



Washington State Department of Agriculture

Technical Hearing Report

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Chapter 16-461 WAC
April 21, 22, 2015

The Fruit and Vegetable Inspection Program (F&V Program) is proposing to amend Chapter 16-461 WAC, Inspection Requirements for fruit and vegetables. The F&V Program is a user fee program and provides services as requested by our customers.

Chapter, 16-461 WAC, Inspection Requirements for fruit and vegetables, defines the movement of commodities within the State of Washington that must have a shipping permit or Certificate of Compliance issued at time of shipment.

The following clarifications, additions or new sections have been proposed;

- Definitions have been amended to include clearer explanation of current definitions and have added new definitions to provide more clarity and address the proposed changes.
- Removed sections and updated information in “New Sections” to provide more clarity.
- New section 16-461-020, further explains the exempt fruit and vegetables within this chapter.
- New section 16-461-030, further explains the movement of cherries infested with Western cherry fruit fly within the State of Washington.
- New section 16-461-040, explains the movement of fruit and vegetables that are governed by a Federal Marketing order or State requirements.
- New section 16-461-050, clearly explains the Certificate of Compliance agreements and the issuance of Certificate of Compliances. This section also addresses the Director’s right to request and obtain a yearly cwt report to verify the volume of commodities shipped for all certificate of compliances issued. The applicant must grant the Director the right to audit an applicant’s certificate of compliance records for the purpose of determining compliance with chapter 15.17 RCW, chapter 16-390 and this chapter.
- New section 16-461-060, clearly defines the civil penalty for violations and suspensions of compliance agreements for violations. The Director has the authority to determine the type or length of any penalty or suspension. This section also contains a penalty matrix that indicates the type of penalty or suspension for first, second and third violations.

The Director will make his decision on adopting these rules on May 6th. If he approves the rules, they will take effect 31 days thereafter on June 5th.