

Concise Explanatory Statement

Proposed Adoption of Permanent Rule Amendments for Chapter 16-461 WAC, Inspection Requirements for Fruits and Vegetables.

The department held public hearings in Wenatchee and Yakima, Washington on April 21 and 22, 2015 to accept testimony on the proposed changes to Chapter 16-461 WAC, WSDA Fruit and Vegetable, Inspection Requirements for fruit and vegetables.

Identifying the Agency's Reasons for Adopting the Rule

WSDA Fruit and Vegetable Inspection Program reviewed chapter 16-461 WAC and determined changes were needed to provide a practical chapter for industry to understand. New sections were added to promote clarity regarding exemptions, shipping permits, certificates of compliance, compliance agreements, and penalties for violations.

Nature of Service:

WSDA Fruit and Vegetable Program is a user fee program. Each shipment of the seven commodities listed in chapter 16-461 WAC (apples, apricots, asparagus, Italian prunes, peaches, pears and sweet cherries) must have a WSDA shipping permit or a certificate of compliance issued at time of shipment. The Certificate of Compliance (COC) program was developed to allow industry more flexibility in their shipping schedules and reduce inspection costs. The industry must agree that the seven covered commodities that are governed under the COC program will be in full compliance of the agreement at the time of shipment. WSDA receives a pre-determined hundred weight fee for each of the commodities that are reported on the COC to provide for staff to monitor grade and quality of the commodities at time of pack or at time of shipment.

Summary of the Public Comment Process

Chapter 34.05.325 (1) RCW requires the department to accept written comments on the proposed amendments to chapter 16-461 WAC, Inspection Requirements for Fruits and Vegetables, if received no later than the time and date specified in the department's notice of proposed rule-making (CR-102). The stated public comment period ran from October 8, 2014 until 5:00 PM on April 22, 2015. Chapter 34.05.325 (2) requires the department to provide interested parties an opportunity to present oral comments on

the proposed rules in a public hearing. The department held two public hearings on the proposal to amend chapter 16-461 WAC. The first public hearing was held on April 21, 2015 in Wenatchee, Washington at 11:00 AM at the Washington State Department of Agriculture, 270 9th street N.E. Wenatchee, WA 98801. The second hearing was held on April 22, 2015 in Yakima, Washington at 11:00 AM at the Washington State Department of Agriculture, 21 North First Avenue in the main conference room. No members of the public attended either hearing. There were no written comments submitted for this proposal.

Differences between the Text of the Proposed Rules and the Text of the Rule as Adopted

There are no changes between the proposed and the adopted rule.

Summary of Public Comments Received and WSDA Responses

The department received no comments on this rulemaking proposal.