



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017)
(Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

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DATE: February 05, 2020

TIME: 9:29 AM

WSR 20-04-092

Agency: Dept. of Agriculture

Subject of possible rule making: Chapter 16-240 WAC, USDA Grain Inspection Program-Definitions, Standards, and Fees. The Department is proposing rulemaking to revise the fee structure to more accurately reflect the scope of services provided, including but not limited to adding fees for services that are not specifically identified and to clarify language to ease in the understanding of the rule. The department is also intending to replace references to Grain Inspection and Packers Administration (GIPSA) with Agricultural Marketing Service (AMS) in accordance with the United States Department of Agriculture's (USDA) restructuring.

Statutes authorizing the agency to adopt rules on this subject: RCW 22.09.020 and RCW 22.09.790

Reasons why rules on this subject may be needed and what they might accomplish: The department is amending this chapter for the following reasons:

- The Department intends to add an additional fee rate under tier 2 for vessels and local with approved automated weighing systems in WAC 16-240-070 (USGSA Table 1) and WAC 16-240-080 (AMA Table 1). This will offer a reduced rate level at tier 2 and provide a greater benefit for those who have an automated weighing system.
- The Department intends to add a fee for "weight only" in WAC 16-240-070 (USGSA Table 1). Currently, there is not a fee in effect for "weight only" and the program instead charges at the tier rate resulting in fluctuating fees between \$0.100 and \$0.250 per metric ton. Adding a definitive fee promotes consistency and will ensure that all services for "weight only" are being charged appropriately.
- The Department intends to add a fee for subplot components per sample in WAC 16-240-070 (USGSA Table 1). There is not currently a fee in effect for subplot components per sample, however, the Department has received several requests for this service. Federal regulations require the program to charge for all services provided. By adding the subplot component fee of \$20.00 per sample, the program will be able to provide for this service and charge appropriate fees in compliance with federal regulations.
- The Department intends to add a new fee for class Y weighing in WAC 16-240-070 (USGSA Table 4) because, currently, the program is charging the hourly rate of \$56.00 which is not cost effective. By adding the fee rate of \$0.100 per railcar, the program will be accurately charging for the service at a lower rate to stakeholders.
- The Department intends to add a fee for warehousemen samples and re-inspections in WAC 16-240-070 (adding USGSA Table 10). The program is required under federal regulations to charge for warehousemen samples and re-inspections. The \$8.00 fee will provide stakeholders the ability to request this service and receive a reduced rate following FGIS Directive 9810.36.
- The department intends to replace all references to Grain Inspection and Packers Administration (GIPSA) with Agricultural Marketing Service (AMS) throughout the chapter in accordance with the United States Department of Agriculture (USDA).
- The department intends to remove redundant words and phrases throughout the chapter to increase the readability of the rule as well as ease of understanding.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The United States Department of Agriculture, Agricultural Marketing Service, Federal Grain Inspection Service (USDA AMS FGIS) must approve changes in the WSDA Grain Inspection Program's fee schedule.

Process for developing new rule (check all that apply): <input type="checkbox"/> Negotiated rule making <input type="checkbox"/> Pilot rule making <input type="checkbox"/> Agency study <input checked="" type="checkbox"/> Other (describe) Department staff will develop the proposed amendments based upon program needs, requirements of USDA AMS FGIS, and will discuss any proposed amendments with affected stakeholders.	
Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:	
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Additional comments:	
Date: 02/05/2020	Signature: 
Name: Jessica Allenton	
Title: Assistant Director	