

WSR 22-23-008

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed November 3, 2022, 7:37 a.m., effective December 5, 2022]

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

Purpose: Chapter 16-240 WAC, WSDA grain inspection program—Definitions, standards, and fees. The Washington state department of agriculture (WSDA) is amending this chapter by:

1. Increasing the following fees:
 - a. The tonnage rate at tiers one and two for export vessels;
 - b. Submitted United States General Service Agency (USGSA) and WSDA samples for inspections;
 - c. USGSA trucks and containers per unit;
 - d. USGSA and Agricultural Marketing Act (AMA) railcar probe sampling per railcar;
 - e. AMA additional factors per sample;
 - f. Hundred weight fees for both USGSA and AMA;
 - g. Submitted AMA per sample; and
 - h. Phyto fee per certificate.
 2. Adding the following fees:
 - a. An additional fee rate under tier 2 for vessels and local with approved automated weighing systems in WAC 16-240-070 (USGSA Table 1) and 16-240-080 (AMA Table 1);
 - b. An official bag fee for any export elevator locations;
 - c. A new fee for class Y weighing in WAC 16-240-070 (USGSA Table 4); and
 - d. A fee for warehousemen samples and reinspections in WAC 16-240-070 (adding USGSA Table 10).
 3. Clarifying:
 - a. The language in WAC 16-240-038(2) to include tier 2 charges into the daily revenue minimum along with tier 1, leaving only tier 3 as the rate that will need to be in effect for export locations to not be subject to the monthly/daily revenue minimum charges.
- Citation of Rules Affected by this Order: Amending WAC 16-240-038, 16-240-070, 16-240-080, and 16-240-090.
- Statutory Authority for Adoption: RCW 22.09.020 and 22.09.790.
- Adopted under notice filed as WSR 22-18-102 on September 7, 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- Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.
- Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.
- Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 4, Repealed 0.
- Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.
- Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: November 2, 2022.

Derek I. Sandison
Director

OTS-4042.3

AMENDATORY SECTION (Amending WSR 17-19-051, filed 9/13/17, effective 10/14/17)

WAC 16-240-038 Revenue minimum determination. The circumstances under which the department adjusts rates to meet the revenue minimum are as follows:

(1) When the daily volume of work at a service location at the established fees does not generate revenue at least equal to the straight time hourly rate per hour, per employee, a sufficient additional amount, calculated by using the straight time hourly rate per hour, per employee, will be added to the established fee amount to meet the revenue minimum, except as provided in subsection (2) of this section.

(2) The daily revenue minimum charge applies only to the Tier 1 and Tier 2 metric tonnage rate shown in WAC 16-240-070 (2)(b) at USGSA Table 1 and in WAC 16-240-080 (2)(b) at AMA Table 1. When (~~either a Tier 2 or~~) the Tier 3 rate is in effect (WAC 16-240-043, 16-240-070, and 16-240-080), export locations will not be subject to daily revenue minimum charges during the (~~Tier 2 or~~) Tier 3 rate period allowed under WAC 16-240-043.

(3) Work volume daily averaging at export locations will be determined as follows:

(a) When the daily volume of work at a service location at the established fees does not generate revenue equivalent to the straight time hourly rate per hour, per employee, including applicable supervisory and clerical employee hours, according to the staffing needs at the facility, the department will charge an additional fee, except as provided in subsection (2) of this section.

(b) The straight time hourly rate will be charged per hour, per employee.

(c) Service cancellation fees, WAC 16-240-054, are not considered to be revenue under daily averaging.

(4) Work volume monthly averaging at export locations will be determined as follows:

(a) When the applicant has requested the department to establish one or more permanent shifts, the applicant may request, in writing, that the revenue minimum required for staffing at the location be determined based on the completed invoices for the calendar month, instead of paying the fees for daily volume of work.

(b) Under this subsection (4), and except for when the work volume monthly averaging for the revenue minimum is determined under (a) of this subsection, when the monthly volume of work at the established fees does not generate revenue equivalent to the straight time hourly rate per hour, per employee, including applicable supervisory and clerical employee hours, according to the staffing needs at the facility, a sufficient additional amount, calculated by using the straight time hourly rate per hour, per employee, will be added to the established fee amount to meet the revenue minimum for each month during which work volume monthly averaging applies. As provided under (f) of this subsection, this revenue minimum adjustment applies only during any month when Tier 1 and Tier 2 rates are in effect.

(c) At export locations, the request for monthly averaging stays in effect until canceled.

(d) An applicant's written request to establish or cancel monthly averaging for the coming month must be received by 2:00 p.m. of the last business day in the month.

(e) Service cancellation fees under WAC 16-240-054 are not considered to be revenue under monthly averaging.

(f) The monthly revenue minimum charge applies only to the Tier 1 and Tier 2 rate shown in USGSA Table 1 under WAC 16-240-070 (2) (b) and AMA Table 1 under WAC 16-240-080 (2) (b) of this schedule. When (~~either the Tier 2 or~~) the Tier 3 rate is in effect, export locations will not be subject to daily revenue minimum charges during the (~~Tier 2 or~~) Tier 3 rate period allowed under WAC 16-240-043.

(i) Upon the applicant's written notification to the department, the monthly revenue minimum will not be applied to the month in which an export facility resumes operations after an extended downtime. This exception for maintenance or repair is available once per fiscal year.

(ii) When the department provides services at a nonexport location or a transloading facility, and the hourly, unit, and applicable travel fees do not cover the cost of providing the service, a sufficient additional amount calculated by using the straight time hourly rate per hour, per employee, will be added to the established fee amount to meet the revenue minimum.

[Statutory Authority: RCW 22.09.020 and chapter 34.05 RCW. WSR 17-19-051, § 16-240-038, filed 9/13/17, effective 10/14/17; WSR 16-12-076, § 16-240-038, filed 5/27/16, effective 7/1/16. Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-21-064, § 16-240-038, filed 10/17/12, effective 11/17/12. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. WSR 05-11-058, § 16-240-038, filed 5/17/05, effective 6/17/05.]

AMENDATORY SECTION (Amending WSR 17-19-051, filed 9/13/17, effective 10/14/17)

WAC 16-240-070 Fees for services under the United States Grain Standards Act. (1) USGSA Tables 1 through (8) in this section contain fees for official sampling, inspection, weighing services, and fees for other associated services under the United States Grain Standards Act (USGSA). Services available include inspection, sampling, testing, weighing, laboratory analysis, and certification.

(2) Fees that are not otherwise provided for in this chapter for services under the United States Grain Standards Act are described below.

(a) Fees for other services under the United States Grain Standards Act not specifically cited in WAC 16-240-070 are provided at the rates contained in WAC 16-240-080 or 16-240-090 or at the published rates of the laboratory or organization providing the official service or analysis. The program will require the applicant for service to provide advance consent to the rate for any service necessary to be performed at an external laboratory or organization.

(b) An applicant may be required to provide the necessary supplies and equipment when requesting a new or special type of analysis.

**USGSA Table 1
Fees for Combination Inspection and Weighing Services**

1.	In, out, or local, rate for all tiers, per metric ton	\$0.250
2.	Vessels (export and domestic ocean-going), Tier 1 rate, per metric ton	(\$0.250) \$0.300
3.	Vessels and local (export and domestic ocean-going) with approved automated weighing systems, Tier 1 rate, per metric ton	(\$0.230) \$0.280
Note: For automated weighing systems:		
<ul style="list-style-type: none"> ■ When approved automated weighing systems are not functioning properly, dedicated staff time may be required at the rates established in WAC 16-240-060. 		
4.	Vessels and local (export and domestic ocean-going), Tier 2 rate, per metric ton	(\$0.200) \$0.250
5.	<u>Vessels and local (export and domestic ocean-going) with approved automated weighing systems, Tier 2 rate, per metric ton</u>	\$0.230
6.	Vessels and local (export and domestic ocean-going), Tier 3 rate, per metric ton	\$0.100
7.	<u>Official ship samples</u>	\$7.00
Note: For vessels (export and domestic ocean-going):		
<ul style="list-style-type: none"> ■ The metric ton vessel rate includes all additional factor inspection services required by the load order. All other additional factor inspection services in USGSA Table 1 are charged at the per factor fee. (■ The metric ton vessel rate includes all official ship samples required by the load order.) ■ Stress crack analysis in corn is included in the fees in USGSA Table 1. ■ During vessel loading, fees for other tests, such as protein analysis, falling number determinations, or mycotoxin analysis will be charged at the per unit rates included under this chapter. 		
(6.) 8.	Trucks or containers, per truck or container	(\$25.00) \$35.00
(7.) 9.	Additional nongrade determining factor analysis, per factor	\$3.00

**USGSA Table 2
Fees for Official Sampling and Inspection Without Weighing Services**

1.	Original or new sample reinspection trucks or containers sampled by approved grain probe, including factor only or sampling only services, per truck or container	(\$20.00) \$30.00
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2.	Barge sampled by USDA approved mechanical sampler, including factor only or sampling only services, per metric ton	\$0.10
3.	Railcars sampled by USDA approved mechanical sampler, including factor only or sampling only services, per railcar	\$20.00
4.	Original or new sample reinspection railcars sampled by USDA approved grain probe, applicant assisted, including factor only or sampling only services, per railcar	\$20.00
5.	Original or new sample reinspection railcars sampled by USDA approved grain probe, including factor only or sampling only services, per railcar	(\$30.00) \$40.00
<p>Note: The following applies to all fees in this table:</p> <ul style="list-style-type: none"> ■ For barley, determining and certifying of dockage to tenths is included in the fees in USGSA Table 2. ■ Stress crack analysis in corn is included in the fees in USGSA Table 2. ■ Analysis that requires additional equipment or personnel will be provided at the applicable hourly rate under this chapter. ■ The per railcar rate applies to each railcar included in a batch grade. A batch grade is two or more cars that are combined, at the applicant's request, for a single grade. ■ <u>FGIS supervision fee will be assessed at current per metric ton rate (WAC 16-240-039).</u> 		
6.	Inspection of bagged grain, including tote bags, per hundredweight (cwt)	(\$0.100) \$0.140
7.	Additional nongrade determining factor analysis, per factor	(\$3.00) \$5.00

**USGSA Table 3
Fees for Official Class X Weighing Services
Without an Inspection of Bulk Grain**

1.	In, out, or local, per metric ton	\$0.200
2.	Vessels (export and domestic ocean-going), per metric ton	\$0.200
3.	Trucks or containers, per weight lot	\$20.00
4.	<u>Class Y weighing per railcar</u>	\$1.00
<ul style="list-style-type: none"> ■ <u>FGIS supervision fee will be assessed at current per metric ton rate (WAC 16-240-039).</u> 		

**USGSA Table 4
Fees for Inspection of Submitted Samples,
Fees for Reinspections Based on Official
File Samples and Fees for Additional Factors**

1.	Submitted samples, including factor-only inspections, per inspection	(\$12.00) \$15.00
2.	Reinspections based on official file sample, including factor-only reinspections, per inspection	(\$12.00) \$15.00
3.	<u>Warehousemen samples</u>	\$15.00
4.	<u>Warehousemen reinspection</u>	\$15.00
5.	Additional, nongrade determining factor analysis, per factor	(\$3.00) \$5.00
(4.) 6.	Stress crack only analysis on corn, per sample	\$9.00
<p>Note: The following applies to all fees in this table:</p> <ul style="list-style-type: none"> ■ When submitted samples are not of sufficient size to allow for official grade analysis, obtainable factors may be provided, upon request of the applicant, at the submitted sample rates shown above. ■ For barley, determining and certifying of dockage to tenths is included in the fees in USGSA Table 4. ■ Stress crack analysis in corn is included in the fees in USGSA Table 4. ■ Analysis that requires additional equipment or personnel will be provided at the applicable hourly rate under this chapter. ■ <u>FGIS supervision fee will be assessed at current per metric ton rate (WAC 16-240-039).</u> 		

**USGSA Table 5
Fees for Miscellaneous Services**

1.	Laboratory analysis, at cost	At cost
2.	All other USGSA services not listed in this section, per hour, per employee	\$56.00
<p>Note: The following applies to all fees in this table:</p> <ul style="list-style-type: none"> ■ On request, shipping arrangements billed directly by shipper to the customer's shipping account may be coordinated by the department. ■ <u>FGIS supervision fee will be assessed at current per metric ton rate (WAC 16-240-039).</u> 		

**USGSA Table 6
Fees for Official Analysis for Protein, Oil, or Other Official Constituents**

Original or reinspection based on file sample, per test	\$9.00
<p>Note: The following applies to the fee in USGSA Table 6:</p> <ul style="list-style-type: none"> ■ When a reinspection service includes a request for a new sample, the appropriate sampling fee will also be charged. ■ Results for multiple criteria achieved in a single testing operation are provided at the single test rate unless certificated separately. ■ <u>FGIS supervision fee will be assessed at current per metric ton rate (WAC 16-240-039).</u> 	

**USGSA Table 7
Fees for Testing for the Presence of Myco-
toxins Using USDA Approved Methods**

Original, reinspection based on official file sample, or submitted sample, per test	\$40.00
<p>Note: The following applies to this table:</p> <ul style="list-style-type: none"> ■ When a reinspection service includes a request for a new sample, the appropriate sampling fee to obtain the sample will be charged in addition to the per test fee shown earlier (see WAC 16-240-070, USGSA Table 2). ■ <u>FGIS supervision fee will be assessed at current per metric ton rate (WAC 16-240-039).</u> 	

**USGSA Table 8
Fees for Stowage Examination Services on
Vessels or Ocean-Going Barges and Fees for
Other Stowage Examination Services**

1. Vessels or ocean-going barges stowage examination, original or reinspection, per request	\$500.00
2. Other stowage examinations of railcars, trucks, trailers, or containers, original or reinspection, per inspection	\$9.00

[Statutory Authority: RCW 22.09.020 and chapter 34.05 RCW. WSR 17-19-051, § 16-240-070, filed 9/13/17, effective 10/14/17; WSR 16-12-076, § 16-240-070, filed 5/27/16, effective 7/1/16. Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-21-064, § 16-240-070, filed 10/17/12, effective 11/17/12. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. WSR 05-11-058, § 16-240-070, filed 5/17/05, effective 6/17/05.]

AMENDATORY SECTION (Amending WSR 17-19-051, filed 9/13/17, effective 10/14/17)

WAC 16-240-080 Fees for services under the Agricultural Marketing Act of 1946. (1) AMA Tables 1 through 5 in this section contain official sampling, inspection, or weighing services and fees for other services under the Agricultural Marketing Act of 1946 (AMA). Services available include inspection, sampling, testing, weighing, laboratory analysis, and certification.

(2) Fees that are not otherwise provided for in this chapter for services under the Agricultural Marketing Act of 1946 are described below.

(a) Fees for other services under the Agricultural Marketing Act of 1946 not contained in WAC 16-240-080 are contained in WAC 16-240-070 or 16-240-090 or at the published rates of the laboratory or organization providing the official service or analysis.

(b) An applicant may be required to provide the necessary supplies or equipment when requesting a new or special type of analysis.

**AMA Table 1
Fees for Combination Sampling, Inspection
and Weighing Services, and Additional Fac-
tors**

1.	In, out, or local, rate for all tiers, per metric ton	\$0.250
2.	Vessels (export or domestic), Tier 1 rate, per metric ton	(\$0.250) \$0.300
3.	Vessels and local (export and domestic ocean-going) with approved automated weighing systems, Tier 1 rate, per metric ton	(\$0.230) \$0.280
Note: For automated weighing systems:		
<ul style="list-style-type: none"> ■ When approved automated weighing systems are not functioning properly, dedicated staff time may be required at the rates established in WAC 16-240-060. 		
4.	Vessels and local (export and domestic ocean-going), Tier 2 rate, per metric ton	(\$0.200) \$0.250
5.	<u>Vessels and local (export and domestic ocean-going) with approved automated weighing systems, Tier 2 rate, per metric ton</u>	\$0.230
6.	Vessels and local (export and domestic ocean-going), Tier 3 rate, per metric ton	\$0.100
7.	<u>Official ship samples</u>	\$7.00
Note: For vessels (export and domestic ocean-going):		
<ul style="list-style-type: none"> ■ The metric ton vessel rate includes all additional factor inspection services required by the load order. All other additional factor inspection services in AMA Table 1 are charged at the per factor fee. 		
<ul style="list-style-type: none"> (■ The metric ton vessel rate includes all official ship samples required by the load order.) 		
<ul style="list-style-type: none"> ■ During vessel loading, fees for other tests, such as protein analysis, falling number determinations, or mycotoxin analysis will be charged at the per unit rates included under this chapter. 		
(6.) 8.	Trucks or containers, per truck or container	\$30.00
(7.) 9.	Additional, nongrade determining factor analysis, per factor	\$3.00
Note: The following applies to all fees in this table:		
<ul style="list-style-type: none"> ■ The rates in the above section also apply to services provided under federal criteria inspection instructions, state established standards, or other applicant requested criteria. ■ Dockage breakdown is included in the basic inspection fee. ■ The metric ton vessel rate includes all additional factor inspection services required by the load order. All other additional factor inspection services in AMA Table 1 are charged at the per factor fee. 		

- Fees for other tests, such as mycotoxin analysis, provided during vessel loading will be charged at the per unit rates included in this fee schedule.

**AMA Table 2
Fees for Official Sampling and Inspection
Without Weighing Services, and Additional
Factors**

1.	Trucks or containers sampled by USDA approved grain probe, including factor only or sampling only services, per truck or container	\$30.00
2.	Barge sampled by USDA approved mechanical sampler, including factor only or sampling only services, per metric ton	\$0.10
3.	Railcars sampled by USDA approved mechanical samplers, including factor only or sampling only services, per railcar	\$30.00
4.	Railcars sampled by USDA approved grain probe, including factor only or sampling only services, per railcar	(\$30.00) \$40.00
5.	Inspection of bagged commodities or tote bags, including factor only or sampling only services, per hundredweight (cwt)	(\$0.100) \$0.140
6.	Additional, nongrade determining factor analysis, per factor	(\$3.00) \$5.00
<p>Note: The following applies to all fees in this table:</p> <ul style="list-style-type: none"> ■ Dockage breakdown is included in the basic inspection fee. ■ Analysis for special grade requirements or criteria analysis that requires additional equipment or personnel will be provided at the hourly rate. ■ The rates shown above also apply to services provided under federal criteria inspection instructions. 		

**AMA Table 3
Fees for Official Weighing Services without
Inspections**

1.	In, out, or local, per metric ton	\$0.200
2.	Vessels (export and domestic ocean-going), per metric ton	\$0.200
3.	Trucks or containers, per weight lot	\$20.00

**AMA Table 4
Fees for Inspecting Submitted Samples**

1.	Submitted sample, thresher run or processed, including factor-only inspections, per sample	(\$20.00) \$24.00
2.	Additional, nongrade determining factor analysis, per factor	(\$3.00) \$5.00
<p>Note: The following applies to all fees in this table:</p>		

- Dockage breakdown is included in the basic inspection fee.
- Analysis for special grade requirements or criteria analysis that requires additional equipment or personnel will be provided at the hourly rate.
- The rates shown above also apply to inspection services provided under federal criteria inspection instructions.
- When the size of a submitted sample is insufficient to perform official grade analysis, factor-only analysis is available on request of the applicant.

**AMA Table 5
Fees for Miscellaneous Services**

1.	Falling number determinations, including liquefaction number on request, per determination	\$20.00
2.	Sampling and handling of processed commodities, per hour, per employee	\$56.00
3.	Laboratory analysis, at cost	At cost
Note: The following applies to all fees in this table:		
<ul style="list-style-type: none"> ■ On request, shipping arrangements billed directly by shipper to the customer's shipping account may be coordinated by the department. 		

[Statutory Authority: RCW 22.09.020 and chapter 34.05 RCW. WSR 17-19-051, § 16-240-080, filed 9/13/17, effective 10/14/17; WSR 16-12-076, § 16-240-080, filed 5/27/16, effective 7/1/16. Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-21-064, § 16-240-080, filed 10/17/12, effective 11/17/12. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. WSR 05-11-058, § 16-240-080, filed 5/17/05, effective 6/17/05.]

AMENDATORY SECTION (Amending WSR 17-19-051, filed 9/13/17, effective 10/14/17)

WAC 16-240-090 Fees for other services performed by WSDA. (1)

WSDA Tables 1 through 3 in this section contain fees for other services performed at the request of the applicant when no USGSA or AMA standards exist. Services available include inspection, sampling, testing, weighing, laboratory analysis, and certification.

(2) Applicant-defined analysis may be available from the department.

(a) Hourly fees for sampling or sample preparation may be charged.

(b) The analysis will be provided at the established hourly rate or may be provided at the cost quoted by the laboratory or organization providing the service or analysis.

(c) Applicant may be required to provide supplies and equipment when requesting a new analysis or special service.

(3) Official samples, as defined under 7 C.F.R. 800.75, may be provided upon timely request by an interested party, specifying the number of samples requested. Samples are provided in up to five pound bags and are charged the fee stated in Table 3.

**WSDA Table 1
Fees for Inspecting Miscellaneous Agricultural Commodities under Chapter 16-213 WAC**

1. Submitted sample, per sample	(\$12.00) \$15.00
2. Railcars, sampled by USDA approved diverter-type mechanical samplers, per car	\$20.00
3. Railcars, sampled by USDA approved grain probe, per car	(\$30.00) \$40.00
4. Trucks or containers, sampled by USDA approved grain probe, per truck or container	(\$20.00) \$30.00
Note: The following applies to all fees in this table:	
<ul style="list-style-type: none"> ■ These rates also apply to inspection services provided under applicant-specified criteria or standards other than USGSA, AMA or WSDA. For example: Millet may be inspected under state of Montana standards, upon applicant request. 	

**WSDA Table 2
Fees for Phytosanitary Certification**

1. In conjunction with official inspection, per certificate	(\$30.00) \$55.00
2. For phytosanitary certification only, without official inspection, add required sampling time, per hour, per employee	\$56.00

**WSDA Table 3
Fees for Miscellaneous Services**

1. Unofficial constituent analysis, per test	\$9.00
2. Sample pick-up fee, on department established routes, per sample	\$1.25
3. Laboratory analysis, provided at other than WSDA grain inspection program offices, per analysis	At cost
4. Official samples, per bag	\$5.00

[Statutory Authority: RCW 22.09.020 and chapter 34.05 RCW. WSR 17-19-051, § 16-240-090, filed 9/13/17, effective 10/14/17. Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-21-064, § 16-240-090, filed 10/17/12, effective 11/17/12. Statutory Authority: 2003 1st sp.s. c 25 § 309(2); RCW 22.09.790, chapter 34.05 RCW and The United States Department of Agriculture has oversight of fees charged under the Federal Grain Inspection, Packers and Stockyards Administration. WSR 05-11-058, § 16-240-090, filed 5/17/05, effective 6/17/05.]