



# RULE-MAKING ORDER PERMANENT RULE ONLY

**CR-103P (December 2017)  
(Implements RCW 34.05.360)**

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: September 27, 2024

TIME: 6:54 AM

WSR 24-20-067

**Agency:** Washington Department of Agriculture

**Effective date of rule:**

**Permanent Rules**

- ☒ 31 days after filing.  
☐ Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- ☐ Yes ☒ No If Yes, explain:

**Purpose:** This rule making order amend WAC 16-390-240, USDA audit verification and terminal market inspection fees, by adopting fees identical to, and not less than, fees adopted by the United States Department of Agriculture, Agricultural Marketing Service (USDA-AMS) as published in the Federal Register (Vol. 89, No. 88) on May 06, 2024 under the "Fresh Fruits, Vegetables, and Other Products (Inspection, Certification, and Standards)" table with an effective date of October 1, 2024. These changes are necessary to comply with the department's Cooperative Agreement with USDA-AMS for services the department provides as a "Federal-State Inspection Agency."

**Citation of rules affected by this order:**

New:  
Repealed:  
Amended: 16-390-240  
Suspended:

**Statutory authority for adoption:** RCW 15.17.030, .140(2), .150, and .270

**Other authority:**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 24-15-014 on July 8, 2024 (date).  
Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Web site:  
Other:

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	<u>1</u>	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted on the agency's own initiative:**

New	_____	Amended	<u>1</u>	Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted using:**

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

**Date Adopted:** 09/26/2024

**Name:** Derek I. Sandison

**Title:** Director

**Signature:**



AMENDATORY SECTION (Amending WSR 23-18-028, filed 8/28/23, effective 10/1/23)

**WAC 16-390-240 USDA audit verification and terminal market inspection fees.** WSDA performs audit and inspection services requested by customers under a "cooperative agreement" with the United States Department of Agriculture's Agricultural Marketing Service (USDA/AMS). Under USDA/AMS rules, WSDA provides these services as a "federal-state inspection agency." Under USDA/AMS regulations and the cooperative agreement, the fees that WSDA charges for these services must be no less than the current USDA/AMS fees for these services. The applicable current USDA/AMS fees were published in the Federal Register in Vol. ~~((88, No. 98 on May 22, 2023))~~ 89, No. 88 on May 6, 2024, under the "Fresh Fruits, Vegetables, and Other Products (Inspection, Certification, and Standards)" table and, for the mileage fee related to terminal market inspection, for incorporation in the USDA/AMS "General Market Manual" at Appendix II, "Schedule of User Fees." In conformity with the cooperative agreement, WSDA adopts the same applicable fees for these services as set forth in this section.

(1) Mileage related to audit verification services is charged at the rate established by the Washington state office of financial management at the time the service was performed.

(2) Specialty crop fees/audit and terminal market fees:

Quality and Condition Inspections for Whole Lots	(( <del>\$242.00</del> )) <u>\$254.00</u> per lot		
Quality and Condition Half Lot or Condition-Only Inspections for Whole Lots	(( <del>\$200.00</del> )) <u>\$210.00</u> per lot		
Condition Half Lot	(( <del>\$185.00</del> )) <u>\$194.00</u> per lot		
Quality and Condition or Condition-Only Inspections for Additional Lots of the Same Product	(( <del>\$110.00</del> )) <u>\$116.00</u> per lot		
Dockside Inspections - Each Package Weighing <30 lbs.	\$0.044 per pkg.		
Dockside Inspections - Each Package Weighing >30 lbs.	\$0.068 per pkg.		
Charge per Individual Product for Dockside Inspection	(( <del>\$240.00</del> )) <u>\$252.00</u> per lot		
Charge per Each Additional Lot of the Same Product	(( <del>\$110.00</del> )) <u>\$116.00</u> per lot		
Inspections for All Hourly Work	Regular	Overtime	Holiday
	(( <del>\$116.00</del> )) <u>\$123.00</u>	(( <del>\$153.00</del> )) <u>\$163.00</u>	(( <del>\$190.00</del> )) <u>\$203.00</u>
Audit Services - Federal	(( <del>\$155.00</del> )) <u>\$163.00</u> per audit		
Audit Services - State	(( <del>\$155.00</del> )) <u>\$163.00</u> per audit		
GFSI Certification Fee <sup>2</sup>	\$250.00 per audit		

<sup>2</sup> Global Food Safety Initiative (GFSI) Certification Fee—\$250 per GFSI audit to recoup the costs associated with attaining technical equivalency to the GFSI benchmarking requirements.

(3) The mileage fee related to terminal market inspection services is \$1.96 per mile. Round trip mileage will be charged from an inspector's assigned location to the inspection site.