



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Agriculture

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 15-05-074; 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 type="checkbox"/> Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).	<input type="checkbox"/> Continuance of WSR _____

### Title of rule and other identifying information:

The department is proposing amendments to chapter 16-240 WAC, WSDA grain inspection program—Definitions, standards, and fees to address the fee structure in consideration of workload variables that contribute to variability in the fund balance, and to make modifications to update the chapter and make it more usable.

### Hearing location(s):

Conference Room E (downstairs) Spokane County Extension Education Center 222 North Havana Spokane, WA 99202-4776	Conference Room 172 First Floor Natural Resources Building 1111 Washington Street S.E. Olympia, WA 98504-2560
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### Submit written comments to:

Name: Henri Gonzales, Rules Coordinator  
 Address: 1111 Washington Street S.E., P.O. Box 42560  
 Olympia, Washington 989504-2560  
 e-mail [wsdarulescomments@agr.wa.gov](mailto:wsdarulescomments@agr.wa.gov)  
 phone (360) 902-1802  
 fax: (360) 902-2092 by 5:00 p.m. Wed., May 11, 2016

Date: May 10, 2016 Time: 1:00 p.m.	Date: May 11, 2016 Time: 1:00 p.m.
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### Assistance for persons with disabilities: Contact

[Jeff Larsen](#) by May 3, 2016  
 TTY (800) 833-6388 or 711

Date of intended adoption: May 25, 2016

(Note: This is NOT the effective date)

### Purpose of the proposal and its anticipated effects, including any changes in existing rules:

- WAC 16-240-038 – Allows monthly instead of weekly averaging to determine when an entity would be assessed a revenue minimum fee. Clarifies that revenue minimum applies to non-export and transloading as well as export facilities.
- WAC 16-240-039 – Allows the department to collect and pass through the GIPSA administrative fee on behalf of the USDA.
- WAC 16-240-040 – Clarifies the requirement to provide secure space for entities seeking official commercial inspection services.
- WAC 16-240-043 – Removes a refund provision and provides a real-time alternate rate provision as a means to maintain an adequate operating fund balance without incurring excessive growth in the fund.
- WAC 16-240-046 – Clarifies allowing a contractual agreement for straight time charges for official commercial inspection services.
- WAC 16-240-054 – Clarifies a facility with a permanent staffing request in place for other than day shifts may have the cancellation fee waived for the permanently staffed shifts.
- WAC 16-240-056 – Allows the department to charge fees for dedicated staff time for consultation and related assistance for an applicant for service who is establishing a new facility or renovating an existing facility when those services cannot be provided for within the department's established staffing and normal course of business.
- WAC 16-240-070, Table 1 – Allows the department to provide factor only inspection services and official ship samples included in the metric tonnage rate when listed on the applicant's Load Order for metric tonnage.
- WAC 16-240-070, Table 2 – Allows the department to provide analysis that requires additional equipment or personnel at the hourly rate.
- WAC 16-240-070, Tables 2 and 4—Language for stress crack analysis in corn removes hourly rate of \$56 (Table 2) and adds unit fee of \$9 per sample (Table 4).
- WAC 16-240-010 through WAC 16-240-090, Table 3 – The department has made minor changes to language to make the WAC more clear and readable.

**Reasons supporting proposal:** The Grain Inspection Program is supported entirely by fees. The department is amending the fee structure to ensure the grain fund is sufficient to support the program without generating an unnecessarily high balance. These amendments also update the chapter and make it more usable. In addition, under RCW 19.85.061 these rules are being adopted to comply with federal law under the program's status as a USDA GIPSA FGIS delegated agency.

Statutory authority for adoption: RCW 22.09.020; chapter 34.05 RCW

Statute being implemented: RCW 22.09.020

### 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:

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 STATE OF WASHINGTON  
 FILED

DATE: April 05, 2016

TIME: 2:38 PM

WSR 16-08-112

DATE  
April 5, 2016

NAME (type or print)  
Jason Ferrante

SIGNATURE

TITLE  
Assistant Director, Commodity Inspection

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

None.

**Name of proponent:** (person or organization) Washington State Department of Agriculture

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting	Philip Garcia	1111 Washington Street, Olympia, WA 98504-2560	(360) 902-1921
Implementation	Philip Garcia	1111 Washington Street, Olympia, WA 98504-2560	(360) 902-1921
Enforcement	Philip Garcia	1111 Washington Street, Olympia, WA 98504-2560	(360) 902-1921

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement or school district fiscal 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.

The Washington State Department of Agriculture has analyzed costs related to this rulemaking and has determined that there are no significant impacts to small businesses.

**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 Washington State Department of Agriculture is not a listed agency under RCW 34.05.328(5)(a)(i).