

WSR 24-04-084

EXPEDITED RULES

DEPARTMENT OF AGRICULTURE

[Filed February 5, 2024, 1:31 p.m.]

Title of Rule and Other Identifying Information: Chapter 16-218 WAC, Hops—Certification analyses—Fees. In response to a requirement set by the United States Department of Agriculture's (USDA) Federal Grain Inspection Service (FGIS) under Directive 9100.07 issued on July 19, 2023, the department of agriculture (department) is proposing to amend chapter 16-218 WAC by adding clarifying language which identifies Commodity Cooperative Service Agreement Fees and Agricultural Marketing Act as separate line items from the unit fees charged for each service.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The new language will provide transparency to the department's hop inspection program's (program) customers related to federal fees the program collects and how they will appear on invoices for applicable services.

Reasons Supporting Proposal: The program facilitates trade in domestic and international markets by providing unbiased, third-party sampling, weighing, quality testing, and grade inspection under an official delegation by the United States Department of Agriculture's, Agricultural Marketing Service, Federal Grain Inspection Service (USDA-AMS-FGIS). As an official delegate, the department must comply with USDA requirements in order to provide these services.

USDA-AMS-FGIS has notified all delegates that they need to update their rule language to reflect required language pertaining to federal administrative and supervision fees. The department is required to collect these federal oversight fees when providing services and provide them to USDA-AMS-FGIS. Previously, these fees were included in the unit fee rate. With the rule change, these fees will be identified as a separate line item on invoices.

Statutory Authority for Adoption: RCW 22.09.020 and 22.09.790.

Statute Being Implemented: Chapter 22.09 RCW.

Rule is necessary because of federal law, 7 C.F.R. §§ 800.70(e), 800.0(b), 800.195(f); FGIS Directive 9100.7.

Name of Proponent: Washington state department of agriculture, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Mike Firman, 21 North 1st Avenue, Suite 106, Yakima, WA 98902, 509-249-6933.

This notice meets the following criteria to use the expedited adoption process for these rules:

Relates only to internal governmental operations that are not subject to violation by a person.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The amendment relates only to internal governmental operations, specifically how the department shows fees charged by FGIS on invoices, and is not subject to violation by a person. This proposed amendment, therefore, meets the criteria for expedited adoption under RCW 34.05.353 (1)(a).

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE

RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Gloriann Robinson, Rules Coordinator, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1802, fax 360-902-2092, email wsdarulescomments@agr.wa.gov, AND RECEIVED BY April 8, 2024.

January 25, 2024
Greg Haubrich
Assistant Director

OTS-5175.1

NEW SECTION

WAC 16-218-050 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 Federal Grain Inspection Service (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.