

WSR 24-17-082

EXPEDITED RULES

DEPARTMENT OF AGRICULTURE

[Filed August 19, 2024, 8:31 a.m.]

Title of Rule and Other Identifying Information: Chapter 16-06 WAC, Public records.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: In response to a petition for rule making, the department of agriculture (department) is proposing to clarify current rule language by replacing all gender-specific pronouns with modern gender-inclusive pronouns.

The department is also replacing the word "marijuana" found in WAC 16-06-210, with the word "cannabis" to align with 2SHB 1210 (chapter 16, Laws of 2022).

Reasons Supporting Proposal: RCW 43.01.160 requires state agencies to use gender-neutral terms in rules unless a specification of gender is intended. Replacing gender-specific terminology supports the department's commitment to integrate inclusive policies and procedures as outlined in the department's 22-25 strategic plan.

Gender-inclusive pronouns are pronouns that are not specifically gendered and can be utilized when referring to each other in the third person. They are linguistic tools that we use to refer to people. Using gender-neutral pronouns can help create a more inclusive and welcoming environment and show respect for people's gender identities.

In 2022, the Washington state legislature passed 2SHB 1210, which replaced all instances of the word "marijuana" with "cannabis" throughout RCW.

To ensure consistency between the overarching RCW and WAC, the department is proposing to replace all instances of "marijuana" to "cannabis" in this chapter.

Statutory Authority for Adoption: RCW 43.01.160, 43.17.060, 42.56.040.

Statute Being Implemented: Chapters 43.17 and 42.56 RCW.

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

Name of Proponent: Skye Theriot, private.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Gloriann Robinson, 1111 Washington Street S.E., Olympia, WA, 360-902-1802.

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

Corrects typographical errors, makes address or name changes, or clarifies language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The amendments in this proposal meet the criteria for expedited rule making specified in RCW 34.05.353 (1)(c) by clarifying the rule without changing its effect, by replacing gender-specific pronouns, with gender-inclusive pronouns and replacing the word "marijuana" with "cannabis."

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 EX-

PRESS 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 October 22, 2024.

August 19, 2024
Jason Ferrante
Deputy Director

OTS-5727.1

AMENDATORY SECTION (Amending WSR 20-16-011, filed 7/23/20, effective 8/23/20)

WAC 16-06-210 Exemptions. (1) The Public Records Act exempts a number of types of records from public disclosure (see chapter 42.56 RCW).

(2) Records are also exempt from disclosure if any other statute exempts or prohibits disclosure. Requestors should be aware of the following exemptions outside of the Public Records Act, which restrict the availability of some records held by the department. This list is not exhaustive and other exemptions may apply:

(a) The semiannual report required in the Commercial Feed Act (reference RCW 15.53.9018).

(b) The department has the authority to publish reports of official seed inspections, seed certifications, laboratory statistics, verified violations of this chapter, and other seed branch activities which do not reveal confidential information regarding individual company operations or production (reference RCW 15.49.370(8)).

(c) Financial statement information required under RCW 22.09.040(9) or 22.09.045(7).

(d) Privileged or confidential information or data that contains trade secrets, commercial, or financial information submitted under the Washington Pesticide Control Act (reference RCW 15.58.060 (1)(c) and 15.58.065).

(e) Information submitted by an applicant under chapter 17.24 RCW that is privileged or confidential because it contains trade secrets or commercial or financial information (reference RCW 17.24.061).

(f) Under RCW 42.56.610 and 90.64.190, information identifying the number of animals; volume of livestock nutrients generated; number of acres covered by the plan or used for land application of livestock nutrients; livestock nutrients transferred to other persons; and crop yields in plans, records, and reports obtained by state and local agencies from dairies, animal feeding operations, and concentrated animal feeding operations not required to apply for a National Pollutant Discharge Elimination System permit is disclosable in the following ranges:

- (i) Number of animals: Beef cattle
 - 1 to 19
 - 20 to 159
 - 160 to 299
 - 300 to 999

1,000 to 5,999

6,000 to 10,999

11,000 to 15,999

16,000 to 20,999

21,000 to 25,999

26,000 to 31,199

31,200 to 37,439

37,440 to 44,999

45,000 and above

(ii) Number of animals: Mature dairy cattle

1 to 37

38 to 199

200 to 699

700 to 1,699

1,700 to 2,699

2,700 to 3,699

3,700 to 4,699

4,700 to 5,699

5,700 to 6,839

6,840 and above

(iii) Number of animals: Dairy heifers

1 to 49

50 to 149

150 to 299

300 to 999

1,000 to 1,999

2,000 to 2,999

3,000 to 3,999

4,000 and above

(iv) Number of animals: Swine (~~((fifty-five))~~ 55 pounds or greater)

1 to 19

20 to 159

160 to 399

400 to 749

750 to 2,499

2,500 to 4,249

4,250 to 5,999

6,000 to 7,749

7,750 and above

(v) Number of animals: Swine (less than (~~((fifty-five))~~ 55 pounds)

1 to 99

100 to 499

500 to 1,099

1,100 to 1,999

2,000 to 2,999

3,000 to 9,999

10,000 to 16,999

17,000 to 23,999

24,000 to 30,999

31,000 and above

(vi) Number of animals: Layers (all ages)

1 to 199

200 to 999

1,000 to 10,999

11,000 to 24,999

25,000 to 81,999

82,000 to 138,999
 139,000 to 195,999
 196,000 to 252,999
 253,000 to 309,999
 310,000 to 371,999
 372,000 to 446,399
 446,400 to 535,679
 535,680 to 642,815
 642,816 to 771,379
 771,380 to 925,655
 925,656 to 1,110,787
 1,110,788 to 1,332,945
 1,332,946 and above

(vii) Number of animals: Broilers (all ages)

1 to 199
 200 to 999
 1,000 to 17,999
 18,000 to 37,499
 37,500 to 124,999
 125,000 to 212,499
 212,500 to 299,999
 300,000 and above

(viii) Number of animals: Horses

1 to 19
 20 to 79
 80 to 149
 150 to 499
 500 to 849
 850 to 1,199
 1,200 to 1,549
 1,550 and above

(ix) Livestock nutrients generated or exported by volume (ft³/day)

1 to 74
 75 to 134
 135 to 299
 300 to 449
 450 to 749
 750 to 1,499
 1,500 to 2,499
 2,500 to 4,999
 5,000 to 8,499
 8,500 to 11,999
 12,000 to 15,999
 16,000 and above

(x) Livestock nutrients generated or exported by weight (tons/year)

1 to 5,256
 5,257 to 10,512
 10,513 to 21,024
 21,025 to 42,048
 42,049 to 84,096
 84,097 to 164,184
 164,185 to 262,734
 262,735 to 394,200
 394,201 to 558,384

558,385 to 722,634
 722,635 to 919,734
 919,735 to 1,051,134
 1,051,135 and above

(xi) Number of acres covered by the plan or used for land application of livestock nutrients

0 to 25
 26 to 65
 66 to 120
 121 to 300
 301 to 550
 551 to 900
 901 to 1,300
 1,301 to 1,800
 1,801 to 2,500
 2,501 to 3,200
 3,201 to 4,000
 4,001 to 6,000
 6,001 to 9,000
 9,001 to 11,500
 11,501 to 14,000
 14,001 and above

(xii) Crop yields - tons/acre

0 to 1
 1.1 to 2
 2.1 to 3.5
 3.6 to 5
 5.1 to 7
 7.1 to 9
 9.1 to 12
 12.1 to 14.5
 14.6 to 17
 17.1 to 19.5
 19.6 to 22
 22.1 to 26
 26.1 and above

(g) A person aggrieved by a violation of chapter 17.21 RCW or the rules adopted under that chapter is entitled, on request, to have (~~his or her~~) their name protected from disclosure in any communication with persons outside the department and in any record published, released, or made available to persons outside the department except as provided in RCW 17.21.340 (1) (a) (ii).

(h) Information about (~~marijuana~~) cannabis processors otherwise exempt from public inspection and copying under chapter 42.56 RCW is also exempt from public inspection and copying if submitted to or used by the department (reference RCW 69.07.200(4)).

(i) Information about (~~marijuana~~) cannabis producers, (~~marijuana~~) cannabis processors, and (~~marijuana~~) cannabis retailers otherwise exempt from public inspection and copying under chapter 42.56 RCW is also exempt from public inspection and copying if submitted to or used by the department (reference RCW 15.125.050).

(3) A list of common record exemptions can be found on the department's website.