

WSR 25-05-102

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed February 19, 2025, 11:09 a.m., effective March 22, 2025]

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

Purpose: In response to a petition for rule making, the department of agriculture is proposing to clarify current rule language by replacing all gender-specific pronouns with modern gender-inclusive pronouns.

Citation of Rules Affected by this Order: Amending WAC 16-560-010, 16-560-060, and 16-560-080.

Statutory Authority for Adoption: RCW 15.24.035, 15.26.060, 15.28.023, 15.44.021, 15.65.240, 15.66.113, 15.88.050, 15.89.050, 15.115.060, and 16.67.060.

Other Authority: RCW 43.01.160 and 43.23.025.

Adopted under notice filed as WSR 25-01-161 on December 18, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 3, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: February 19, 2025.

Derek I. Sandison
Director

OTS-6047.1AMENDATORY SECTION (Amending Order 4, filed 4/30/70)

WAC 16-560-010 Withholding assessments by first handler. All dealers, handlers, or processors who purchase commercial tree fruit from a producer for sale, processing, or shipment anywhere, shall withhold the assessment due and payable the Washington tree fruit research commission by producers of such commercial tree fruit unless adequate evidence is supplied by such producer that payment of the assessment has been or will have been made directly by ~~((himself))~~ themselves. The first handler is responsible for payment of the research assessment, but ~~((he))~~ they shall charge the same against the producer, who is finally responsible for such assessment. A producer who transports ~~((his))~~ their own fruit or fruit on consignment to fresh market is deemed to be a first handler.

AMENDATORY SECTION (Amending Order 4, filed 7/17/72)

WAC 16-560-060 Reports of dealer, handler, and processor. Every dealer, handler, and processor shall annually, within ~~((thirty))~~ 30 days following each August 31st, file with the Washington tree fruit research commission a report, under oath, on forms prescribed and furnished by said commission, stating the quantity of apples covered by the provisions of the Tree Fruit Research Act handled, shipped or processed by ~~((him))~~ them during the ~~((twelve))~~ 12-month period immediately preceding said August 31st. Said return shall in addition identify each person from whom said apples were received and the amount of apples furnished by each said person. All said returns shall be submitted directly to the Washington state apple advertising commission as the designated agent for audit and collection of assessments levied on apples pursuant to the provisions of the Tree Fruit Research Act. The above is to conform with RCW 15.26.190.

AMENDATORY SECTION (Amending WSR 20-03-036, filed 1/8/20, effective 2/8/20)

WAC 16-560-080 Requests for public records. (1) All requests for disclosure of public records must be submitted in writing directly to the commission's public records officer by mail at 1719 Springwater Avenue, Wenatchee, WA 98801, or by email at kathy@treefruitresearch.com. The written request should include:

- (a) The name of the person requesting the record and ~~((his or her))~~ their contact information;
- (b) The calendar date on which the request is made; and
- (c) Sufficient information to readily identify the records being requested.

(2) Any person wishing to inspect the commission's public records may make an appointment with the public records officer to inspect the records at the commission office during regular business hours. In order to adequately protect the commission's public records, the following will apply:

- (a) Public records made available for inspection may not be removed from the area the commission makes available for inspection.
- (b) Inspection of any public record will be conducted in the presence of the public records officer or designee.
- (c) Public records may not be marked or altered in any manner during inspection.
- (d) The commission has the discretion to designate the means and the location for the inspection of records. The viewing of those records that require specialized equipment shall be limited to the availability of that equipment located at the commission office and the availability of authorized staff to operate that equipment.