

**WSR 22-07-062**  
**POLICY STATEMENT**  
**DEPARTMENT OF AGRICULTURE**  
[Filed March 17, 2022, 7:20 a.m.]

On March 14, 2022, a policy statement was issued regarding eligibility requirements to receive an allocation from the state fair fund under chapter 15.76 RCW and how the Washington state department of agriculture (WSDA) will apply the merit rating to fair events held during the 2021 fairs season.

A copy of the policy statement may be obtained by accessing WSDA website ([www.agr.wa.gov](http://www.agr.wa.gov)) or by contacting Gloriann Robinson, Agency Rules Coordinator, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1802, email [wsdarulescomments@agr.wa.gov](mailto:wsdarulescomments@agr.wa.gov).

**POLICY STATEMENT**  
**Number: AO-22-0001**

Subject: Recognizing 2020 and 2021 as disaster years when determining eligibility for allocations from the state fair fund in 2022 and modification of requirements for fair events held in 2021.

Supersedes: Not applicable.

Contact: Megan Finkenbinder, fairs program administrator, email [mfinkenbinder@agr.wa.gov](mailto:mfinkenbinder@agr.wa.gov), phone 360-902-2043.

Approved By: Derek I. Sandison, Director.

Date Approved: March 16, 2022.

WSDA issues this policy statement pursuant to RCW 34.05.230:

(1) For purposes of RCW 15.76.140, WSDA recognizes 2020 and 2021 as disaster years for the Washington state agricultural fair industry when determining eligibility requirements to receive an allocation from the state fair fund in 2022.

(2) For events held in 2021:

(a) WSDA eliminates the requirement in WAC 16-700-022(3) for a minimum seven-hour display; and

(b) Advises that the director will provide guidance on the application of the merit system under RCW 15.76.150 and WAC 16-700-050 to virtual, online events.

(3) Fairs that incurred expenses in preparation for a 2021 fair that was then cancelled are eligible for special assistance grants.

**Background:** Chapter 15.76 RCW declares that it is in the public interest to hold agricultural fairs. Under this chapter, the state provides for a reimbursement of operating expenses for the state's agricultural fairs, as determined by a merit rating. It also allows a portion of the allocation dollars to be used as special assistance to participating fairs.

In order to be eligible to receive allocations from the state fair fund, RCW 15.76.140 requires agricultural fairs to have conducted two successful consecutive annual fairs immediately preceding application for such allocations. A fair that does [did] not hold an event in 2020 and 2021 would be ineligible to apply for a reimbursement allocation from the state fair fund. WSDA director may waive this requirement if a fair is not held due to a natural disaster.

RCW 15.76.150 requires allocations to be distributed according to a merit rating system established by the director. The merit rating must take into account certain factors, such as youth participation, number and type of exhibits, premiums paid, attendance, community support, conditions of the fairgrounds, etc. Generally, the merit system

assumes physical events and exhibits in one place [are] open to the public at least seven hours a day. See WAC 16-700-050.

RCW 15.76.160 specifies that allocation amounts can be made only as a reimbursement for operating expenses incurred. Thus, the amount of state funds allocated to a fair is based on a fair's expenses in the prior year. For example, the allocations made in the spring of 2020 were a reimbursement of operating expenses from the 2019 fairs season.

**Circumstances Warranting this Policy Statement:** The Washington governor first declared a state of emergency in response to new cases of COVID-19 on February 29, 2020. On March 22, 2020, the United States president declared a major disaster exists [existed] in Washington as a result of the COVID-19 pandemic. The state undertook a number of measures to stop or slow the spread of the virus, including a stay-at-home order, prohibitions on public gatherings, and social distancing restrictions. Many of these measures remained in place during the first half of 2021.

Such measures required many agricultural fairs to cancel or modify their physical fair events. In some cases, fair organizers had already incurred expenses in preparation for a fair. Some fairs were able to conduct a limited virtual fair or online sale option for their exhibitors - especially for youth exhibitors who had many hours and great expense tied to their projects. Such events, however, are significantly different from traditional physical fairs funded in part by state allocations.

This significant disruption to the ordinary course of events harms the public interest in holding agricultural fairs. The traditional application of the merit rating system would be ineffective in judging the merit of novel, virtual fairs. The impact of the pandemic on fairs continued into 2021 by eliminating the eligibility of many fairs to apply for funding as the result of cancelling the 2020 fair in response to the public health emergency.

Such circumstances require the director to exercise the discretion granted by the legislature to account for disasters and accommodate novel means of training youth and promoting the welfare of farm people and rural economic development.

**Description:** The director of WSDA recognizes 2020 and 2021 to be disaster years for the state's agricultural fairs. The director waives the requirement in RCW 15.76.140(1) for two previous consecutive fairs for a fair to be eligible for an allocation from the state fair fund.

Fairs that hold a virtual or limited in-person event in lieu of a physical fair may apply to receive a reimbursement-based allocation from the state fair fund, as required in WAC 16-700-015. For events held in 2021, the director waives [waived] the requirement to have displays open to the public for a seven-hour time period found in WAC 16-700-022(3). Also for 2021 events, the director will revise the merit system required in RCW 15.76.150 and WAC 16-700-050 to provide for an agricultural fair that cancels its physical fair during a disaster year and instead holds a virtual or limited in-person fair or auction for the benefit of its youth exhibitors.

Fairs that incurred operating expenses prior to cancelling their physical fair in 2021, are eligible to receive a special assistance grant for such preparation expenses.

Derek I. Sandison  
Director