

WSR 22-17-020

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed August 4, 2022, 8:44 a.m., effective September 4, 2022]

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

Purpose: This rule-making order amends chapter 16-228 WAC, General pesticide rules, by: (1) Adding the option of computer-based examinations for prospective pesticide or structural pest inspector licenses. Fees for a computer-based examination administered by a third-party entity will not be more than \$65 per examination, as established in the vendor's contract with the department. The department will also post the computer-based exam fee on the agency website; (2) clarifying that the \$25 fee for examinations currently in rule is applicable only to paper-based examinations; (3) adding that the department may administer pesticide exams, may contract with an examination or testing vendor to administer exams, or both; and (4) correcting how numbers are displayed in rule, per new office of the code reviser standards. For instance, changing "fourteen" to "14."

Citation of Rules Affected by this Order: Amending WAC 16-228-1540.

Statutory Authority for Adoption: RCW 15.58.040, 15.58.240, 17.21.030, and 17.21.134.

Adopted under notice filed as WSR 22-13-000A on June 22, 2022.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: August 3, 2022.

Derek I. Sandison  
Director

OTS-3898.1

AMENDATORY SECTION (Amending WSR 12-22-015, filed 10/29/12, effective 1/1/13)

**WAC 16-228-1540 What are the requirements for pesticide examinations?** (1) An examination fee of (~~twenty-five dollars~~) \$25 shall be paid prior to administration of any paper-based pesticide or structural pest inspector license examinations. (~~The department reserves the right to restrict the number of applicants examining at any given time.~~)

(2) An examination fee of not more than \$65 shall be paid prior to the administration of each computer-based pesticide or structural pest inspector license examination. If a third-party entity administers a computer-based licensing exam, an applicant shall pay the exam cost established in the vendor's contract with the department, not to exceed the amount set in this section. The department will post this exam fee to its website.

(3) The director may administer the pesticide exams, may contract with an examination or testing vendor to administer the exams, or both.

(4) The department reserves the right to restrict the number of applicants taking examinations at any given time.

(5) Any individual who fails any pesticide licensing examination twice shall be required to wait at least (~~fourteen~~) 14 days before retaking that examination a third time. Subsequent testing shall be at the director's discretion.

~~((3))~~ (6) An applicant shall complete the application form for a pesticide or structural pest inspector license and pay the required license application fee and testing fee at the time pesticide or structural pest inspector examinations are given, unless prior arrangements have been made.

~~((4))~~ (7) Pesticide and structural pest inspector examination scores shall not be released by the department until the license application fee and testing fee have been paid.

[Statutory Authority: 2012 2nd sp.s. c 7, RCW 17.21.030, 15.58.040, and chapter 34.05 RCW. WSR 12-22-015, § 16-228-1540, filed 10/29/12, effective 1/1/13. Statutory Authority: Chapters 17.21, 15.58, 34.05 RCW. WSR 03-22-029, § 16-228-1540, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58, 17.21 RCW. WSR 00-22-073, § 16-228-1540, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. WSR 99-22-002, § 16-228-1540, filed 10/20/99, effective 11/20/99.]