

WSR 26-04-134

EXPEDITED RULES

DEPARTMENT OF AGRICULTURE

[Filed February 4, 2026, 11:53 a.m.]

Title of Rule and Other Identifying Information: Chapter 16-390 WAC, Fruit and vegetable fees and other charges.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department of agriculture (WSDA) is proposing to amend chapter 16-390 WAC, Fruit and vegetable inspection fees and other charges, to modify the regular business hours of the program and to remove references to the previous fee schedule from the chapter for clarity.

Reasons Supporting Proposal: The fruit and vegetable program (program) has received requests to adjust its regular business hours to better align with the services being provided by the program. The program's customers regularly begin daily operations earlier than the program's standard business hours. Adjusting the program's regular business hours is an internal procedural change that would align with the actual services being provided. The proposed amendments will also remove expired fee implementation references dated January 1, 2015, for hourly inspection fees and hundredweight fees for clarity.

Statutory Authority for Adoption: RCW 15.17.030, [15.17].140, and [15.17].150.

Statute Being Implemented: Chapter 15.17 RCW.

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

Name of Proponent: WSDA, governmental.

Name of Agency Personnel Responsible for Drafting: Timothy Estes, 1111 Washington Street S.E., Olympia, WA 98504 [98501], 360-485-1242; Implementation and Enforcement: Robert Newell, 21 North First Avenue, Suite 226, Yakima, WA 98902, 509-952-6737.

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

Relates only to internal governmental operations that are not subject to violation by a person.

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: Amending the regular business hours of WSDA qualifies for expedited rule making under RCW 15.05.353 [34.05.353] (1)(a) because it relates only to internal governmental operations that are not subject to violation by a person. Removing outdated language related to fees from the rule that is no longer applicable qualifies for expedited rule making under RCW 34.05.353 (1)(c) because it clarifies the language of the rule without changing its effect.

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 EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Gloriann Robinson, Rules Coordinator, WSDA, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1802, fax 360-902-2092, email

wsdarulescomments@agr.wa.gov, BEGINNING February 4, 2026, 8:00 a.m.,
AND RECEIVED BY April 6, 2026, 5:00 p.m.

February 4, 2026
Jessica Allenton
Assistant Director

RDS-6956.1

AMENDATORY SECTION (Amending WSR 20-16-010, filed 7/23/20, effective 8/23/20)

WAC 16-390-005 Definitions. "**Certificate**" means an official document issued by the director which reports certification results.

"**Certificate of compliance**" means a shipping document issued by the fruit and vegetable industry attesting that the identified fruits or vegetables are known to be in full compliance with provisions of chapter 15.17 RCW. The member of the fruit and vegetable industry issuing the certificate of compliance has the sole responsibility of fairly and accurately representing the quality and quantity of fruits and vegetables listed on the certificate of compliance.

"**Certification**" means the complete service performed by the director, from inspection through the issuance of any applicable documentation of the results of the inspection.

"**Customer assisted inspection program (CAIP)**" means a quality or condition inspection performed by industry using the United States Department of Agriculture (USDA) standards with verification and oversight by the director.

"**CWT**" means a hundredweight, a unit of measure equaling (~~one~~ hundred) 100 pounds.

"**Director**" means the director of the department of agriculture or the director's designated representative. As used in this chapter, WSDA refers to the director unless the context states otherwise.

"**Grade and condition certificate**" means an official note sheet issued by the director confirming the results of an inspection.

"**Hourly fee**" means the fee charged for services based on the hours documented by each WSDA inspector providing the service. Hourly fees are charged based on increments of (~~fifteen~~) 15 minutes, with time rounded up or down to the next (~~fifteen~~) 15 minute interval as follows: Eight minutes into a quarter hour is rounded up to the full quarter hour. Less than eight minutes into a quarter hour is rounded down and not billed.

"**Inspection**" means the inspection by the director of any fruits or vegetables for the purpose of certification at any time prior to, during, or subsequent to harvest.

"**Inspection service notification**" means customer notification to the director of any request for inspection services.

"**Lot**" means, unless otherwise stated in this chapter, a distinct unit of fruits or vegetables.

"**Minimum operating fund balance**" or "**MOFB**" means six months of projected apple maggot survey program operating expenses. The factors that the department considers when setting the MOFB under WAC 16-390-230 include the projected program staff salary and benefits;

costs of the program's goods and services, including transportation; costs associated with the department's administrative support of the program; and any additional costs associated with the program. In addition to expected future costs, the department may consider previously incurred operating expenses to estimate projected operating expenses.

"Regular business hours" means the hours between ~~((8:00))~~ 7:00 a.m. and 5:00 p.m. Pacific time Monday through Friday except state holidays.

"Shipping permit" means a shipping document issued by the director attesting that the fruits or vegetables are known to be in compliance with the provisions of chapter 15.17 RCW and this chapter.

AMENDATORY SECTION (Amending WSR 16-18-035, filed 8/30/16, effective 9/30/16)

WAC 16-390-025 Hourly inspection fee. ~~(1) ((Effective January 1, 2015, the hourly inspection fee is \$65.00 per hour for regular hours and \$97.50 for overtime and holiday hours for any inspection service that is not covered by CWT fees.~~

~~(2))~~ Effective January 1, 2019, the hourly inspection fee is \$75.00 per hour for regular hours and \$112.50 per hour for overtime and holiday hours for any inspection service that is not covered by CWT fees.

~~((3))~~ (2) An additional fee amounting to three regular hours, plus the inspection fees for time worked, at the applicable hourly fee specified in this section will be charged when inspection service notification is not given prior to the end of normal business hours on the day preceding any weekend or holiday inspection work.

AMENDATORY SECTION (Amending WSR 16-18-035, filed 8/30/16, effective 9/30/16)

WAC 16-390-030 Fruit and vegetable CWT fees. The following inspection and certification services are charged fees based on the stated CWT fee, provided that if the applied CWT fee would result in a charge less than the applicable hourly fee under WAC 16-390-025 for the staff hours worked, the applicable hourly fee will be assessed.

~~(1) ((Effective January 1, 2015, the fee for federal-state grade and condition certification for all fresh and processing fruits, vegetables, and nuts, except in-state processing potatoes, is \$0.175 per CWT or fraction thereof.~~

~~(2))~~ Effective January 1, 2019, the fee for federal-state grade and condition certification for all fresh and processing fruits, vegetables, and nuts, except in-state processing potatoes, is \$0.185 per CWT or fraction thereof.

~~((3))~~ (2) In-state processing potatoes are charged the following fees:

~~(a) ((Effective January 1, 2015, the fee to determine the percentage of potatoes meeting U.S. No. 1 or U.S. No. 2 fresh potato grades as listed in the United States Grades for Potatoes (U.S. Potato Standards) is \$0.038 per CWT or fraction thereof.~~

~~(b))~~ Effective January 1, 2019, the fee to establish a percentage of potatoes meeting U.S. No. 1 or U.S. No. 2 fresh potato grades as listed in the United States Grades for Potatoes (U.S. Potato Standards) is \$0.043 per CWT or fraction thereof.

~~((c) Effective January 1, 2015, the fee to establish a percentage of dirt, rot, and green is \$0.021 per CWT or fraction thereof.~~

~~(d))~~ (b) Effective January 1, 2019, the fee to determine the percentage of dirt, rot, and green is \$0.023 per CWT or fraction thereof.

~~((e))~~ (c) Contracts may be negotiated with the potato processing industry for inspection services to meet specific inspection requests, but not for less than the equivalent hourly fee specified in WAC 16-390-025 for the staff hours worked.