

## WSR 22-18-102

## PROPOSED RULES

## DEPARTMENT OF AGRICULTURE

[Filed September 7, 2022, 10:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-09-016.

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

Hearing Location(s): On October 25, 2022, at 1:00 p.m. Microsoft Teams conference line. Join by link [Click here to join the meeting](#) [no URL provided by agency]; join by phone +1 564-999-2000, Phone Conference ID 678 480 531#. Due to the ongoing COVID-19 pandemic, the public hearing will be held solely over video and teleconference.

Date of Intended Adoption: November 1, 2022.

Submit Written Comments to: Gloriann Robinson, Agency Rules Coordinator, P.O. Box 42560, Olympia, WA 98504-2560, email [wsdarulescomments@agr.wa.gov](mailto:wsdarulescomments@agr.wa.gov), fax 360-902-2092, by 5:00 p.m., October 25, 2022.

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](mailto:rmcnamara@agr.wa.gov), by October 18, 2022.

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

Increasing the following fees:

- The tonnage rate at tiers one and two for export vessels.
- Submitted United States Grains Standards Act (USGSA) and Washington state department of agriculture (WSDA) samples increase for inspections. The program wants to increase the fee to keep the program whole when conducting these inspections.
- USGSA trucks and containers per unit increase. This increase will ensure the program doesn't lose revenue while conducting these requests. Currently, the fee will not cover labor costs.
- USGSA and Agricultural Marketing Act (AMA) railcar probe sampling per railcar increase. More staff are required for the probing of railcars. This increase will keep the program whole.
- AMA additional factors per sample fee increase. This fee increase will allow the program to recoup the labor cost when conducting additional factors.
- Increase hundredweight fees for both USGSA and AMA. The program has not increased this fee in over a decade and has made the determination that an increase is necessary to keep up with the program's labor costs.
- Submitted AMA per sample increase. This will help the program keep up with the increase in labor costs to conduct these inspections. This fee has not increased in some time and our overhead rate has increased.
- Phytosanitary fee per certificate. This fee increase will bring the program to the current rate within industry. Our current fee does not pay for the time involved to generate certificates.

Adding the following fees:

- An additional fee rate under tier 2 for vessels and local with approved automated weighing systems in WAC 16-240-070 (USGSA Table 1) and WAC 16-240-080 (AMA Table 1). This will offer a reduced rate level at tier 2 and provide a greater benefit for those who have an automated weighing system.
- An official bag fee for any export elevator locations.
- A new fee for class Y weighing in WAC 16-240-070 (USGSA Table 4) because, currently, the program is charging the hourly rate of \$56.00, which is not cost effective. By adding the fee rate per railcar, the program will be accurately charging for the service at a lower rate to stakeholders.
- A fee for warehousemen samples and reinspections in WAC 16-240-070 (adding USGSA Table 10). The program is required under federal regulations to charge for warehousemen samples and reinspections. This fee will provide stakeholders the ability to request this service and receive a reduced rate following the Federal Grain Inspection Service (FGIS) Directive 9180.36.

Clarifying the following language:

- Updating language in WAC 16-240-038(2) to include tier 2 charges into the daily revenue minimum along with tier 1, and leaving only tier 3 as the rate that will need to be in effect for export locations to not be subject to the daily revenue minimum charges.

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

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

Statutory Authority for Adoption: RCW 22.09.020 and 22.09.790.

Statute Being Implemented: Chapter 22.09 RCW.

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

Name of Proponent: 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: Philip Garcia, 1111 Washington Street S.E., Olympia, WA 98504, 360-902-1921.

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

A cost-benefit analysis is not required under RCW 34.05.328. 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

Chapter 16-240 WAC, WSDA Grain Inspection Program—Definitions, Standards, and Fees  
September 7, 2022

**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.**

**Program History and Overview:** The grain inspection program was established under chapter 22.09 RCW and provides sampling, weighing, quality testing, grade inspection, and phytosanitary services for grains and commodities following USDA and WSDA regulations. The program provides these services at facilities across Washington, verifying and certifying the condition of Washington and other regional grains and commodities, an essential documentation process for large-scale trade in domestic and international markets. According to the 2020 USDA economic web page, the grain industry generated 9.8 billion dollars in cash receipts.

**Proposed Amendment:** The department is proposing to increase program fees, revise the fee structure to more accurately reflect the scope of services provided, including, but not limited to, adding fees for services that are not specifically identified, and clarifying language to ease in the understanding of the rule.

**History of the Issue:** RCW 22.09.790 requires the department to fix fees for the inspection, grading, and weighing of commodities included in the provisions of this chapter so that they are sufficient to cover the cost of such services. Based on a recent budget review, it was determined that the program is operating with a fund balance that is below a six-month operating reserve. If a fee increase is not initiated, the program will be in a negative fund balance within the next fiscal year and as a fee-for-service program, the grain program is prohibited from operating with a negative fund balance. Continuing to perform services at the current fee schedule will result in the program not being able to meet the needs of stakeholders.

**Why is the Amendment Needed?:** The program has not increased fees since 2012. Since the cost of operating has greatly increased in that time, this has caused a serious decline in the program's fund balance. The necessary increase in fees will allow the department to maintain program operations. The department is also proposing to restructure some of the existing fees in this rule to ensure the cost of providing services is recovered.

A significant factor contributing to the need to increase fees is our agency administrative rate. The program is required to pay a percentage of their salary and benefits cost to help cover the administrative support that the agency provides each program. Since 2017, the percentage has increased 5.7 percent, which is an increase of \$96,871.00 per month. This increase impacts the program significantly and our current fee structure is unable to keep up with the rising cost.

In addition to the increased agency administrative rate for support services such as human resources and IT, the program is also impacted by increased costs for goods and services as well as salary and benefits increases. Both goods and services and staff salaries are expected to continue to increase in the upcoming years.

The program has taken many cost-saving measures to avoid a fee increase over the last 10 years. Some examples are reducing overtime, finding alternative vendors to reduce spending, and taking a full comprehensive look at all inefficient spending throughout the program to reduce costs to the best of our ability.

**Probable Compliance Requirements:** The only probable compliance requirement will be paying the updated fees for grain program services. The program performed an in-depth analysis to determine the proposed fee structure. A detailed overview of what the cost of compliance will look like is in Section 3. The proposed updated fees are categorized by the following types of services:

- Table 3.1 shows fees for services under USGSA;
- Table 3.2 shows fees for services under AMA of 1946;
- Table 3.3 shows fees for other services performed by WSDA; and
- Table 3.4 shows the estimated cost of compliance for customers based on the proposed fee increases.

**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	Number of Businesses in Washington	Minor Cost Threshold = 1% of Average Annual Payroll	Minor Cost Threshold = 0.3% of Average Annual Revenue
111130	Dry Pea and Bean Farming	Redacted	Redacted±	Redacted**
111140	Wheat Farming	614	\$596.61±	\$945.89**
111191	Oilseed and Grain Combination Farming	20	\$884.00*	\$1,171.75**
111219	Other Vegetable (except Potato) and Melon Farming	406	\$3,503.04*	\$11,395.89**
111998	All Other Miscellaneous Crop Farming	222	\$11,782.08±	\$3,518.45**
112990	All Other Animal Production	20	\$718.62±	\$462.95**
115114	Postharvest Crop Activities (except Cotton Ginning)	123	\$50,457.84*	\$17,097.19**
311211	Flour Milling	6	\$12,777.53*	\$117,843.75**
311213	Malt Manufacturing	Redacted	Redacted±	\$92,328.39**
311221	Wet Corn Milling	Redacted	Redacted±	Redacted**
311230	Breakfast Cereal Manufacturing	Redacted	\$38,646.00***	\$117,100.22**
311999	All Other Miscellaneous Food Manufacturing	30	\$12,992.65±	\$28,280.31**
325412	Pharmaceutical Preparation Manufacturing	101	\$10,463.92*	\$45,550.97**
424480	Fresh Fruit and Vegetable Merchant Wholesalers	169	\$15,570.97*	\$47,928.58**
424490	Other Grocery and Related Products Merchant Wholesalers	434	\$7,269.70*	\$25,663.43**
424510	Grain and Field Bean Merchant Wholesalers	35	\$10,906.60*	\$53,558.90**
424590	Other Farm Product Raw Material Merchant Wholesalers	27	\$3,948.77*	\$7,750.68**
424910	Farm Supplies Merchant Wholesalers	234	\$10,501.05*	\$35,044.58**
424990	Other Miscellaneous Nondurable Goods Merchant Wholesalers	238	\$2,136.61±	\$7,559.52**
446191	Food (Health) Supplement Stores	168	\$2,540.74*	\$4,703.76**
484110	General Freight Trucking; Local	279	\$7,544.33*	\$2,184.34**
488210	Support Activities for Rail Transportation	40	\$7,358.09*	\$11,608.97**
488320	Marine Cargo Handling	50	\$72,468.28*	\$57,623.34**
488510	Freight Transportation Arrangement	490	\$11,020.17*	\$18,996.34**
493130	Farm Product Warehousing and Storage	19	\$19,783.78*	\$10,165.12**
523130	Commodity Contracts Dealing	3	\$2,091.46*	\$24,887.08**
531120	Lessors of Nonresidential Buildings (except Miniwarehouses)	502	\$4,919.59±	\$2,038.06**

NAICS Code (4, 5, or 6 Digit)	NAICS Business Description	Number of Businesses in Washington	Minor Cost Threshold = 1% of Average Annual Payroll	Minor Cost Threshold = 0.3% of Average Annual Revenue
541690	Other Scientific and Technical Consulting Services	1,552	\$2,707.38±	\$2,264.27**
541714	Research and Development in Biotechnology (except Nanobiotechnology)	254	\$66,044.66*	\$21,881.84**

\* Data source: 2020 Employment Security Department (ESD)

\*\* Data source: 2020 Department of Revenue (DOR)

\*\*\* Data source: 2020 Customs and Border Protection (CBP)

± Data source: 2020 United States Bureau of Labor Statistics (USBLS)

**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 16-240 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 the program to develop a new structure that will better recover costs per service. The result of the restructure is an increase in some of the domestic fees, an addition of fees that were not previously listed in rule, as well as an increase and restructure of the tonnage rate tiers, as shown in Tables 3.1 - 3.3.

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 if they had to find another option for these services.

While the proposed revision aims to restructure the existing fee structure for the services listed in the following tables, it does not impose any additional recordkeeping or administrative costs beyond those currently present in the existing rule.

The proposed rule language also revises the fees for services tables to clarify that the FGIS supervision fee described in WAC 16-240-039 may also be passed through to customers for requested services.

**Table 3.1 - Fees for services under USGSA (WAC 16-240-070)**

USGSA Table 1 Fees for Combination Inspection and Weighing Services		
Service	Current Fee	Proposed Fee
2. Vessels (export and domestic ocean-going), <b>Tier 1 rate, per metric ton</b>	\$0.250	\$0.300
3. Vessels and local (export and domestic ocean-going) with approved automated weighing systems, <b>Tier 1 rate, per metric ton</b>	\$0.230	\$0.280
4. Vessels and local (export and domestic ocean-going), <b>Tier 2 rate, per metric ton</b>	\$0.200	\$0.250
5. Vessels and local (export and domestic ocean-going) with approved automated weighing systems, <b>Tier 2 rate, per metric ton</b>	N/A	\$0.230
7. Official Ship Samples	N/A	\$7.00

8. Trucks or containers, <b>per truck or container</b>	\$25.00	\$35.00
<b>USGSA Table 2 Fees for Official Sampling and Inspection Without Weighing Services</b>		
<b>Service</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
1. Original or new sample reinspection trucks or containers sampled by approved grain probe, including factor only or sampling only services, <b>per truck or container</b>	\$20.00	\$30.00
5. Original or new sample reinspection railcars sampled by USDA approved grain probe, including factor only or sampling only services, <b>per railcar</b>	\$30.00	\$40.00
6. Inspection of bagged grain, including tote bags, per hundredweight (cwt)	\$0.100	\$0.140
7. Additional nongrade determining factor analysis, <b>per factor</b>	\$3.00	\$5.00
<b>USGSA Table 3 Fees for Official Class X Weighing Services Without an Inspection of Bulk</b>		
<b>Service</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
4. Class Y weighing per railcar	N/A	\$1.00
<b>USGSA Table 4 Fees for Inspection of Submitted Samples, Fees for Reinspections Based on Official File Samples and Fees for Additional Factors</b>		
<b>Service</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
1. Submitted samples, including factor-only inspections, <b>per inspection</b>	\$12.00	\$15.00
2. Reinspections based on official file sample, including factor-only reinspections, <b>per inspection</b>	\$12.00	\$15.00
3. Warehousemen samples*	N/A	\$15.00
4. Warehousemen Reinspection*	N/A	\$15.00
5. Additional, nongrade determining factor analysis, <b>per factor</b>	\$3.00	\$5.00

\* This service is not included in the proposed cost analysis for customers because this service was not previously provided. This is a new option that customers will have if they would like.

**Table 3.2 - Fees for services under AMA (WAC 16-240-080)**

<b>AMA Table 1 Fees for Combination Sampling, Inspection and Weighing Services, and Additional Factors</b>		
<b>Service</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
2. Vessels (export or domestic), <b>Tier 1 rate, per metric ton</b>	\$0.250	\$0.300
3. Vessels and local (export and domestic ocean-going) with approved automated weighing systems, <b>Tier 1 rate, per metric ton</b>	\$0.230	\$0.280
4. Vessels and local (export and domestic ocean-going), <b>Tier 2 rate, per metric ton</b>	\$0.200	\$0.250
5. Vessels and local (export and domestic ocean-going) with approved automated weighing systems, <b>Tier 2 rate, per metric ton</b>	N/A	\$0.230
7. Official Ship Samples	N/A	\$7.00
<b>AMA Table 2 Fees for Official Sampling and Inspection Without Weighing Services, and Additional Factors</b>		
<b>Service</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
4. Railcars sampled by USDA approved grain probe, including factor only or sampling only services, <b>per railcar</b>	\$30.00	\$40.00

5. Inspection of bagged commodities or tote bags, including factor only or sampling only services, <b>per hundredweight (cwt)</b>	\$0.100	\$0.140
6. Additional, nongrade determining factor analysis, <b>per factor</b>	\$3.00	\$5.00
<b>AMA Table 4 Fees for Inspecting Submitted Samples</b>		
<b>Service</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
1. Submitted sample, thresher run or processed, including factor-only inspections, <b>per sample</b>	\$20.00	\$24.00
2. Additional, nongrade determining factor analysis, <b>per factor</b>	\$3.00	\$5.00

**Table 3.3 - Fees for services performed by WSDA (WAC 16-240-090)**

<b>WSDA Table 1 Fees for Inspecting Miscellaneous Agricultural Commodities under Chapter 16-213 WAC</b>		
<b>Service</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
1. Submitted sample, <b>per sample</b>	\$12.00	\$15.00
3. Railcars, sampled by USDA approved grain probe, <b>per car</b>	\$30.00	\$40.00
4. Trucks or containers, sampled by USDA approved grain probe, <b>per truck or container</b>	\$20.00	\$30.00
<b>WSDA Table 2 Fees for Phytosanitary Certification</b>		
<b>Service</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
1. In conjunction with official inspection, <b>per certificate</b>	\$30.00	\$55.00

Between July 1, 2020, and June 1, 2021, an estimated 79 small businesses and 20 large businesses paid fees to the WSDA grain program. Table 3.4 shows the total fees paid by each business, as well as the estimated cost under the proposed fee increase.

**Table 3.4 - Estimated cost for businesses that paid fees between July 1, 2020, and June 1, 2021**

Assigned Business Number	Business Size	NAICS Code	Total Cost of Service Fees (current)	Total Cost of Tonnage Fees (current)	Total Cost of Service Fees (proposed)	Total Cost of Tonnage Fees (proposed)	Cost Difference	Percent Change
1	Small	111130	\$38.00	\$0.00	\$54.00	\$0.00	\$16.00	42%
2	Small	111140	\$48.00	\$0.00	\$60.00	\$0.00	\$12.00	25%
3	Small	111140	\$12.00	\$0.00	\$15.00	\$0.00	\$3.00	25%
4	Small*	111140	\$7,882.90	\$0.00	\$11,350.46	\$0.00	\$3,467.56	44%
5	Small	111140	\$27.00	\$0.00	\$35.00	\$0.00	\$8.00	30%
6	Small	111140	\$24.00	\$0.00	\$30.00	\$0.00	\$6.00	25%
7	Small*	111140	\$36.00	\$0.00	\$45.00	\$0.00	\$9.00	25%
8	Small	111140	\$36.00	\$0.00	\$45.00	\$0.00	\$9.00	25%
9	Small	111140	\$30.00	\$0.00	\$40.00	\$0.00	\$10.00	33%
10	Small	111140	\$244.00	\$0.00	\$300.00	\$0.00	\$56.00	23%
11	Small	111140	\$60.00	\$0.00	\$75.00	\$0.00	\$15.00	25%
12	Small	111140	\$84.00	\$0.00	\$105.00	\$0.00	\$21.00	25%
13	Small	111191	\$24.00	\$0.00	\$30.00	\$0.00	\$6.00	25%
14	Large	111219	\$12.00	\$0.00	\$15.00	\$0.00	\$3.00	25%
15	Small	111219	\$36.00	\$0.00	\$45.00	\$0.00	\$9.00	25%
16	Small	111998	\$12.00	\$0.00	\$15.00	\$0.00	\$3.00	25%
17	Small*	111998	\$48.00	\$0.00	\$60.00	\$0.00	\$12.00	25%
18	Small	111998	\$12.00	\$0.00	\$15.00	\$0.00	\$3.00	25%

Assigned Business Number	Business Size	NAICS Code	Total Cost of Service Fees (current)	Total Cost of Tonnage Fees (current)	Total Cost of Service Fees (proposed)	Total Cost of Tonnage Fees (proposed)	Cost Difference	Percent Change
19	Small	111998	\$51.00	\$0.00	\$65.00	\$0.00	\$14.00	27%
20	Small	111998	\$24.00	\$0.00	\$30.00	\$0.00	\$6.00	25%
21	Small	111998	\$27.00	\$0.00	\$35.00	\$0.00	\$8.00	30%
22	Small	111998	\$30.00	\$0.00	\$40.00	\$0.00	\$10.00	33%
23	Small	111998	\$63.00	\$0.00	\$80.00	\$0.00	\$17.00	27%
24	Small	111998	\$24.00	\$0.00	\$30.00	\$0.00	\$6.00	25%
25	Small	111998	\$36.00	\$0.00	\$45.00	\$0.00	\$9.00	25%
26	Small	112990	\$36.00	\$0.00	\$45.00	\$0.00	\$9.00	25%
27	Small	112990	\$24.00	\$0.00	\$30.00	\$0.00	\$6.00	25%
28	Small	112990	\$96.00	\$0.00	\$120.00	\$0.00	\$24.00	25%
29	Small	115114	\$486.00	\$0.00	\$680.40	\$0.00	\$194.40	40%
30	Small	115114	\$237.00	\$0.00	\$300.00	\$0.00	\$63.00	27%
31	Large	311211	\$42,989.00	\$2,273,998.00	\$129,031.00	\$2,729,812.80	\$541,955.80	23%
32	Small	311211	\$765.00	\$0.00	\$965.00	\$0.00	\$200.00	26%
33	Small	311211	\$2,311.00	\$0.00	\$2,857.00	\$0.00	\$546.00	24%
34	Large	311213	\$150.00	\$0.00	\$275.00	\$0.00	\$125.00	83%
35	Small	311221	\$60.00	\$0.00	\$75.00	\$0.00	\$15.00	25%
36	Small	311230	\$40.00	\$0.00	\$48.00	\$0.00	\$8.00	20%
37	Small	311230	\$12.00	\$0.00	\$15.00	\$0.00	\$3.00	25%
38	Small	311999	\$24.00	\$0.00	\$30.00	\$0.00	\$6.00	25%
39	Large	325412	\$603.00	\$0.00	\$755.00	\$0.00	\$152.00	25%
40	Small*	424480	\$96.00	\$0.00	\$117.00	\$0.00	\$21.00	22%
41	Large	424490	\$3,108.00	\$0.00	\$3,885.00	\$0.00	\$777.00	25%
42	Small	424510	\$159.00	\$0.00	\$200.00	\$0.00	\$41.00	26%
43	Small	424510	\$60.00	\$0.00	\$90.00	\$0.00	\$30.00	50%
44	Large	424510	\$1,764.00	\$1,300,763.75	\$19,705.00	\$1,561,008.90	\$278,186.15	21%
45	Small	424510	\$3,211.00	\$0.00	\$4,650.00	\$0.00	\$1,439.00	45%
46	Small	424510	\$4,494.00	\$0.00	\$5,875.00	\$0.00	\$1,381.00	31%
47	Small	424510	\$19,936.00	\$0.00	\$27,426.40	\$0.00	\$7,490.40	38%
48	Small	424510	\$2,677.00	\$0.00	\$3,667.00	\$0.00	\$990.00	37%
49	Small	424510	\$840.00	\$0.00	\$1,050.00	\$0.00	\$210.00	25%
50	Small	424510	\$42.00	\$0.00	\$55.00	\$0.00	\$13.00	31%
51	Small	424510	\$12.00	\$0.00	\$15.00	\$0.00	\$3.00	25%
52	Small	424510	\$1,149.00	\$0.00	\$1,608.60	\$0.00	\$459.60	40%
53	Large	424510	\$58,217.30	\$0.00	\$82,774.42	\$0.00	\$24,557.12	42%
54	Small	424510	\$30.00	\$0.00	\$55.00	\$0.00	\$25.00	83%
55	Large	424510	\$29,484.00	\$1,774,157.82	\$55,965.00	\$2,179,283.52	\$431,606.70	24%
56	Small	424510	\$48,813.60	\$0.00	\$71,579.04	\$0.00	\$22,765.44	47%
57	Small	424510	\$5,622.00	\$0.00	\$7,055.00	\$0.00	\$1,433.00	25%
58	Small	424510	\$16,456.00	\$0.00	\$26,109.40	\$0.00	\$9,653.40	59%
59	Small	424510	\$60.00	\$0.00	\$110.00	\$0.00	\$50.00	83%
60	Small	424510	\$12,990.00	\$0.00	\$23,815.00	\$0.00	\$10,825.00	83%
61	Small	424510	\$507.00	\$0.00	\$635.00	\$0.00	\$128.00	25%
62	Large	424510	\$30.00	\$0.00	\$55.00	\$0.00	\$25.00	83%
63	Large	424510	\$66,569.00	\$0.00	\$83,857.00	\$0.00	\$17,288.00	26%
64	Small	424510	\$41,588.00	\$0.00	\$57,804.00	\$0.00	\$16,216.00	39%
65	Small	424510	\$20,625.00	\$0.00	\$25,825.00	\$0.00	\$5,200.00	25%
66	Large	424510	\$33,854.00	\$0.00	\$42,603.00	\$0.00	\$8,749.00	26%
67	Large	424510	\$131,306.57	\$0.00	\$188,180.77	\$0.00	\$56,874.20	43%
68	Small	424510	\$3,412.00	\$0.00	\$4,267.00	\$0.00	\$855.00	25%
69	Large	424510	\$60.00	\$0.00	\$110.00	\$0.00	\$50.00	83%
70	Small	424510	\$44,721.00	\$0.00	\$56,165.00	\$0.00	\$11,444.00	26%

Assigned Business Number	Business Size	NAICS Code	Total Cost of Service Fees (current)	Total Cost of Tonnage Fees (current)	Total Cost of Service Fees (proposed)	Total Cost of Tonnage Fees (proposed)	Cost Difference	Percent Change
71	Large	424510	\$37,156.00	\$1,534,349.25	\$65,501.00	\$1,843,004.70	\$337,000.45	21%
72	Large	424510 **	\$32,755.50	\$3,122,985.86	\$49,424.10	\$3,775,312.26	\$668,995.00	21%
73	Small	424510	\$11,831.00	\$0.00	\$16,738.00	\$0.00	\$4,907.00	41%
74	Small	424590	\$24.00	\$0.00	\$30.00	\$0.00	\$6.00	25%
75	Small	424590	\$24.00	\$0.00	\$30.00	\$0.00	\$6.00	25%
76	Small	424590 **	\$12.00	\$0.00	\$15.00	\$0.00	\$3.00	25%
77	Small	424590 **	\$48.00	\$0.00	\$60.00	\$0.00	\$12.00	25%
78	Small	424590 **	\$60.00	\$0.00	\$75.00	\$0.00	\$15.00	25%
79	Small	424910	\$23.00	\$0.00	\$29.00	\$0.00	\$6.00	26%
80	Small	424910	\$2,862.00	\$0.00	\$3,775.00	\$0.00	\$913.00	32%
81	Large	424910	\$90.00	\$0.00	\$165.00	\$0.00	\$75.00	83%
82	Small	424910	\$771.00	\$0.00	\$1,035.00	\$0.00	\$264.00	34%
83	Small	424910	\$573.00	\$0.00	\$770.00	\$0.00	\$197.00	34%
84	Small	424910	\$60.00	\$0.00	\$80.00	\$0.00	\$20.00	33%
85	Small	424910	\$2,892.00	\$0.00	\$3,615.00	\$0.00	\$723.00	25%
86	Large	424990	\$12.00	\$0.00	\$15.00	\$0.00	\$3.00	25%
87	Small	424990	\$20,693.90	\$0.00	\$28,911.46	\$0.00	\$8,217.56	40%
88	Small	446191	\$12.00	\$0.00	\$15.00	\$0.00	\$3.00	25%
89	Small	484110	\$60.00	\$0.00	\$75.00	\$0.00	\$15.00	25%
90	Small	488210	\$7,740.00	\$0.00	\$10,840.00	\$0.00	\$3,100.00	40%
91	Small	488320	\$19,619.91	\$0.00	\$27,489.47	\$0.00	\$7,869.56	40%
92	Large	488510	\$21,525.60	\$0.00	\$30,423.24	\$0.00	\$8,897.64	41%
93	Small	488510	\$7,100.00	\$0.00	\$9,940.00	\$0.00	\$2,840.00	40%
94	Large	493130	\$67,578.90	\$0.00	\$98,962.06	\$0.00	\$31,383.16	46%
95	Large	493130	\$77,671.00	\$0.00	\$104,211.00	\$0.00	\$26,540.00	34%
96	Small	523130	\$312.00	\$0.00	\$375.00	\$0.00	\$63.00	20%
97	Small	531120	\$24.00	\$0.00	\$30.00	\$0.00	\$6.00	25%
98	Small	541690	\$24.80	\$0.00	\$34.72	\$0.00	\$9.92	40%
99	Small	541714	\$30.00	\$0.00	\$55.00	\$0.00	\$25.00	83%

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

\*\* NAICS code not found, assigned code that was the most accurate description of business conducted.

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

Total fees paid by each business between July 1, 2020, and June 1, 2021, 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**

Assigned Business Number	Business Size	NAICS Code	Estimated Cost Increase ***	Minor Cost Threshold ****
4	Small*	111140	\$3,467.56	\$945.89
87	Small	424990	\$8,217.56	\$7,559.52
31	Large	311211	\$541,955.80	\$117,843.75

Assigned Business Number	Business Size	NAICS Code	Estimated Cost Increase ***	Minor Cost Threshold ****
44	Large	424510	\$278,186.15	\$53,558.90
55	Large	424510	\$431,606.70	\$53,558.90
67	Large	424510	\$56,874.20	\$53,558.90
71	Large	424510	\$337,000.45	\$53,558.90
72	Large	424510**	\$668,995.00	\$53,558.90
94	Large	493130	\$31,383.16	\$19,783.78
95	Large	493130	\$26,540.00	\$19,783.78

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

\*\* NAICS code not found, assigned code that was the most accurate description of business conducted.

Table 4.1 indicates that of the 99 businesses that were used in the analysis, and paid fees between July 1, 2020, and June 1, 2021, 10 are expected to have costs exceeding the minor cost threshold. Two of these businesses are considered to be small and eight are considered to be large.

However, not all businesses that paid fees between July 1, 2020, and June 1, 2021, are expected to have costs exceeding the minor cost threshold. Table 4.2 shows that 89 businesses are expected to have cost increases **less than** the minor cost threshold. Seventy-seven of these businesses are considered small and 12 are considered to be large.

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

Assigned Business Number	Business Size	NAICS Code	Estimated Cost Increase ***	Minor Cost Threshold ****
1	Small	111130	\$16.00	\$100.00
2	Small	111140	\$12.00	\$945.89
3	Small	111140	\$3.00	\$945.89
5	Small	111140	\$8.00	\$945.89
6	Small	111140	\$6.00	\$945.89
7	Small*	111140	\$9.00	\$945.89
8	Small	111140	\$9.00	\$945.89
9	Small	111140	\$10.00	\$945.89
10	Small	111140	\$56.00	\$945.89
11	Small	111140	\$15.00	\$945.89
12	Small	111140	\$21.00	\$945.89
13	Small	111191	\$6.00	\$1,171.75
15	Small	111219	\$9.00	\$11,395.89
16	Small	111998	\$3.00	\$11,782.08
17	Small*	111998	\$12.00	\$11,782.08
18	Small	111998	\$3.00	\$11,782.08
19	Small	111998	\$14.00	\$11,782.08
20	Small	111998	\$6.00	\$11,782.08
21	Small	111998	\$8.00	\$11,782.08
22	Small	111998	\$10.00	\$11,782.08
23	Small	111998	\$17.00	\$11,782.08

Assigned Business Number	Business Size	NAICS Code	Estimated Cost Increase ***	Minor Cost Threshold ****
24	Small	111998	\$6.00	\$11,782.08
25	Small	111998	\$9.00	\$11,782.08
26	Small	112990	\$9.00	\$718.62
27	Small	112990	\$6.00	\$718.62
28	Small	112990	\$24.00	\$718.62
29	Small	115114	\$194.40	\$50,457.84
30	Small	115114	\$63.00	\$50,457.84
32	Small	311211	\$200.00	\$117,843.75
33	Small	311211	\$546.00	\$117,843.75
35	Small	311221	\$15.00	\$100.00
36	Small	311230	\$8.00	\$117,100.22
37	Small	311230	\$3.00	\$117,100.22
38	Small	311999	\$6.00	\$28,280.31
40	Small*	424480	\$21.00	\$47,928.58
42	Small	424510	\$41.00	\$53,558.90
43	Small	424510	\$30.00	\$53,558.90
45	Small	424510	\$1,439.00	\$53,558.90
46	Small	424510	\$1,381.00	\$53,558.90
47	Small	424510	\$7,490.40	\$53,558.90
48	Small	424510	\$990.00	\$53,558.90
49	Small	424510	\$210.00	\$53,558.90
50	Small	424510	\$13.00	\$53,558.90
51	Small	424510	\$3.00	\$53,558.90
52	Small	424510	\$459.60	\$53,558.90
54	Small	424510	\$25.00	\$53,558.90
56	Small	424510	\$22,765.44	\$53,558.90
57	Small	424510	\$1,433.00	\$53,558.90
58	Small	424510	\$9,653.40	\$53,558.90
59	Small	424510	\$50.00	\$53,558.90
60	Small	424510	\$10,825.00	\$53,558.90
61	Small	424510	\$128.00	\$53,558.90
64	Small	424510	\$16,216.00	\$53,558.90
65	Small	424510	\$5,200.00	\$53,558.90
68	Small	424510	\$855.00	\$53,558.90
70	Small	424510	\$11,444.00	\$53,558.90
73	Small	424510	\$4,907.00	\$53,558.90
74	Small	424590	\$6.00	\$7,750.68
75	Small	424590	\$6.00	\$7,750.68
76	Small	424590**	\$3.00	\$7,750.68
77	Small	424590**	\$12.00	\$7,750.68
78	Small	424590**	\$15.00	\$7,750.68
79	Small	424910	\$6.00	\$35,044.58
80	Small	424910	\$913.00	\$35,044.58
82	Small	424910	\$264.00	\$35,044.58

Assigned Business Number	Business Size	NAICS Code	Estimated Cost Increase ***	Minor Cost Threshold ****
83	Small	424910	\$197.00	\$35,044.58
84	Small	424910	\$20.00	\$35,044.58
85	Small	424910	\$723.00	\$35,044.58
88	Small	446191	\$3.00	\$4,703.76
89	Small	484110	\$15.00	\$7,544.33
90	Small	488210	\$3,100.00	\$11,608.97
91	Small	488320	\$7,869.56	\$72,468.28
93	Small	488510	\$2,840.00	\$18,996.34
96	Small	523130	\$63.00	\$24,887.08
97	Small	531120	\$6.00	\$4,919.59
98	Small	541690	\$9.92	\$2,707.38
99	Small	541714	\$25.00	\$66,044.66
14	Large	111219	\$3.00	\$11,395.89
34	Large	311213	\$125.00	\$92,328.39
39	Large	325412	\$152.00	\$45,550.97
41	Large	424490	\$777.00	\$25,663.43
53	Large	424510	\$24,557.12	\$53,558.90
62	Large	424510	\$25.00	\$53,558.90
63	Large	424510	\$17,288.00	\$53,558.90
66	Large	424510	\$8,749.00	\$53,558.90
69	Large	424510	\$50.00	\$53,558.90
81	Large	424910	\$75.00	\$35,044.58
86	Large	424990	\$3.00	\$7,559.52
92	Large	488510	\$8,897.64	\$18,996.34

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

\*\* NAICS code not found, assigned code that was the most accurate description of business conducted.

**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 10 percent of businesses that are the largest businesses required to comply with the proposed rules using one or more of the following as a basis for comparing costs: (a) Cost per employee; (b) cost per hour of labor; or (c) cost per \$100 of sales.

Costs per employee were analyzed for the top 10 percent of 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 all businesses and all small businesses impacted by the proposed amendments

Assigned Business Number	Business Size	NAICS Code	Estimated Cost Increase***	Estimated Number of Employees	Cost Per Employee
1	Small	111130	\$16.00	3	\$5.33
2	Small	111140	\$12.00	1	\$12.00
3	Small	111140	\$3.00	6	\$0.50
4	Small*	111140	\$3,467.56	1	\$3,467.56
5	Small	111140	\$8.00	1	\$8.00
6	Small	111140	\$6.00	1	\$6.00
7	Small*	111140	\$9.00	1	\$9.00
8	Small	111140	\$9.00	1	\$9.00
9	Small	111140	\$10.00	2	\$5.00
10	Small	111140	\$56.00	8	\$7.00
11	Small	111140	\$15.00	4	\$3.75
12	Small	111140	\$21.00	10	\$2.10
13	Small	111191	\$6.00	2	\$3.00
15	Small	111219	\$9.00	2	\$4.50
16	Small	111998	\$3.00	7	\$0.43
17	Small*	111998	\$12.00	1	\$12.00
18	Small	111998	\$3.00	1	\$3.00
19	Small	111998	\$14.00	7	\$2.00
20	Small	111998	\$6.00	1	\$6.00
21	Small	111998	\$8.00	28	\$0.29
22	Small	111998	\$10.00	1	\$10.00
23	Small	111998	\$17.00	3	\$5.67
24	Small	111998	\$6.00	1	\$6.00
25	Small	111998	\$9.00	2	\$4.50
26	Small	112990	\$9.00	2	\$4.50
27	Small	112990	\$6.00	7	\$0.86
28	Small	112990	\$24.00	9	\$2.67
29	Small	115114	\$194.40	20	\$9.72
30	Small	115114	\$63.00	50	\$1.26
32	Small	311211	\$200.00	24	\$8.33
33	Small	311211	\$546.00	10	\$54.60
35	Small	311221	\$15.00	5	\$3.00
36	Small	311230	\$8.00	2	\$4.00
37	Small	311230	\$3.00	2	\$1.50
38	Small	311999	\$6.00	4	\$1.50
40	Small*	424480	\$21.00	1	\$21.00
42	Small	424510	\$41.00	27	\$1.52
43	Small	424510	\$30.00	2	\$15.00
45	Small	424510	\$1,439.00	8	\$179.88
46	Small	424510	\$1,381.00	9	\$153.44
47	Small	424510	\$7,490.40	10	\$749.04
48	Small	424510	\$990.00	14	\$70.71
49	Small	424510	\$210.00	10	\$21.00
50	Small	424510	\$13.00	22	\$0.59

Assigned Business Number	Business Size	NAICS Code	Estimated Cost Increase***	Estimated Number of Employees	Cost Per Employee
51	Small	424510	\$3.00	44	\$0.07
52	Small	424510	\$459.60	48	\$9.58
54	Small	424510	\$25.00	25	\$1.00
56	Small	424510	\$22,765.44	10	\$2,276.54
57	Small	424510	\$1,433.00	7	\$204.71
58	Small	424510	\$9,653.40	12	\$804.45
59	Small	424510	\$50.00	5	\$10.00
60	Small	424510	\$10,825.00	5	\$2,165.00
61	Small	424510	\$128.00	7	\$18.29
64	Small	424510	\$16,216.00	10	\$1,621.60
65	Small	424510	\$5,200.00	10	\$520.00
68	Small	424510	\$855.00	5	\$171.00
70	Small	424510	\$11,444.00	7	\$1,634.86
73	Small	424510	\$4,907.00	6	\$817.83
74	Small	424590	\$6.00	3	\$2.00
75	Small	424590	\$6.00	4	\$1.50
76	Small	424590	\$3.00	2	\$1.50
77	Small	424590	\$12.00	8	\$1.50
78	Small	424590	\$15.00	1	\$15.00
79	Small	424910	\$6.00	24	\$0.25
80	Small	424910	\$913.00	5	\$182.60
82	Small	424910	\$264.00	6	\$44.00
83	Small	424910	\$197.00	5	\$39.40
84	Small	424910	\$20.00	4	\$5.00
85	Small	424910	\$723.00	6	\$120.50
87	Small	424990	\$8,217.56	18	\$456.53
88	Small	446191	\$3.00	5	\$0.60
89	Small	484110	\$15.00	6	\$2.50
90	Small	488210	\$3,100.00	28	\$110.71
91	Small	488320	\$7,869.56	30	\$262.32
93	Small	488510	\$2,840.00	24	\$118.33
96	Small	523130	\$63.00	6	\$10.50
97	Small	531120	\$6.00	4	\$1.50
98	Small	541690	\$9.92	12	\$0.83
99	Small	541714	\$25.00	3	\$8.33
<b>Average cost per employee for all small businesses \$209.33</b>					
31	Large	311211	\$541,955.80	1500	\$361.30
34	Large	311213	\$125.00	150	\$0.83
39	Large	325412	\$152.00	7000	\$0.02
41	Large	424490	\$777.00	786	\$0.99
44	Large	424510	\$278,186.15	1300	\$213.99
53	Large	424510	\$24,557.12	160	\$153.48
62	Large	424510	\$25.00	362	\$0.07
72	Large	424510**	\$668,995.00	10493	\$63.76

Assigned Business Number	Business Size	NAICS Code	Estimated Cost Increase***	Estimated Number of Employees	Cost Per Employee
81	Large	424910	\$75.00	2060	\$0.04
<b>Average cost per employee for the top 10% of businesses \$88.28</b>					

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

\*\* NAICS code not found, assigned code that was the most accurate description of business conducted.

The average cost per employee for the top 10 percent of all businesses impacted by the proposed amendments is \$88.28. In comparison, the average cost per employee for all small businesses impacted by the proposed amendments is \$209.33. Despite costs per employee varying widely for both large and small businesses, it is evident that small businesses will 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:* The grain program is entirely funded by fees paid by businesses requesting service, and it does not receive any general fund dollars. RCW 22.09.790 requires the department to fix fees for the inspection, grading and weighing of commodities included in the provisions of this chapter so that they are sufficient to cover the cost of such services. Due to mandated wage increases, cost increases for goods and services, and increased cost for agency administrative rate, 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 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:* It isn't possible to reduce the frequency of inspections, as they are required by federal regulations for export shipments and a voluntary option for domestic shipments.

(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 grain 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 program's fee schedule does not include any fines associated with non-compliance. 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 grain program has

made multiple efforts over the last five years to reduce overall costs to the program, and the fund balance has continued to decline. The efforts made have been:

- Reducing goods and services - delaying preventative maintenance, new equipment purchases, and services such as janitorial.
- Monitoring and maintaining appropriate staffing levels - actively reviewing schedules and reducing staff levels during slower workloads.
- Reducing overtime - implementing new shift structures to provide the same levels of service in such a way as to minimize overtime.
- Implementing lean principals - combining certain tasks to avoid multiple staff members crossing paths to streamline requests.

Further efforts to mitigate the cost of compliance are likely to impair the program's ability to provide services.

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

A combination of both small and large businesses were engaged for each outreach shown in Table 7.1 - Stakeholder Outreach. The need for the program to increase fees was discussed in detail with different businesses as well as the grain program advisory committee, which has been supportive in regards to adjusting the program's fees.

**Table 7.1 - Stakeholder Outreach**

Business Size	Date	Organization	Person Contacted	Method of Contact	Topics Discussed	Support or Oppose
Large	4/9/2021	Spokane Seed	Andrew Fontaine, Jim Groth	Email	Notice of beginning the Rule Making Process	No Response
Large	4/9/2021	NW Grain Growers	Chris Peha	Email	Notice of beginning the Rule Making Process	No Response
Large	4/9/2021	HighLine Grain	Paul Katovich, Ty Jessup	Email	Notice of beginning the Rule Making Process	No Response
Small	4/9/2021	Blue Mountain Seed	Gary Ferrel	Email	Notice of beginning the Rule Making Process	No Response
Large	4/9/2021	Columbia Grain	Dan Bruce	Email	Notice of beginning the Rule Making Process	No Response
Small	4/9/2021	Inland Empire Milling	Jerry Schauble	Email	Notice of beginning the Rule Making Process	No Response
Small	4/9/2021	Ardent Mills/Hinrichs	Kyle Hinrichs	Email	Notice of beginning the Rule Making Process	No Response
Small	4/9/2021	Palouse Pulse	Loren Wagner	Email	Notice of beginning the Rule Making Process	No Response
Large	4/9/2021	Ritzville Warehouse	Brian Gordon, Stacey Hunt	Email	Notice of beginning the Rule Making Process	No Response
Small	4/9/2021	Pomeroy Grain	Derrick Teal	Email	Notice of beginning the Rule Making Process	No Response
Large	4/9/2021	PNW Coop	Shawn O'Connell, Mac Reynolds	Email	Notice of beginning the Rule Making Process	No Response
Small	4/9/2021	Tri-City Grain	Mark Weber	Email	Notice of beginning the Rule Making Process	No Response
Small	4/9/2021	Palouse Brand	Sara Mader, Joe O'Callahan	Email	Notice of beginning the Rule Making Process	No Response
Large	4/9/2021	WA Grain Commission	Glen Squires	Email	Notice of beginning the Rule Making Process	Support
Small	4/9/2021	US Dry Pea and Lentil	Tim McGreevy	Email	Notice of beginning the Rule Making Process	Support
Large	4/9/2021	Spokane Seed	Andrew Fontaine, Jim Groth	Email	Notice of beginning the Rule Making Process	No Response
Large	4/9/2021	NW Grain Growers	Chris Peha	Email	Notice of beginning the Rule Making Process	No Response
Large	8/19/2021	CHS	Tom Rodman	Meeting	Grain Program Advisory Committee - Full explanation of what Fees	Support

Business Size	Date	Organization	Person Contacted	Method of Contact	Topics Discussed	Support or Oppose
Large	8/19/2021	UGC	John Lindgren	Meeting	Grain Program Advisory Committee - Full explanation of what Fees	Support
Large	8/19/2021	HighLine Grain	Paul Katovich	Meeting	Grain Program Advisory Committee - Full explanation of what Fees	Support
Small	8/19/2021	Tri-State Seed	Dana Herron	Meeting	Grain Program Advisory Committee - Full explanation of what Fees	Support
Large	8/19/2021	Columbia Grain	Randy Olstad	Meeting	Grain Program Advisory Committee - Full explanation of what Fees	Support
Large	8/19/2021	Kalama Export	Jerry Kiekow	Meeting	Grain Program Advisory Committee - Full explanation of what Fees	Support
Small	8/19/2021	Wheat Marketing Center	Jayne Bock	Meeting	Grain Program Advisory Committee - Full explanation of what Fees	Support
Large	8/19/2021	WA Grain Commission	Brian Cochrane	Meeting	Grain Program Advisory Committee - Full explanation of what Fees	Support
Large	2/3/2022	EGT	Randy Cooper, Matt Kerrigan	In person meeting	Overall discussion of fee increase.	Conversation – wanted to see numbers
Large	2/25/2022	TEMCO Tacoma	Mark Jenson	Phone Call	Overall discussion of fee increase.	Open Conversation - Neutral
Large	3/1/2022	NGFA	Jess McLure	Phone Call	Overall discussion of fee increase.	Acknowledged the Need
Large	4/18/2022	Spokane Seed	Andrew Fontaine, Jim Groth	Email	Notification, Overview, Documents and How to Participate	No Response
Large	4/18/2022	HighLine Grain	Paul Katovich, Tyler Greenwood	Email	Notification, Overview, Documents and How to Participate	No Response
Small	4/18/2022	Blue Mountain Seed	Gary Ferrel	Email	Notification, Overview, Documents and How to Participate	No Response
Large	4/18/2022	Columbia Grain	Dan Bruce, Mary Kay Peters	Email	Notification, Overview, Documents and How to Participate	No Response
Small	4/18/2022	Inland Empire Milling	Jerry Schauble, David Schaule	Email	Notification, Overview, Documents and How to Participate	No Response
Small	4/18/2022	Ardent Mills/Hinrichs	Kyle Hinrichs	Email	Notification, Overview, Documents and How to Participate	No Response
Large	4/18/2022	Ritzville Warehouse	Brian Gordon, Stacey Hunt	Email	Notification, Overview, Documents and How to Participate	No Response
Small	4/18/2022	Palouse Pulse	Loren Wagner	Email	Notification, Overview, Documents and How to Participate	No Response
Small	4/18/2022	Pomeroy Grain	Derrick Teal	Email	Notification, Overview, Documents and How to Participate	No Response
Large	4/18/2022	PNW Coop	Shawn O'Connell, Mac Reynolds	Email	Notification, Overview, Documents and How to Participate	No Response
Small	4/18/2022	Tri-City Grain	Mark Weber	Email	Notification, Overview, Documents and How to Participate	No Response
Small	4/18/2022	Palouse Brand	Sara Mader, Joe O'Callahan	Email	Notification, Overview, Documents and How to Participate	No Response
Large	4/18/2022	WA Grain Commission	Glen Squires	Email	Notification, Overview, Documents and How to Participate	No Response

Business Size	Date	Organization	Person Contacted	Method of Contact	Topics Discussed	Support or Oppose
Small	4/18/2022	US Dry Pea and Lentil	Tim McGreevy	Email	Notification, Overview, Documents and How to Participate	No Response
Small	4/18/2022	Maviga NA	Brett Melvin, Aaron Jessen, Derek Schneidmiller	Email	Notification, Overview, Documents and How to Participate	No Response
Small	4/18/2022	McKay Seed Co.	Don Sloan	Email	Notification, Overview, Documents and How to Participate	No Response
Small	4/18/2022	Almota Grain	Dan Hart	Email	Notification, Overview, Documents and How to Participate	No Response
Small	4/18/2022	First Intercontinental	Amar Sawla	Email	Notification, Overview, Documents and How to Participate	No Response
Small	4/18/2022	Baba Grain	Harry Vanjani	Email	Notification, Overview, Documents and How to Participate	No Response
Small	4/18/2022	Tumac	Susan Buchanan	Email	Notification, Overview, Documents and How to Participate	No Response
Large	4/18/2022	TYR Food Products	Abraham Bates	Email	Notification, Overview, Documents and How to Participate	No Response
Small	4/18/2022	Anderson NW/ 13 Foods	Marty Anderson, Mike Anderson, Jessica Emtman	Email	Notification, Overview, Documents and How to Participate	No Response
Large	4/18/2022	ADM Milling	Tom McLaughlin	Email	Notification, Overview, Documents and How to Participate	No Response
Small	4/18/2022	Farmer Bean	Lauren Kehl	Email	Notification, Overview, Documents and How to Participate	No Response
Small	4/18/2022	DDS / Druffel and Son	Brett Druffel	Email	Notification, Overview, Documents and How to Participate	No Response
Small	4/18/2022	Maizena and Sunburst	Kent Darling	Email	Notification, Overview, Documents and How to Participate	No Response
Large	4/20/2022	UGC	John Lindgren, Earl Dixon	Email	Notification, Overview, Documents and How to Participate	No Response
Large	4/20/2022	CHS	Tom Rodman, Mark Jensen	Email	Notification, Overview, Documents and How to Participate	No Response
Large	4/20/2022	Kalama Export	Jason Weber	Email	Notification, Overview, Documents and How to Participate	No Response
Large	4/20/2022	EGT	Matthew Kerrigan, Randy Cooper	Email	Notification, Overview, Documents and How to Participate	No Response
Large	4/20/2022	LDC	Marcus Dixon	Email	Notification, Overview, Documents and How to Participate	No Response
Large	5/19/2022	WA Grain Commission	Staff and Board	Public Meeting	Notification	Acknowledged Need
Large	5/19/2022	HighLine Grain	Ty Jessup, Mike Carstenson	Public Meeting	Notification	Acknowledged Need
Large	5/19/2022	UGC	Brian Lidel	Public Meeting	Notification	No Response
Small	5/19/2022	WA Grain Growers	Michelle Hennings, Howard McDonald	Public Meeting	Notification	No Response
Combination of Large and Small	7/14/2022	Export Fee Presentation	Earl Dixon, John Lidgren, Tom Rodman, Jason Weber, Matt Kerrigan, Mark Jensen, Randy Cooper, Marcus Dixon	Public Meeting	Proposed fees, program financials, update on rulemaking	Open conversation, minutes available

Business Size	Date	Organization	Person Contacted	Method of Contact	Topics Discussed	Support or Oppose
Combination of Large and Small	7/19/2022	Domestic Fee Presentation	Chris Peha, Dan Bruce, Ray Dionne, Paul Katovich, Tina Imler, Jackie Hodson, Cherise Goude	Public Meeting	Proposed fees, program financials, update on rulemaking	Open conversation, minutes available

**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 (RFA) requires an agency to estimate the number of jobs created or lost (due to compliance with the proposed rule making) in their small business economic impact statement, RCW 19.85.040.

The Washington state office of financial management's (OFM) 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 proposed rule making and the estimated employment change to that industry. A negative number indicates a job loss, while a positive number indicates a job created.

NOTE: Employment change calculated into FTEs 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
111130	\$16.00	0.00
111140	\$328.78	-0.08
111191	\$6.00	0.00
111219	\$6.00	0.00
111998	\$8.80	0.00
112990	\$13.00	-0.01
115114	\$128.70	-0.08
311211	\$180,900.60	-0.17
311213	\$125.00	0.00
311221	\$15.00	0.00
311230	\$5.50	0.00
311999	\$6.00	0.00
325412	\$152.00	0.00
424480	\$21.00	0.00
424490	\$777.00	-0.14
424510	\$59,965.33	-0.89
424590	\$8.40	0.00
424910	\$314.00	-0.03
424990	\$4,110.28	-0.33
446191	\$3.00	-0.08

NAICS Code	Average Cost of Compliance	Estimated Employment Change
484110	\$15.00	-0.02
488210	\$3,100.00	-0.05
488320	\$7,869.56	-0.25
488510	\$5,868.82	-1.14
493130	\$28,961.58	-0.77
523130	\$63.00	-0.06
531120	\$6.00	-0.07
541690	\$9.92	-0.12
541714	\$25.00	-0.04
<b>Total estimated employment change across all industries</b>		<b>-4.33</b>

A copy of the statement may be obtained by contacting Gloriann Robinson, Agency 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.

September 7, 2022  
 Jessica Allenton  
 Assistant Director

### OTS-4042.3

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

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

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

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

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

(a) When the daily volume of work at a service location at the established fees does not generate revenue equivalent to the straight time hourly rate per hour, per employee, including applicable supervi-

sory and clerical employee hours, according to the staffing needs at the facility, the department will charge an additional fee, except as provided in subsection (2) of this section.

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

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

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

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

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

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

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

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

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

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

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

[Statutory Authority: RCW 22.09.020 and chapter 34.05 RCW. WSR 17-19-051, § 16-240-038, filed 9/13/17, effective 10/14/17; WSR 16-12-076, § 16-240-038, filed 5/27/16, effective 7/1/16. Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-21-064, § 16-240-038, filed 10/17/12, effective 11/17/12. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has over-

sight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. WSR 05-11-058, § 16-240-038, filed 5/17/05, effective 6/17/05.]

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

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

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

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

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

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

1.	In, out, or local, <b>rate for all tiers, per metric ton</b>	<b>\$0.250</b>
2.	Vessels (export and domestic ocean-going), <b>Tier 1 rate, per metric ton</b>	<del>(\$0.250)</del> <b>\$0.300</b>
3.	Vessels and local (export and domestic ocean-going) with approved automated weighing systems, <b>Tier 1 rate, per metric ton</b>	<del>(\$0.230)</del> <b>\$0.280</b>
<b>Note: For automated weighing systems:</b>		
■	When approved automated weighing systems are not functioning properly, dedicated staff time may be required at the rates established in WAC 16-240-060.	
4.	Vessels and local (export and domestic ocean-going), <b>Tier 2 rate, per metric ton</b>	<del>(\$0.200)</del> <b>\$0.250</b>
5.	<u>Vessels and local (export and domestic ocean-going) with approved automated weighing systems, Tier 2 rate, per metric ton</u>	<b>\$0.230</b>
6.	Vessels and local (export and domestic ocean-going), <b>Tier 3 rate, per metric ton</b>	<b>\$0.100</b>
7.	<u>Official ship samples</u>	<b>\$7.00</b>

<b>Note: For vessels (export and domestic ocean-going):</b>		
■	The metric ton vessel rate includes all additional factor inspection services required by the load order. All other additional factor inspection services in USGSA Table 1 are charged at the per factor fee.	
((■	<del>The metric ton vessel rate includes all official ship samples required by the load order.</del> )	
■	Stress crack analysis in corn is included in the fees in USGSA Table 1.	
■	During vessel loading, fees for other tests, such as protein analysis, falling number determinations, or mycotoxin analysis will be charged at the per unit rates included under this chapter.	
<del>((6-)</del> <u>8.</u>	Trucks or containers, <b>per truck or container</b>	<del>((<b>\$25.00</b>))</del> <b><u>\$35.00</u></b>
<del>((7-)</del> <u>9.</u>	Additional nongrade determining factor analysis, <b>per factor</b>	<b>\$3.00</b>

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

1.	Original or new sample reinspection trucks or containers sampled by approved grain probe, including factor only or sampling only services, <b>per truck or container</b>	<del>((<b>\$20.00</b>))</del> <b><u>\$30.00</u></b>
2.	Barge sampled by USDA approved mechanical sampler, including factor only or sampling only services, <b>per metric ton</b>	<b>\$0.10</b>
3.	Railcars sampled by USDA approved mechanical sampler, including factor only or sampling only services, <b>per railcar</b>	<b>\$20.00</b>
4.	Original or new sample reinspection railcars sampled by USDA approved grain probe, applicant assisted, including factor only or sampling only services, <b>per railcar</b>	<b>\$20.00</b>
5.	Original or new sample reinspection railcars sampled by USDA approved grain probe, including factor only or sampling only services, <b>per railcar</b>	<del>((<b>\$30.00</b>))</del> <b><u>\$40.00</u></b>
<b>Note: The following applies to all fees in this table:</b>		
■	For barley, determining and certifying of dockage to tenths is included in the fees in USGSA Table 2.	
■	Stress crack analysis in corn is included in the fees in USGSA Table 2.	
■	Analysis that requires additional equipment or personnel will be provided at the applicable hourly rate under this chapter.	

■	The per railcar rate applies to each railcar included in a batch grade. A batch grade is two or more cars that are combined, at the applicant's request, for a single grade.	
■	<u>FGIS supervision fee will be assessed at current per metric ton rate (WAC 16-240-039).</u>	
6.	Inspection of bagged grain, including tote bags, per hundredweight (cwt)	<del>(\$0.100)</del> <b>\$0.140</b>
7.	Additional nongrade determining factor analysis, <b>per factor</b>	<del>(\$3.00)</del> <b>\$5.00</b>

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

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

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

1.	Submitted samples, including factor-only inspections, <b>per inspection</b>	<del>(\$12.00)</del> <b>\$15.00</b>
2.	Reinspections based on official file sample, including factor-only reinspections, <b>per inspection</b>	<del>(\$12.00)</del> <b>\$15.00</b>
3.	<u>Warehousemen samples</u>	<b>\$15.00</b>
4.	<u>Warehousemen reinspection</u>	<b>\$15.00</b>
5.	Additional, nongrade determining factor analysis, <b>per factor</b>	<del>(\$3.00)</del> <b>\$5.00</b>
<del>(4.)</del> 6.	Stress crack only analysis on corn, <b>per sample</b>	<b>\$9.00</b>

**Note: The following applies to all fees in this table:**

- When submitted samples are not of sufficient size to allow for official grade analysis, obtainable factors may be provided, upon request of the applicant, at the submitted sample rates shown above.
- For barley, determining and certifying of dockage to tenths is included in the fees in USGSA Table 4.
- Stress crack analysis in corn is included in the fees in USGSA Table 4.
- Analysis that requires additional equipment or personnel will be provided at the applicable hourly rate under this chapter.
- FGIS supervision fee will be assessed at current per metric ton rate (WAC 16-240-039).

**USGSA Table 5  
Fees for Miscellaneous Services**

1. Laboratory analysis, <b>at cost</b>	<b>At cost</b>
2. All other USGSA services not listed in this section, <b>per hour, per employee</b>	<b>\$56.00</b>
<p><b>Note: The following applies to all fees in this table:</b></p> <ul style="list-style-type: none"> <li>■ On request, shipping arrangements billed directly by shipper to the customer's shipping account may be coordinated by the department.</li> <li>■ <u>FGIS supervision fee will be assessed at current per metric ton rate (WAC 16-240-039).</u></li> </ul>	

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

Original or reinspection based on file sample, <b>per test</b>	<b>\$9.00</b>
<p><b>Note: The following applies to the fee in USGSA Table 6:</b></p> <ul style="list-style-type: none"> <li>■ When a reinspection service includes a request for a new sample, the appropriate sampling fee will also be charged.</li> <li>■ Results for multiple criteria achieved in a single testing operation are provided at the single test rate unless certificated separately.</li> <li>■ <u>FGIS supervision fee will be assessed at current per metric ton rate (WAC 16-240-039).</u></li> </ul>	

**USGSA Table 7  
Fees for Testing for the Presence of Myco-toxins Using USDA Approved Methods**

Original, reinspection based on official file sample, or submitted sample, <b>per test</b>	<b>\$40.00</b>
<p><b>Note: The following applies to this table:</b></p> <ul style="list-style-type: none"> <li>■ When a reinspection service includes a request for a new sample, the appropriate sampling fee to obtain the sample will be charged in addition to the per test fee shown earlier (see WAC 16-240-070, USGSA Table 2).</li> <li>■ <u>FGIS supervision fee will be assessed at current per metric ton rate (WAC 16-240-039).</u></li> </ul>	

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

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

[Statutory Authority: RCW 22.09.020 and chapter 34.05 RCW. WSR 17-19-051, § 16-240-070, filed 9/13/17, effective 10/14/17; WSR

16-12-076, § 16-240-070, filed 5/27/16, effective 7/1/16. Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-21-064, § 16-240-070, filed 10/17/12, effective 11/17/12. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. WSR 05-11-058, § 16-240-070, filed 5/17/05, effective 6/17/05.]

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

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

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

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

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

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

1.	In, out, or local, <b>rate for all tiers, per metric ton</b>	<b>\$0.250</b>
2.	Vessels (export or domestic), <b>Tier 1 rate, per metric ton</b>	<del>(\$0.250)</del> <b>\$0.300</b>
3.	Vessels and local (export and domestic ocean-going) with approved automated weighing systems, <b>Tier 1 rate, per metric ton</b>	<del>(\$0.230)</del> <b>\$0.280</b>
<b>Note: For automated weighing systems:</b>		
■	When approved automated weighing systems are not functioning properly, dedicated staff time may be required at the rates established in WAC 16-240-060.	
4.	Vessels and local (export and domestic ocean-going), <b>Tier 2 rate, per metric ton</b>	<del>(\$0.200)</del> <b>\$0.250</b>
5.	<u>Vessels and local (export and domestic ocean-going) with approved automated weighing systems, Tier 2 rate, per metric ton</u>	<b>\$0.230</b>
6.	Vessels and local (export and domestic ocean-going), <b>Tier 3 rate, per metric ton</b>	<b>\$0.100</b>

7.	Official ship samples	\$7.00
<p><b>Note: For vessels (export and domestic ocean-going):</b></p> <ul style="list-style-type: none"> <li>■ The metric ton vessel rate includes all additional factor inspection services required by the load order. All other additional factor inspection services in AMA Table 1 are charged at the per factor fee.</li> <li><del>(■ The metric ton vessel rate includes all official ship samples required by the load order.)</del></li> <li>■ During vessel loading, fees for other tests, such as protein analysis, falling number determinations, or mycotoxin analysis will be charged at the per unit rates included under this chapter.</li> </ul>		
<del>((6.))</del> 8.	Trucks or containers, <b>per truck or container</b>	\$30.00
<del>((7.))</del> 9.	Additional, nongrade determining factor analysis, <b>per factor</b>	\$3.00
<p><b>Note: The following applies to all fees in this table:</b></p> <ul style="list-style-type: none"> <li>■ The rates in the above section also apply to services provided under federal criteria inspection instructions, state established standards, or other applicant requested criteria.</li> <li>■ Dockage breakdown is included in the basic inspection fee.</li> <li>■ The metric ton vessel rate includes all additional factor inspection services required by the load order. All other additional factor inspection services in AMA Table 1 are charged at the per factor fee.</li> <li>■ Fees for other tests, such as mycotoxin analysis, provided during vessel loading will be charged at the per unit rates included in this fee schedule.</li> </ul>		

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

1.	Trucks or containers sampled by USDA approved grain probe, including factor only or sampling only services, <b>per truck or container</b>	\$30.00
2.	Barge sampled by USDA approved mechanical sampler, including factor only or sampling only services, <b>per metric ton</b>	\$0.10
3.	Railcars sampled by USDA approved mechanical samplers, including factor only or sampling only services, <b>per railcar</b>	\$30.00
4.	Railcars sampled by USDA approved grain probe, including factor only or sampling only services, <b>per railcar</b>	<del>(\$30.00)</del> \$40.00
5.	Inspection of bagged commodities or tote bags, including factor only or sampling only services, <b>per hundredweight (cwt)</b>	<del>(\$0.100)</del> \$0.140

6.	Additional, nongrade determining factor analysis, <b>per factor</b>	<del>(\$3.00)</del> <b>\$5.00</b>
<b>Note: The following applies to all fees in this table:</b>		
<ul style="list-style-type: none"> <li>■ Dockage breakdown is included in the basic inspection fee.</li> <li>■ Analysis for special grade requirements or criteria analysis that requires additional equipment or personnel will be provided at the hourly rate.</li> <li>■ The rates shown above also apply to services provided under federal criteria inspection instructions.</li> </ul>		

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

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

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

1.	Submitted sample, thresher run or processed, including factor-only inspections, <b>per sample</b>	<del>(\$20.00)</del> <b>\$24.00</b>
2.	Additional, nongrade determining factor analysis, <b>per factor</b>	<del>(\$3.00)</del> <b>\$5.00</b>
<b>Note: The following applies to all fees in this table:</b>		
<ul style="list-style-type: none"> <li>■ Dockage breakdown is included in the basic inspection fee.</li> <li>■ Analysis for special grade requirements or criteria analysis that requires additional equipment or personnel will be provided at the hourly rate.</li> <li>■ The rates shown above also apply to inspection services provided under federal criteria inspection instructions.</li> <li>■ When the size of a submitted sample is insufficient to perform official grade analysis, factor-only analysis is available on request of the applicant.</li> </ul>		

**AMA Table 5  
Fees for Miscellaneous Services**

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

[Statutory Authority: RCW 22.09.020 and chapter 34.05 RCW. WSR 17-19-051, § 16-240-080, filed 9/13/17, effective 10/14/17; WSR 16-12-076, § 16-240-080, filed 5/27/16, effective 7/1/16. Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-21-064, § 16-240-080, filed 10/17/12, effective 11/17/12. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. WSR 05-11-058, § 16-240-080, filed 5/17/05, effective 6/17/05.]

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

**WAC 16-240-090 Fees for other services performed by WSDA.** (1)

WSDA Tables 1 through 3 in this section contain fees for other services performed at the request of the applicant when no USGSA or AMA standards exist. Services available include inspection, sampling, testing, weighing, laboratory analysis, and certification.

(2) Applicant-defined analysis may be available from the department.

(a) Hourly fees for sampling or sample preparation may be charged.

(b) The analysis will be provided at the established hourly rate or may be provided at the cost quoted by the laboratory or organization providing the service or analysis.

(c) Applicant may be required to provide supplies and equipment when requesting a new analysis or special service.

(3) Official samples, as defined under 7 C.F.R. 800.75, may be provided upon timely request by an interested party, specifying the number of samples requested. Samples are provided in up to five pound bags and are charged the fee stated in Table 3.

**WSDA Table 1  
Fees for Inspecting Miscellaneous  
Agricultural Commodities under Chap-  
ter 16-213 WAC**

1.	Submitted sample, <b>per sample</b>	<del>(\$12.00)</del> <b>\$15.00</b>
2.	Railcars, sampled by USDA approved diverter-type mechanical samplers, <b>per car</b>	<b>\$20.00</b>
3.	Railcars, sampled by USDA approved grain probe, <b>per car</b>	<del>(\$30.00)</del> <b>\$40.00</b>
4.	Trucks or containers, sampled by USDA approved grain probe, <b>per truck or container</b>	<del>(\$20.00)</del> <b>\$30.00</b>
<b>Note: The following applies to all fees in this table:</b>		
<ul style="list-style-type: none"> <li>■ These rates also apply to inspection services provided under applicant-specified criteria or standards other than USGSA, AMA or WSDA. For example: Millet may be inspected under state of Montana standards, upon applicant request.</li> </ul>		

**WSDA Table 2**  
**Fees for Phytosanitary Certification**

1.	In conjunction with official inspection, <b>per certificate</b>	<del>(\$30.00)</del> <b>\$55.00</b>
2.	For phytosanitary certification only, without official inspection, add required sampling time, <b>per hour, per employee</b>	<b>\$56.00</b>

**WSDA Table 3**  
**Fees for Miscellaneous Services**

1.	Unofficial constituent analysis, <b>per test</b>	<b>\$9.00</b>
2.	Sample pick-up fee, on department established routes, <b>per sample</b>	<b>\$1.25</b>
3.	Laboratory analysis, provided at other than WSDA grain inspection program offices, <b>per analysis</b>	<b>At cost</b>
4.	Official samples, <b>per bag</b>	<b>\$5.00</b>

[Statutory Authority: RCW 22.09.020 and chapter 34.05 RCW. WSR 17-19-051, § 16-240-090, filed 9/13/17, effective 10/14/17. Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-21-064, § 16-240-090, filed 10/17/12, effective 11/17/12. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. WSR 05-11-058, § 16-240-090, filed 5/17/05, effective 6/17/05.]