	\$86.00	N/A	\$153.00	\$70.00	\$153.00	\$70.00
5	\$126.00	\$114.00	\$202.00	\$76.00	\$139.00	N/A	N/A	\$117.00	\$70.00	\$117.00	\$70.00
6	N/A	N/A	\$202.00	\$76.00	N/A	N/A	N/A	\$117.00	\$60.00	\$117.00	\$60.00
7	N/A	N/A	\$202.00	\$76.00	N/A	N/A	N/A	\$106.00	\$70.00	\$106.00	\$70.00
8	\$126.00	\$114.00	\$202.00	\$76.00	N/A	N/A	\$88.00	\$106.00	\$70.00	\$106.00	\$70.00
9	\$126.00	\$114.00	\$202.00	\$76.00	N/A	N/A	\$95.00	\$106.00	\$76.00	\$106.00	\$76.00
10	N/A	N/A	\$202.00	\$76.00	N/A	N/A	N/A	\$106.00	\$70.00	\$106.00	\$70.00
11	N/A	N/A	\$202.00	\$76.00	N/A	N/A	N/A	\$70.00	\$60.00	\$70.00	\$60.00
12	\$126.00	N/A	\$202.00	\$76.00	N/A	N/A	N/A	\$76.00	\$70.00	\$76.00	\$70.00
13	N/A	N/A	\$202.00	\$76.00	N/A	N/A	N/A	\$68.00	\$59.00	\$68.00	\$59.00
14	\$126.00	\$114.00	\$202.00	\$76.00	N/A	N/A	N/A	\$117.00	\$76.00	\$117.00	\$76.00
15	N/A	N/A	\$202.00	\$76.00	N/A	N/A	N/A	\$106.00	\$70.00	\$106.00	\$70.00
16	\$126.00	N/A	\$202.00	\$76.00	N/A	N/A	N/A	\$76.00	\$70.00	\$76.00	\$70.00
17	N/A	N/A	\$202.00	\$76.00	N/A	N/A	N/A	\$68.00	\$60.00	\$68.00	\$60.00
18	N/A	N/A	\$202.00	\$76.00	N/A	N/A	N/A	\$68.00	\$60.00	\$68.00	\$60.00
	N/A	N/A	\$202.00	\$76.00	N/A	N/A	N/A	\$139.00	\$60.00	\$139.00	\$60.00
19	N/A	N/A	\$202.00	\$76.00	N/A	N/A	N/A	\$70.00	\$70.00	\$70.00	\$70.00
20	N/A	N/A	\$202.00	\$76.00	N/A	N/A	N/A	\$125.00 *1	\$70.00	\$125.00 *1	\$70.00
21	N/A	N/A	\$202.00	\$76.00	N/A	N/A	N/A	\$125.00 *1	\$82.00	\$125.00 *1	\$82.00

*1 Minimum one hour, then billed in 15 minute increments.

*2 Additional sprout counts incur hourly charge.

Miscellaneous Lab Fee - Part B	
<u>Additional sodium hydroxide exam (wheat only)</u>	<u>\$47</u>
<u>Ammonia test (required for Fescue certification)</u>	<u>\$46</u>
<u>Bioassay (variety specific)</u>	<u>\$96</u>
<u>Broomrape (Orobanche minor) in red clover and other species (dry method)</u>	<u>\$110</u>
<u>Canadian seed grade report (Canadian test required)</u>	<u>\$45</u>
<u>Cold (vigor) test for wheat with Palouse soil</u>	<u>\$107</u>
<u>Cold test without soil</u>	<u>\$57</u>
<u>Cold test with soil - Specify soil type *1</u>	<u>\$65/hour</u>
<u>Dust like species exam (dry method) including broomrape (Orobanche minor)</u>	<u>\$152</u>
<u>Dodder exam</u>	<u>\$90</u>
<u>EC norms conversion from AOSA report</u>	<u>\$45</u>
<u>Electrical conductivity (EC)</u>	<u>\$158</u>
<u>Fluorescent test (all perennial and annual ryegrass)</u>	<u>\$40</u>
<u>Germination test in soil *1</u>	<u>\$65/hour</u>
<u>Hourly charge (applies to especially contaminated or extraordinary samples, e.g., sample prep for coated seed; also used for custom work such as sample preparation, special bulk searches). *1</u>	<u>\$65/hour</u>
<u>Mill check *1</u>	<u>\$65/hour</u>
<u>Miscellaneous service, in dirt samples, field run samples, cleaning inert *1</u>	<u>\$65/hour</u>
<u>Moisture test (oven) *1</u>	<u>\$65/hour</u>
<u>Moisture test/Dickey-John test</u>	<u>\$63</u>
<u>Noxious weed conversion fee</u>	<u>\$45</u>
<u>Noxious weed search in animal feed pellets, bird seed or organic matter *1</u>	<u>\$65/hour</u>
<u>Pest and disease (phytosanitary exam) and/or soil exam including sclerotinia, ergot, smut</u>	<u>\$95</u>
<u>Potassium iodine/iodide test *1</u>	<u>\$65/hour</u>
<u>Preliminary germination percent via email</u>	<u>\$15</u>
<u>Preclean quality grain exam</u>	<u>\$139</u>
<u>Seed coat dehull for TZ (Sanfoin/oat) *1</u>	<u>\$65/hour</u>
<u>Seed count, manual *1</u>	<u>\$65/hour</u>
<u>Seed count, mechanical</u>	<u>\$24</u>
<u>Seed mixture purity exam, each crop component</u>	<u>\$76</u>
<u>Species or veskof exam</u>	<u>\$222</u>
<u>Stress germination exam *1</u>	<u>\$65/hour</u>
<u>TKW 1000 seed count (total kernel weight/1000 seed)</u>	<u>\$56</u>
<u>Wheat species exam *1</u>	<u>\$65/hour</u>

*1 Billing in 15-minute increments with a minimum of one quarter of the hourly rate.

[Statutory Authority: RCW 15.49.310, chapter 34.05 RCW, and 2012 2nd sp.s. c 7. WSR 12-19-065, § 16-303-210, filed 9/17/12, effective 10/18/12. Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. WSR 07-21-060, § 16-303-210, filed 10/12/07, effective 12/1/07. Statutory Authority: 2003 1st sp.s. c 25 § 309(2), RCW 15.49.310, 15.49.370(3) and chapter 34.05 RCW. WSR 05-12-053, § 16-303-210, filed 5/26/05, effective 6/26/05. Statutory Authority: Chapters 15.49 and 34.05 RCW, 2003 c 308. WSR 03-18-071, § 16-303-210, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.370(3), 15.49.310, and

chapter 34.05 RCW. WSR 03-08-005, § 16-303-210, filed 3/20/03, effective 4/20/03. Statutory Authority: Chapters 15.49 and 34.05 RCW. WSR 02-12-061, § 16-303-210, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 01-01-015, § 16-303-210, filed 12/6/00, effective 1/6/01.]

AMENDATORY SECTION (Amending WSR 12-19-065, filed 9/17/12, effective 10/18/12)

WAC 16-303-230 Official seed sampling or similar service. Seed lots for official sampling must be made available to the inspector upon arrival to avoid assessment of additional fees for standby-time. Standby-time when the inspector is on-site while samples are prepared for official sampling will be billed in 15-minute increments at a minimum of one quarter of the hourly rate.

Fees for official sampling are in addition to travel time and mileage.

((Crop	Fee	Minimum charge
Peas, beans, small grains or seeds of similar size	Standard sampling \$0.09 per cwt.	\$40.00
	I.S.T.A. sampling \$0.11 per cwt. plus \$9.00 per lot	\$40.00 plus \$9.00 per lot
For all other kinds	Standard sampling \$0.20 per cwt.	\$40.00
	I.S.T.A. sampling \$0.24 per cwt. plus \$9.00 per lot	\$40.00 plus \$9.00 per lot))

Crop	Test	Fee	Minimum charge
<u>Peas, beans, small grains or seeds of similar size</u>	<u>Standard sampling</u>	<u>\$0.13 per cwt.</u>	<u>\$90</u>
<u>Peas, beans, small grains or seeds of similar size</u>	<u>I.S.T.A. sampling</u>	<u>\$0.21 per cwt. plus \$13.00 per lot</u>	<u>\$90</u>
<u>For all other kinds</u>	<u>Standard sampling</u>	<u>\$0.28 per cwt.</u>	<u>\$90</u>
<u>For all other kinds</u>	<u>I.S.T.A. sampling</u>	<u>\$0.33 per cwt. plus \$13.00 per lot</u>	<u>\$90</u>

[Statutory Authority: RCW 15.49.310, chapter 34.05 RCW, and 2012 2nd sp.s. c 7. WSR 12-19-065, § 16-303-230, filed 9/17/12, effective 10/18/12. Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. WSR 07-21-060 and 07-24-082, § 16-303-230, filed 10/12/07 and 12/5/07, effective 12/1/07 and 1/5/08. Statutory Authority: Chapters 15.49 and 34.05 RCW, 2003 c 308. WSR 03-18-071, § 16-303-230, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.370(3), 15.49.310, and chapter 34.05 RCW. WSR 03-08-005, § 16-303-230, filed 3/20/03, effective 4/20/03. Statutory Authority: Chapters 15.49 and 34.05 RCW. WSR 02-12-061, § 16-303-230, filed 5/30/02, effective 6/30/02. Statutory

Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 01-01-015, § 16-303-230, filed 12/6/00, effective 1/6/01.]

AMENDATORY SECTION (Amending WSR 12-19-065, filed 9/17/12, effective 10/18/12)

WAC 16-303-240 Fees for blending seed. (1) Blending fee is not applicable to salvage blends.

((Grass option B*	Washington origin seed	\$1.10 per cwt.
Grass option B*	Out-of-state origin	\$0.66 per cwt.
Grass option A and all other blends of other crops		\$0.10 per cwt.
*See WAC 16-303-320, footnote 6 for information on option A and option B.))		

(2) Blending fees are as follows:

Seed Origin	Fee
<u>Washington origin certified seed</u>	<u>\$17.00 Application plus cost of tag</u>
<u>Out-of-state origin certified seed</u>	<u>\$17.00 Application plus cost of tag</u>

(3) See WAC 16-303-350 for tagging fees.

(4) A blend data sheet is filled out with the certifying agency and must be presented at the time of application and maintained by the seed conditioner. Blend data sheet forms can be obtained from the department.

[Statutory Authority: RCW 15.49.310, chapter 34.05 RCW, and 2012 2nd sp.s. c 7. WSR 12-19-065, § 16-303-240, filed 9/17/12, effective 10/18/12. Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. WSR 07-21-060, § 16-303-240, filed 10/12/07, effective 12/1/07. Statutory Authority: Chapters 15.49 and 34.05 RCW, 2003 c 308. WSR 03-18-071, § 16-303-240, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 01-01-015, § 16-303-240, filed 12/6/00, effective 1/6/01.]

AMENDATORY SECTION (Amending WSR 12-19-065, filed 9/17/12, effective 10/18/12)

WAC 16-303-250 Miscellaneous charges for seed services. Fees for miscellaneous department seed services are as follows:

((Service	Fee
<u>Rush samples (including phone or FAX report if requested at time sample is submitted)</u>	<u>\$16.00</u>

((Service		Fee
High priority sample - Purity result completed before the end of the next business day. (Special circumstances only. Call ahead for availability.)		\$160.00
Additional mailing of report		\$6.00 each destination
Additional copies of reports		\$3.00 minimum fee
Revised reports		\$11.00 minimum (hourly fee when applicable)
Fee for special shipping and handling service, for example Federal Express, Air Parcel or air freight		\$5.00 plus exact shipping cost
Fee for facsimile transmission of documents		\$1.00 per document
Mileage - Additional or special requested trips		As established by the Washington State Office of Financial Management
Stand-by time - Or travel time	\$40.00/hour	Travel time to be charged when special trip is requested.))

Service	Fee
<u>Rush sample (purity started in 48 hours, including phone report if requested at time sample is submitted)</u>	<u>\$136.00</u>
<u>Super rush sample - Purity result completed before the end of the next business day. (Based upon availability with a limit per day, call ahead for availability.)</u>	<u>\$204.00</u>
<u>Paper documents: Additional copies-digital</u>	<u>\$8.00</u>
<u>Paper documents: Additional copies-registered mail</u>	<u>\$8.00 plus exact shipping cost</u>
<u>Samples: Fee for special shipping/packaging for seed samples, plant health samples (live plants) by Federal Express, air parcel or air freight</u>	<u>\$20.00 plus exact shipping cost</u>
<u>All other shipping and handling</u>	<u>\$8.00 plus exact shipping cost</u>
<u>Revised reports</u>	<u>\$15.00 minimum (hourly fee when applicable)</u>
<u>Combined reports</u>	<u>\$15.00 minimum (hourly fee when applicable)</u>
<u>Drive time and mileage for additional or special requested trips</u>	<u>Drive time at hourly rate plus mileage - OFM rate</u>
<u>Field staff stand-by time at warehouse *1 *2</u>	<u>\$65/hour</u>
<u>Split seed sample for outsourcing</u>	<u>\$50.00</u>
<u>Digital photo</u>	<u>\$11.00/photo</u>
<u>Washington Wilderness Hay and Mulch (WWHAM) certification, if conducted at time of seed certification inspection</u>	<u>\$90.00</u>
<u>Washington Wilderness Hay and Mulch (WWHAM) certification, if not conducted at time of seed certification inspection</u>	<u>\$90.00 plus drive time at hourly rate plus mileage - OFM rate</u>
<u>Cancellation of seed test *1</u>	<u>Proportional to work completed prior to cancellation-hourly rate for a minimum of 15 minutes</u>

<u>Service</u>	<u>Fee</u>
Hourly rate	\$65/hour

*1 No refund on completed tests or work. Work will be billed proportional to amount completed at the time of request.

*2 Minimum billed will be one quarter of the hourly rate.

[Statutory Authority: RCW 15.49.310, chapter 34.05 RCW, and 2012 2nd sp.s. c 7. WSR 12-19-065, § 16-303-250, filed 9/17/12, effective 10/18/12. Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. WSR 07-21-060, § 16-303-250, filed 10/12/07, effective 12/1/07. Statutory Authority: 2003 1st sp.s. c 25 § 309(2), RCW 15.49.310, 15.49.370(3) and chapter 34.05 RCW. WSR 05-12-053, § 16-303-250, filed 5/26/05, effective 6/26/05. Statutory Authority: Chapters 15.49 and 34.05 RCW, 2003 c 308. WSR 03-18-071, § 16-303-250, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.370(3), 15.49.310, and chapter 34.05 RCW. WSR 03-08-005, § 16-303-250, filed 3/20/03, effective 4/20/03. Statutory Authority: Chapters 15.49 and 34.05 RCW. WSR 02-12-061, § 16-303-250, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 01-01-015, § 16-303-250, filed 12/6/00, effective 1/6/01.]

AMENDATORY SECTION (Amending WSR 12-19-065, filed 9/17/12, effective 10/18/12)

WAC 16-303-300 Phytosanitary certification of seed—Fees.

<u>(Service</u>	<u>Fee</u>	<u>Additional Information</u>
Federal Phytosanitary certificate	\$50.00	
State Phytosanitary certificate	\$45.00	
Field inspection - All seed except wheat seed (for each required inspection)	\$5.83 per acre, per required inspection	\$55.00 minimum fee, per inspection
Field inspection - Wheat seed only	\$2.33 per acre or fraction thereof	\$55.00 minimum fee, per inspection
Area inspection	\$0.60 per acre	
Late fee - Per application	\$50.00))	

<u>Service</u>	<u>Fee</u>	<u>Additional Information</u>
<u>Federal phytosanitary certificate</u>	<u>\$70.00</u>	<u>Additional hourly fee may apply for consultation and billed at one quarter of the hourly rate</u>
<u>State phytosanitary certificate</u>	<u>\$63.00</u>	<u>Additional hourly fee may apply for consultation and billed at one quarter of the hourly rate</u>
<u>Certificate of origin</u>	<u>\$55.00</u>	<u>Additional hourly fee may apply for consultation and billed at one quarter of the hourly rate</u>
<u>Resignature</u>	<u>\$4.00</u>	<u>Resignature of expired visual *1</u>
<u>Verification</u>	<u>\$4.00</u>	<u>Reexport phytosanitary verification</u>
<u>Phytosanitary field application *2</u>	<u>\$45.00</u>	<u>No refund after processing</u>

<u>Service</u>	<u>Fee</u>	<u>Additional Information</u>
<u>Phytosanitary field inspection - All seed (for each required inspection) *2 *3</u>	<u>\$8.00 per acre, per required inspection</u>	<u>\$90 minimum fee, per inspection. No refund after inspection is completed</u>
<u>Area inspection *2 *3</u>	<u>\$3.11 per acre, per required inspection</u>	<u>Plus travel time and mileage</u>
<u>Late fee - Per field application</u>	<u>\$139.00</u>	<u>Based on scheduling may also include travel time and mileage. After application due date, application may be rejected</u>
<u>Nematode soil sample</u>	<u>\$33.00</u>	<u>Flat fee per sample</u>

Phytosanitary field application due dates are found in WAC 16-301-220.

*1 Prior departmental authorization required in advance and site must meet specific criteria to qualify.

*2 No refund on rejected fields due to findings or results. To be eligible for a refund of the per acre fee, the seed crop application must be withdrawn prior to field inspection.

*3 An outsourced plant health analysis or laboratory exam may be applicable to assess field health and may result in costs separate from the inspection application and acreage fee.

[Statutory Authority: RCW 15.49.310, chapter 34.05 RCW, and 2012 2nd sp.s. c 7. WSR 12-19-065, § 16-303-300, filed 9/17/12, effective 10/18/12. Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. WSR 07-21-060, § 16-303-300, filed 10/12/07, effective 12/1/07. Statutory Authority: Chapters 15.49 and 34.05 RCW, 2003 c 308. WSR 03-18-071, § 16-303-300, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.370(3), 15.49.310, and chapter 34.05 RCW. WSR 03-08-005, § 16-303-300, filed 3/20/03, effective 4/20/03. Statutory Authority: Chapters 15.49 and 34.05 RCW. WSR 02-12-061, § 16-303-300, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 01-01-015, § 16-303-300, filed 12/6/00, effective 1/6/01.]

AMENDATORY SECTION (Amending WSR 12-19-065, filed 9/17/12, effective 10/18/12)

WAC 16-303-310 Organization for economic cooperation and development scheme for varietal certification (O.E.C.D.) fees. In addition to fees required by applicable Washington certification rules, the following fees shall apply to all seed tagged O.E.C.D. and is payable by the person requesting O.E.C.D. certificate. The certifying agency may require fees paid in advance:

<u>(Service</u>	<u>Fee</u>	<u>Additional Information</u>
O.E.C.D. certificate	\$17.00 each	
O.E.C.D. grow-out test	\$72.00 each entry	No charge for control entry
O.E.C.D. assessment	cost to program	This is a pass through fee to USDA
O.E.C.D. tagging fee*	\$0.91/ewt.	All grasses except tall feseue
	\$0.55/ewt.	Tall feseue
	\$0.57/ewt.	All other crops

* Minimum tagging fee is \$13.00.)

<u>Service</u>	<u>Fee</u>
<u>O.E.C.D. assessment *1</u>	<u>Actual cost to program. This is a pass through fee to USDA</u>
<u>O.E.C.D. certificate *2</u>	<u>\$40.00 each</u>

<u>Service</u>	<u>Fee</u>
<u>O.E.C.D. reissued certificate</u>	<u>See Section 250 for additional document copies</u>
<u>O.E.C.D. grow out test *3</u>	<u>\$100.00 each entry</u>
<u>O.E.C.D. tagging fee *4</u>	<u>\$17.00 Application plus tag fee cost</u>

*1 An additional O.E.C.D. assessment will be billed on each O.E.C.D. seed lot assessed by USDA-O.E.C.D. authorities. These charges will be billed in addition to other listed fees.
 *2 O.E.C.D. certificate fee does not include required field application, inspection, laboratory fees or tagging.
 *3 No charge for control entry.
 *4 See WAC 16-303-350 for tagging fee.

[Statutory Authority: RCW 15.49.310, chapter 34.05 RCW, and 2012 2nd sp.s. c 7. WSR 12-19-065, § 16-303-310, filed 9/17/12, effective 10/18/12. Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. WSR 07-21-060, § 16-303-310, filed 10/12/07, effective 12/1/07. Statutory Authority: 2003 1st sp.s. c 25 § 309(2), RCW 15.49.310, 15.49.370(3) and chapter 34.05 RCW. WSR 05-12-053, § 16-303-310, filed 5/26/05, effective 6/26/05. Statutory Authority: Chapters 15.49 and 34.05 RCW, 2003 c 308. WSR 03-18-071, § 16-303-310, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.370(3), 15.49.310, and chapter 34.05 RCW. WSR 03-08-005, § 16-303-310, filed 3/20/03, effective 4/20/03. Statutory Authority: Chapters 15.49 and 34.05 RCW. WSR 02-12-061, § 16-303-310, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 01-01-015, § 16-303-310, filed 12/6/00, effective 1/6/01.]

AMENDATORY SECTION (Amending WSR 12-19-065, filed 9/17/12, effective 10/18/12)

WAC 16-303-315 ((Service fee for sod)) Quality seed ((tags and)) tagging. (1) Service fee for ((sod)) quality seed tags and tagging shall be \$0.25 per cwt. ((Minimum tagging fee is \$13.00.))

<u>Service</u>	<u>Fee</u>
<u>Quality Sod tag</u>	<u>\$17.00 Application plus \$0.25 cwt and tag fee</u>
<u>Quality Timothy tag</u>	<u>\$17.00 Application plus tag fee</u>
<u>Quality Orchardgrass tag</u>	<u>\$17.00 Application plus tag fee</u>

(2) Seed lots which meet the field and seed standards will be tagged with a "quality seed" tag per WAC 16-302-395 through 16-302-410 or WAC 16-302-740 through 16-302-756.

(3) Tag fees are specified in WAC 16-303-350.

(4) Quality tagging does not include required field inspection or laboratory analysis.

[Statutory Authority: RCW 15.49.310, chapter 34.05 RCW, and 2012 2nd sp.s. c 7. WSR 12-19-065, § 16-303-315, filed 9/17/12, effective 10/18/12. Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. WSR 07-21-060, § 16-303-315, filed 10/12/07, effective 12/1/07. Statu-

tory Authority: Chapters 15.49 and 34.05 RCW, 2003 c 308. WSR 03-18-071, § 16-303-315, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 01-01-015, § 16-303-315, filed 12/6/00, effective 1/6/01.]

AMENDATORY SECTION (Amending WSR 17-08-090, filed 4/5/17, effective 5/6/17)

WAC 16-303-320 Certification fees for seed certified by the department. Seed certification fees apply to seed classes identified in WAC 16-302-015, as follows:

(1) Fees apply to both new and renewal applications.

(2) Seed certification application due dates are specified in WAC 16-302-050.

(3) The ((seed processor)) applicant for seed certification is responsible for seed certification fees including sampling, testing, ((production)) tagging and final certification fees, and may accept responsibility for any other additional fees associated with certification. Fees for services such as O.E.C.D. and ((seed)) quality exams, etc., are in addition to the fees listed in this section.

((Seed	Application Fee 1/	Seedling field inspection fee	Seedling producing or field inspection Fee 2/	Late Application Penalty Fee	Reinspection Fee (other than isolation)	Production Fee (includes tagging) 7/10/11/	Seed shipped Out-of-State (uncleaned)
Alfalfa, Red clover, White clover and Trefoil	\$32.25 per variety per grower	\$54.00 per field	\$2.00 per acre	\$50.00	\$58.00 per field	\$0.57/ewt. 5/	\$0.22/ewt.
Annual grasses	\$32.25 per field	N/A	\$2.00 per acre	\$50.00 per field	\$58.00 per field	\$0.45/ewt.	\$0.22
Bean	\$32.25 per variety per grower	N/A	\$2.00 per acre 3/ (one inspection) \$4.00 per acre 4/ (two inspections)	\$50.00	\$58.00 per field	\$0.57/ewt.	\$0.22/ewt.
Corn	\$32.25 per field	N/A	\$55.00 first acre \$12.00 ea. additional acre except hybrid corn \$5.35 ea. additional acre	\$50.00	—	\$0.15 per tag issued	\$4.00 per document
Industrial hemp	\$32.25 per field	N/A	Hourly rate, travel time and mileage as established in WAC 16-303-250	\$50.00	Additional inspections: Hourly rate, travel time and mileage as established in WAC 16-303-250	\$0.15 per tag issued; \$15.00 minimum fee	N/A
Perennial Grasses 6/	\$32.25 per field	\$54.00 per field	\$54.00 per field	\$50.00	\$58.00 per field	Option A \$0.91/ewt. for all grass except tall fescue \$0.55/ewt. tall fescue Option B \$1.26/ewt. (min. \$12.54)	\$0.34
Rapeseed, Canola, and Mustard	\$32.25 per variety per grower	N/A	\$2.00 per acre (one inspection)	\$50.00 per grower	\$58.00 per field	\$0.57/ewt.	\$0.22
Turnip, Rutabaga, Kale	\$32.25 per field	N/A	\$4.00 per acre (two inspections)	\$50.00	\$58.00 per field	\$0.57/ewt.	\$0.22

- 1/ ~~Seed certification application due dates can be found in WAC 16-302-050.~~
- 2/ ~~Seedling producing or field inspection fees are refundable if the acreage is withdrawn before the inspection is completed. In the case of bean seed, fees are required of seedling fields to be harvested for certification the year of planting.~~
- 3/ ~~One inspection is required for Great Northern Red Mexican, pinto, pink, and small white bean.~~
- 4/ ~~Includes windrow inspection which is required for certification of snap beans, kidney beans, and eligibility for shipment into the state of Idaho.~~
- 5/ ~~Production fees are billed at completion of laboratory analysis tests. If no seed is tagged, \$0.10 of the \$0.57 per cwt. production fee is refundable.~~
- 6/ ~~Option A: Inspection and final certification fees are based on pounds sampled and billed upon completion of required laboratory tests.
Option B: Inspection and final certification fees are based on pounds tagged after required laboratory tests are completed. Those dealers requesting sampling and tagging privileges and/or participation in Option B must sign a memorandum of agreement that shall expire on June 30 of each year. The memorandum may be terminated by the director if the conditioner violates certification standards or requirements of memorandum.~~
- 7/ ~~Does not include shipping and handling charge for tags.~~
- 8/ ~~Service inspection of seed fields
Service inspection will be charged the established hourly rate inclusive of travel time and inspection time. This excludes the seedling inspection which is charged according to the above chart.
Service inspections will be charged a mileage fee based upon the OFM mileage rate.~~
- 9/ ~~Hybrid inspections (pollen counts)
All crops except corn and industrial hemp:
(a) \$48.50 per inspection if done at the time of the certification inspection.
(b) \$135.00 per inspection if not conducted at the time of the certification inspection.~~
- 10/ ~~Minimum tagging fee is \$13.00.~~
- 11/ ~~For seed lots in packages of less than 25 lbs., tags are \$0.15 per tag in addition to the production fee.
(2) Other fees associated with grass seed certification:
Out-of state origin seed tagged with interagency certification tags.~~

Grass Option A:	\$0.33 per cwt.
Grass Option B:	\$0.73 per cwt.

~~(3) Reissuance of certification tags is \$0.15 per tag or a minimum fee of \$13.00.)~~

(4) Certification fees for seed certified by the department are as follows:

Crop	Application Fee	Seedling Field Inspection Fee	Seedling Producing or Field Inspection Fee	Late Application Penalty Fee	Reinspection Fee (other than isolation)	Seed Shipped Out-of-State (uncleaned) Document Fee
Alfalfa, Red clover, White clover and Trefoil	\$45 per field	\$3.90 per acre, per required inspection	\$3.90 per acre, per required inspection	\$139 fee per late application	hourly rate plus drive time and mileage	\$7 each document
Annual grass	\$45 per field	N/A	\$3.90 per acre, per required inspection	\$139 fee per late application	hourly rate plus drive time and mileage	\$7 each document
Bean *1 *2	\$45 per field	N/A	\$3.90 per acre, per required inspection	\$139 fee per late application	hourly rate plus drive time and mileage	\$7 each document
Camelina	\$45 per field	N/A	\$3.90 per acre, per required inspection	\$139 fee per late application	hourly rate plus drive time and mileage	\$7 each document
Corn (Hybrid and nonhybrid) *3	\$45 per field	N/A	\$76.00 first acre, \$17 each additional acre	\$139 fee per late application	hourly rate plus drive time and mileage	\$8 each document
Hemp	\$45 per field	N/A	\$3.90 per acre, per required inspection	\$139 fee per late application	hourly rate plus drive time and mileage	\$7 each document
Perennial grass	\$45 per field	\$3.90 per acre, per required inspection	\$3.90 per acre, per required inspection	\$139 fee per late application	hourly rate plus drive time and mileage	\$7 each document
Radish	\$45 per field	N/A	\$3.90 per acre, per required inspection	\$139 fee per late application	hourly rate plus drive time and mileage	\$7 each document
Rapeseed, Canola, and Mustard	\$45 per field	\$3.90 per acre, per required inspection	\$3.90 per acre, per required inspection Hybrid rapeseed, canola and mustard \$7.00 per acre, per required inspection	\$139 fee per late application	hourly rate plus drive time and mileage	\$7 each document
Sunflower	\$45 per field	N/A	\$3.90 per acre, per required inspection Hybrid sunflower \$7.00 per acre, per required inspection	\$139 fee per late application	hourly rate plus drive time and mileage	\$7 each document
Turnip, Rutabaga, Kale	\$45 per field	N/A	\$3.90 per acre, per required inspection	\$139 fee per late application	hourly rate plus drive time and mileage	\$7 each document

<u>Crop</u>	<u>Application Fee</u>	<u>Seedling Field Inspection Fee</u>	<u>Seedling Producing or Field Inspection Fee</u>	<u>Late Application Penalty Fee</u>	<u>Reinspection Fee (other than isolation)</u>	<u>Seed Shipped Out-of-State (uncleaned) Document Fee</u>
<u>Woody Plants and Forbs</u>	<u>\$45 per field</u>	<u>N/A</u>	<u>\$3.90 per acre, per required inspection</u>	<u>\$139 fee per late application</u>	<u>hourly rate plus drive time and mileage</u>	<u>\$7 each document</u>
<u>Service Inspections excluding hybrid</u>	<u>\$45 per field</u>	<u>\$3.90 per acre, per required inspection</u>	<u>\$3.90 per acre, per required inspection</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Annual and Rough Bluegrass Quarantine</u>	<u>\$45 per field</u>	<u>\$87.60 per acre plus time and mileage including travel time</u>	<u>\$87.60 per acre plus time and mileage including travel time</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

*1 One inspection is required for Great Northern, Red Mexican, pinto, pink, and small white bean.

*2 Includes windrow inspection which is required for certification of snap beans, kidney beans, and eligibility for shipment into the state of Idaho.

*3 Corn bin inspection billed at 45 minutes of the hourly rate per inspection.

(5) Crop acreage fee does not include required laboratory fees or tagging. Minimum tagging fee is \$17.00 per application. Tagging fees are specified in WAC 16-303-350. This does not include the shipping and handling charge for tags.

(6) (a) Crop hybrid pollen count:

(b) All crops except corn and hemp:

(i) \$67.42 per inspection if done at the time of the certification inspection.

(ii) \$187.00 per inspection is not conducted at the time of the certification inspection.

(7) No refund on rejected fields due to findings or results. To be eligible for a refund of the per acre fees, the seed crop application must be withdrawn prior to the field inspection.

(8) Seed stock class (foundation/prebasic, registered/basic) of all crops for certification \$32.50 per field plus per acre fee.

(9) Seedling field inspection and seedling producing or field inspection fee is \$90 minimum fee, per inspection.

(10) Seedling field inspection and seedling producing or field inspection fees are refundable if the acreage is withdrawn before the inspection is completed. In the case of bean seed, fees are required of seedling fields to be harvested for certification the year of planting.

(11) Late application penalty fee is based on scheduling and may also include travel time and mileage. After application due date, application may be rejected.

(12) Reinspection fee mileage will be charged at the current OFM mileage rate.

[Statutory Authority: RCW 15.120.030(3), 15.49.021, 15.49.310, and chapter 34.05 RCW. WSR 17-08-090, § 16-303-320, filed 4/5/17, effective 5/6/17. Statutory Authority: RCW 15.49.310, chapter 34.05 RCW, and 2012 2nd sp.s. c 7. WSR 12-19-065, § 16-303-320, filed 9/17/12, effective 10/18/12. Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. WSR 07-21-060, § 16-303-320, filed 10/12/07, effective 12/1/07. Statutory Authority: 2003 1st sp.s. c 25 § 309(2), RCW 15.49.310, 15.49.370(3) and chapter 34.05 RCW. WSR 05-12-053, § 16-303-320, filed 5/26/05, effective 6/26/05. Statutory Authority:

Chapters 15.49 and 34.05 RCW, 2003 c 308. WSR 03-18-071, § 16-303-320, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.370(3), 15.49.310, and chapter 34.05 RCW. WSR 03-08-005, § 16-303-320, filed 3/20/03, effective 4/20/03. Statutory Authority: Chapters 15.49 and 34.05 RCW. WSR 02-12-061, § 16-303-320, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 01-01-015, § 16-303-320, filed 12/6/00, effective 1/6/01.]

NEW SECTION

WAC 16-303-350 Seed tagging fees. (1) Seed tagging fees for certification, O.E.C.D., crucifer and specialty tags are as follows:

Certified Tags	
Card stock 4x3: Sod quality, Quality Timothy, Quality Orchard grass, Foundation, Registered, Certified, Experimental, Select, Source Identified	\$0.03/tag
Certified substandard class	\$0.13/tag
Certified adhesive 4x3	\$0.06/tag
Registered adhesive	\$0.09/tag
OECD Tags	
OECD 4x3 1st Gen tag	\$0.08/tag
OECD 4x3 Prebasic, Basic	\$0.31/tag
OECD 4-5/8 x 2-7/8 adhesive	\$0.08/label
Crucifer Tags	
1.5x1 Crucifer adhesive label	\$0.19/label
1x3 Crucifer adhesive label	\$0.19/label
4x1 Crucifer adhesive label	\$0.10/label
4x3 Crucifer card stock	\$0.13/tag
4x8 Crucifer adhesive label	\$0.10/label
4x8 Crucifer card stock	\$0.13/tag
Specialty Tags	
Zip tie and all other specialty tags	\$2.22 each

(2) Reissuance of certification tags requires an application fee of \$17.00 plus price of tags.

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REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-303-317 Annual and rough bluegrass quarantine fees.