



EXPEDITED RULE MAKING

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

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STATE OF WASHINGTON
FILED

DATE: November 06, 2019

TIME: 8:52 AM

WSR 19-22-091

Agency: Dept. of Agriculture

Title of rule and other identifying information: (describe subject) Chapters 16-250 WAC, Commercial Feed, and 16-252 WAC, Commercial Feed-Pet Food and Specialty Pet Food. The Department is proposing to amend these chapters by specifying the amount of the semiannual inspection fee and updating website address references.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This proposed rule corrects an error made in the 2018 amendments of the rule that neglected to include the specific amount of the inspection fee that must be submitted with the semiannual report. The fee of twelve cents per ton has been set in rule in both of these chapters since 2005. The proposed rule also updates the website references in the rule language.

Reasons supporting proposal: RCW 15.53.9018 requires that an inspection fee not less than four cents per ton and not more than twelve cents per ton on all commercial feed, as prescribed by the department by rule, be submitted to the Department with the semiannual report. In 2018, extensive revisions were made to rewrite the entire rule to adopt the standards of the Association of American Feed Control Officials (AAFCO) 2018 Official Publication. Since the AAFCO Official Publication does not have a requirement for a semiannual inspection fee, the statement regarding the amount of the inspection fee was inadvertently not transferred over to the new language. The rate of twelve cents per ton has been in place since 2005.

Statutory authority for adoption: RCW 15.53.9012, RCW 15.53.9018

Statute being implemented: Chapter 15.53 RCW

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:

Name of proponent: (person or organization) Washington State Dept. of Agriculture

- Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Gloriann Robinson	1111 Washington Street SE, Olympia	360-902-1802
Implementation:	Ali Kashani	1111 Washington Street SE, Olympia	360-902-2028
Enforcement:	Ali Kashani	1111 Washington Street SE, Olympia	360-902-2028

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 proposed rule amendments correct an error that was made when the rule was rewritten and adopted in October 2018 by not including the specified amount of the inspection fee previously in rule into the revised rule and updates website address references.

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

Name: Gloriann Robinson

Agency: Washington State Dept. of Agriculture

Address: PO Box 42560, Olympia, WA 98504-2560

Phone: 360-902-1802

Fax: 360-902-2092

Email: wsdarulescomments@agr.wa.gov

Other:

AND RECEIVED BY (date) January 6, 2020

Date: November 6, 2019	Signature: 
Name: Steve Fuller	
Title: Assistant Director	

AMENDATORY SECTION (Amending WSR 18-21-191, filed 10/24/18, effective 11/24/18)

WAC 16-252-178 Registration requirements. (1) Any person who distributes a pet food or specialty pet food in or into this state must register the product with the department as required under RCW 15.53.9014.

(2) The registration application must be submitted on a form prescribed by the department.

(3) The registration application must include:

(a) The name, mailing address, physical address, and contact information of the applicant;

(b) The name, mailing address, physical address, and contact information of the guarantor;

(c) The name, mailing address, physical address, and contact information of the manufacturer;

(d) Type of activities the manufacturer is engaged in:

(i) Species of animals the facility manufactures products for the guarantor;

(ii) Types of product the facility handles.

(e) Package size:

(i) Number of products distributed only in packages of ten pounds or more;

(ii) Number of products distributed both in packages of less than ten pounds and/or packages of ten pounds or more.

(f) Applicant's signature;

(g) Date signed;

(h) Electronic product label(s); and

(i) Registration fees as specified in RCW 15.53.9014(3).

(4) Registration application forms can be obtained from the department online at (~~(<https://agr.wa.gov/FoodAnimal/AnimalFeed/Forms.aspx>;~~) <https://agr.wa.gov/departments/animals-livestock-and-pets/animal-feed/pet-food-registration> by emailing the animal feed program at petfood@agr.wa.gov, or by phone at 360-902-1844.

AMENDATORY SECTION (Amending WSR 18-21-191, filed 10/24/18, effective 11/24/18)

WAC 16-252-182 Semi-annual feed distribution reporting requirements and inspection fees. (1)(a) Each registrant must file a semi-annual report on forms provided by the department setting forth the number of tons of pet food or specialty pet food distributed in or into this state as required by RCW 15.53.9018.

(b) The report must include the amount of pet food or specialty pet food distributed by type of species, applicant's signature, and date signed.

(2) An inspection fee of twelve centers per ton on all pet food or specialty pet food sold for distribution in or into this state during the year must accompany the semi-annual report.

(3) The minimum inspection fee, the late fee, and exceptions to payment of the fee are described in RCW 15.53.9018.

(4) Semi-annual reporting forms can be obtained (~~(online at <https://agr.wa.gov/FoodAnimal/AnimalFeed/Forms.aspx>;~~) by emailing the

animal feed program at petfood@agr.wa.gov; or by phone at 360-902-1844.

(5) Any reports and associated fees may be submitted to the department by mail to:

Washington State Department of Agriculture
Animal Feed Program
P.O. Box 42591
Olympia, WA 98504-2591