

WSR 24-09-070

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed April 16, 2024, 1:56 p.m., effective May 17, 2024]

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

Purpose: This rule-making order amends 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 (AMA), as separate line items from the unit fees charged for each service.

The department's hop inspection 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 USDA, Agricultural Marketing Service, FGIS (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.

Citation of Rules Affected by this Order: New WAC 16-218-050.

Statutory Authority for Adoption: RCW 22.09.020 and 22.09.790.

Adopted under notice filed as WSR 24-04-084 on February 5, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 1, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 16, 2024.

Derek I. Sandison
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.