



EXPEDITED RULE MAKING

CR-105 (August 2017) (Implements RCW 34.05.353)

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STATE OF WASHINGTON
FILED

DATE: August 19, 2024

TIME: 8:52 AM

WSR 24-17-103

Agency: Dept. of Agriculture

Title of rule and other identifying information: (describe subject) Chapter 16-663 WAC, SERVICE AGENTS—REPORTING, TEST PROCEDURES, STANDARDS AND CALIBRATION OF WEIGHING AND MEASURING DEVICES

Purpose of the proposal and its anticipated effects, including any changes in existing rules: In response to a petition for rule making, the Department is proposing to clarify current rule language by replacing all gender-specific pronouns with modern gender-inclusive pronouns.

Reasons supporting proposal: RCW 43.01.160 requires state agencies to use gender-neutral terms in rules unless a specification of gender is intended. Replacing gender-specific terminology supports the Department's commitment to integrate inclusive policies and procedures as outlined in the agency's 22-25 strategic plan.

Gender-inclusive pronouns are pronouns that are not specifically gendered and can be utilized when referring to each other in the third person. They are linguistic tools that we use to refer to people. Using gender-neutral pronouns can help create a more inclusive and welcoming environment and show respect for people's gender identities.

Statutory authority for adoption: RCW 19.94.010, RCW 43.01.160,

Statute being implemented: Chapter 19.94 RCW)

Is rule necessary because of a:

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

Name of proponent: (person or organization) Skye Theriot

☒ Private

☐ Public

☐ Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Gloriann Robinson	1111 Washington Street SE, Olympia, WA	(360) 902-1802
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Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None.

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- ☐ Relates only to internal governmental operations that are not subject to violation by a person;
- ☐ Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- ☒ Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- ☐ Content is explicitly and specifically dictated by statute;
- ☐ Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- ☐ Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- ☐ The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- ☐ The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- ☐ The rule is no longer necessary because of changed circumstances; or
- ☐ Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4): The amendments in this proposal meet the criteria for expedited rule-making specified in RCW 34.05.353(1)(c) by clarifying the rule, without changing its effect, by replacing gender-specific pronouns with gender-inclusive pronouns.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

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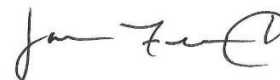
AND RECEIVED BY (date) 10/22/2024

Date: 08/19/2024

Name: Jason Ferrante

Title: Deputy Director

Signature:



AMENDATORY SECTION (Amending WSR 08-20-069, filed 9/25/08, effective 10/26/08)

WAC 16-663-140 Identification of work—Labels and seals. (1)

Each registered service agent and serviceperson shall identify ~~((his/her))~~ their work on commercially used weighing and measuring devices by:

(a) Applying an adhesive tag or label in a conspicuous location on the device; or

(b) Using a distinctive security seal or seal press impression.

(2) The adhesive tag or label shall legibly show at least the serviceperson registration number, business telephone number and date of service.

(3) Any security seal or seal press used to comply with subsection (1) of this section shall identify the individual registered serviceperson applying the seal.

(4) The registered service agent or serviceperson shall submit a copy of the tag or label, seal or seal press identification mark to the department at time of registration.

AMENDATORY SECTION (Amending WSR 00-22-072, filed 10/30/00, effective 11/30/00)

WAC 16-663-150 Reports and responsibilities of service agents and servicepersons. (1) Any person installing a new or used weighing or measuring device that is being put in use for the first time at that location must provide a notice of installation to the department. The notice shall state the date placed in service, type of device, capacity, business' name and site address, and name and address of the service company installing the device. The report shall also indicate whether the device is new or used.

(2) After correcting a rejected device, registered service agents or servicepersons must return the reject report issued by the weights and measures official to the address indicated on the form within seven days from completion of work. All discrepancies noted on the department's rejection report must be corrected before returning the device to service. The form must be signed and dated by the registered serviceperson returning the device to service. The form must also legibly indicate ~~((his/her))~~ the service agent's or serviceperson's registration number and show the number or identifying mark of security seals that were removed and applied to affect the correction.

(3) A registered service agent or serviceperson will submit a copy of ~~((his/her))~~ their test report showing the as-found and as-corrected readings with the reject report when putting a rejected device back into service.

(4) Commercially used weighing or measuring devices put into service or returned to service must be correct and meet all applicable specifications and requirements set forth in the edition of National Institute of Standards and Technology Handbook 44 currently adopted by the director. The device must also meet current (NTEP) requirements in effect for the device.

(5) Devices must be installed in accordance with manufacturer's instructions.

(6) A device installed in a fixed location must be installed so that its operation or performance will not be adversely affected by any characteristic of the foundation, supports, or any other detail of the installation.

(7) Equipment must be installed in such a manner that all required markings are readily observable.

(8) A device must be installed so that it will be correct and it meets all performance requirements when associated or nonassociated equipment is operated in its usual and customary manner.

(9) Faulty installation conditions must be corrected, and any defective parts must be renewed or suitably repaired, before adjustments are made.

(10) When equipment is adjusted, the adjustment must be made so that performance errors are as close as practicable to zero value.

(11) Equipment put into service, repaired, adjusted, calibrated or refurbished must be sealed with an appropriate security seal and the seal number recorded on the inspection test report. Any security seal removed prior to servicing the device will be noted on the test report and will include the number or identifying mark of the security seal.

(12) Equipment must be assembled and installed so that it does not facilitate the perpetration of fraud.

AMENDATORY SECTION (Amending WSR 00-22-072, filed 10/30/00, effective 11/30/00)

WAC 16-663-170 Unlawful practices—Penalties. Any person who, by ~~((himself or herself, by his or her))~~ themselves, by their agent or employee, or as the agent or employee of another person, violates the provisions of this rule is subject to a civil penalty of up to ~~((five thousand dollars))~~ \$5,000 as specified in RCW 19.94.510.