

WSR 24-03-024

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed January 5, 2024, 2:44 p.m., effective February 5, 2024]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule-making order amends chapter 16-240 WAC, WSDA grain inspection program—Definitions, standards and fees, by adding clarifying language to WAC 16-240-069 which identifies commodity cooperative service agreement fees and Agricultural Marketing Act (AMA), rice cooperative service agreement fees as separate line items from the unit fees charged for each service in compliance with a requirement set by the United States Department of Agriculture's Federal Grain Inspection Services (USDA-FGIS) Directive 9100.07 issued on July 19, 2023.

As an official delegate of the USDA, the department of agriculture must comply with USDA requirements in order to provide these services. The new language will provide transparency to the program's customers related to federal fees the program collects and how they will appear on invoices for applicable services.

Citation of Rules Affected by this Order: Amending WAC 16-240-069.

Statutory Authority for Adoption: RCW 22.09.020, 22.09.790.

Adopted under notice filed as WSR 23-22-045 on October 24, 2023.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: January 5, 2024.

Derek I. Sandison
Director

OTS-5048.1

AMENDATORY SECTION (Amending WSR 22-05-011, filed 2/4/22, effective 3/7/22)

WAC 16-240-039 USDA, AMS, FGIS administrative and supervision fees. The United States Department of Agriculture (USDA), Agricultural Marketing Service (AMS), Federal Grain Inspection Service (FGIS) charges a per metric ton administrative and supervision fee for export and other grain handled by facilities in the Washington state department of agriculture service area.

(1) FGIS administrative tonnage fees. In addition to all other applicable fees, FGIS administrative tonnage fees for export grain shipments inspected and/or weighed, excluding land carrier shipments to Canada and Mexico, will be assessed at the current per metric ton rate identified in FGIS Directive 9180.74 Service Fees and Billing Codes, Attachment 1. Invoices will identify assessed administrative tonnage fees as separate line items per applicable carrier/unit type.

(2) FGIS supervision fees. In addition to all other applicable fees, FGIS supervision fees for domestic U.S. grain shipments inspected and/or weighed, including land carrier shipments to Canada and Mexico, will be assessed at the current per metric ton rate identified in FGIS Directive 9180.74 Service Fees and Billing Codes, Attachment 2. Invoices will identify assessed supervision fees as separate line items per applicable carrier/unit type.

(3) Commodity cooperative service agreement fees. In addition to all other applicable fees, commodity cooperative service agreement fees for commodity inspection services (pulses, hops, and miscellaneous processed commodities), excluding rice, will be assessed at the current percentage rate identified in FGIS Directive 9180.74 (Service Fees and Billing Codes, Attachment 4.) The assessed fees must exclude travel, mailing expenses, and state and local taxes. Invoices will identify assessed commodity cooperative service agreement fees as separate line items.

(4) AMA rice cooperative service agreement fees. In addition to all other applicable fees, AMA rice cooperative service agreement fees for rice inspection services will be assessed at the current percentage rate identified in FGIS Directive 9180.74 (Service Fees and Billing Codes, Attachment 3.) The assessed fees must exclude travel, mailing expenses, and state and local taxes. Invoices will identify assessed AMA rice cooperative service agreement fees as separate line items.