



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: WA State Department of Agriculture

- |   |   |
|---|---|
| <input type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR _____ ; or       | <input checked="" type="checkbox"/> Original Notice       |
| <input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____ ; or | <input type="checkbox"/> Supplemental Notice to WSR _____ |
| <input checked="" type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).              | <input type="checkbox"/> Continuance of WSR _____         |

**Title of rule and other identifying information:** (Describe Subject) Fryers, Broilers and Roasters, Chapter 16-512 WAC, sections 16-512-005, Marketing order – Policy statement; 16-512-006, Marketing order purposes; 16-512-010, Definitions; 16-512-020, Fryer commission – Structure, powers, duties, and procedure; 16-512-040, Assessments and assessment funds; 16-512-050, Information reports; 16-512-060, Separability; and, 16-512-070, Effective time.

**Hearing location(s):**  
Washington State Department of Agriculture  
Natural Resource Building  
1111 Washington Street SE, Conference Room 205  
Olympia, WA 98504-2560

Date: March 12, 2010 Time: 1:30 p.m.

**Submit written comments to:**  
Name: Kelly Frost  
Address: P. O. Box 42560  
Olympia, WA 98504-2560  
e-mail [kfrost@agr.wa.gov](mailto:kfrost@agr.wa.gov)  
fax (360) 902-2092 by (date) 5:00 p.m., March 15, 2010

**Assistance for persons with disabilities:** Contact

WSDA Receptionist \_\_\_\_\_ by March 3, 2010

TTY (360) 1-800-833-6488 or (360) 902-1976

**Date of intended adoption:**  
(Note: This is NOT the effective date) May 14, 2010

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** This proposal would terminate the Washington Fryer Commission. A hearing will be held under the provisions of chapter 15.66 RCW to determine whether termination of the Commission would effectuate the declared policy of the statute and the marketing order is not needed.

**Reasons supporting proposal:** The fryer industry has experienced many challenges and changes over the past several years. In the 1990's, Washington State University cut the poultry program which negated the opportunity for research unique to the poultry industry in Washington. A few years ago the two remaining processors of Washington-grown chicken opted to combine the state of origin information with Oregon's which eliminated the "Grown in Washington" brand. In 2009 the growers voted to reduce the rate they are assessed in recognition of economic struggles as well as the scaled-back functions of the commission (primarily focused on assisting growers with maintaining their businesses, consumer outreach, regulatory services and legislative activities). Although the board of the Fryer Commission has continued to meet since assessments were reduced, no meaningful mission has been crafted to move the Commission forward and it is believed most growers feel the Commission has outlived its usefulness to the industry. A petition to eliminate the Fryer Commission was submitted by the board to the Director of the Department of Agriculture.

**Statutory authority for adoption:** RCW 15.66.055 and chapter 34.05 RCW

**Statute being implemented:** 15.66 RCW

**Is rule necessary because of a:**

- |                         |                              |  |
|-------------------------|------------------------------|--|
| Federal Law?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
- If yes, CITATION:

**CODE REVISER USE ONLY**

**OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED**

**DATE: January 29, 2010**

**TIME: 10:54 AM**

**WSR 10-04-060**

**DATE**  
January 29, 2010

**NAME** (type or print)

Dan Newhouse

**SIGNATURE**

**TITLE**  
Director

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

Any rule proposal that results from this rulemaking process will not be adopted unless the proposed rules are also approved in a referendum of affected fryer producers pursuant to RCW 15.66.

**Name of proponent:** (person or organization) Washington State Fryer Commission

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Kelly Frost	P. O. Box 42560, Olympia, WA 98504-2560	(360) 902-1802
Implementation.... Kelly Frost	P. O. Box 42560, Olympia, WA 98504-2560	(360) 902-1802
Enforcement..... Kelly Frost	P. O. Box 42560, Olympia, WA 98504-2560	(360) 902-1802

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No. Explain why no statement was prepared.

This proposal would eliminate the marketing order for the Washington Fryer Commission. Under the provisions of 15.66 RCW a referendum of the affected parties would be required to terminate the Commission.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No: Please explain: The Department of Agriculture and the Washington Fryer Commission are not named agencies in RCW 34.05.328(5)(a)(i).

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-512-005	Marketing order--Policy statement.
WAC 16-512-006	Marketing order purposes.
WAC 16-512-010	Definitions.
WAC 16-512-020	Fryer commission--Structure, powers, duties, and procedure.
WAC 16-512-040	Assessments and assessment funds.
WAC 16-512-050	Information reports.
WAC 16-512-060	Separability.
WAC 16-512-070	Effective time.