



# 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: January 15, 2020  
TIME: 4:14 PM

WSR 20-03-110

**Agency:** Dept. 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 amends chapters 16-250 and 16-252 WAC by specifying the inspection fee to be submitted with the semiannual animal feed distribution report.

In 2018, the Department completely revised the animal feed rules specified in chapters 16-250 (Commercial Feed) and 16-252 (Commercial Feed – Pet Food and Specialty Pet Food) of the Washington Administrative Code (WAC). In addition to adopting updated federal regulations, the Department restructured the chapters to replicate the current Association of American Feed Control Officials’ (AAFCO) Official Publication.

The animal feed inspection fee in the rule prior to the 2018 revision was twelve (12) cents per ton. This fee had been specified in rule since 2005. Due to an error of omission while restructuring the rule chapters, the amount of the inspection tonnage fee was not included in the adopted rule language.

This order corrects the deletion of the twelve cent inspection fee by adding it back into the rules.

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

- New:
- Repealed:
- Amended: WAC 16-250-178, WAC 16-250-182, WAC 16-252-178, WAC 16-252-182
- Suspended:

**Statutory authority for adoption:** RCW 15.53.9012, RCW 15.53.9018

**Other authority:**

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

Adopted under notice filed as WSR 19-22-091 on November 6, 2019 (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	___	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>4</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:** January 13, 2020

**Name:** Derek I. Sandison

**Title:** Director

**Signature:**



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

**WAC 16-250-178 Licensing requirements.** (1) Except as provided for in RCW 15.53.9013, any person who manufactures a commercial feed in this state, or who distributes a commercial feed in or into this state; or whose name appears on a commercial feed label as guarantor, must obtain a commercial feed license for each facility that distributes in or into this state.

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

(3) The license application must include:

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

(b) The name, mailing address, and contact information of the individual responsible for reporting tonnage;

(c) The name, mailing address, physical address, and contact information of the facility being issued the license;

(d) Types of business the firm is engaged in (manufacturer, distributor, guarantor);

(e) Types of processing;

(f) Types of feed distributed;

(g) Types of ingredients;

(h) Applicant's signature; and

(i) Date signed.

(4) A separate license application form is required for each location or facility.

(5) A fifty dollar fee must accompany each license application form.

(6) License application forms can be obtained from the department (~~(online at <https://agr.wa.gov/FoodAnimal/AnimalFeed/Forms.aspx>)~~) by emailing the animal feed program at [feedreg@agr.wa.gov](mailto:feedreg@agr.wa.gov), or by phone at 360-902-1942.

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

**WAC 16-250-182 Semiannual feed distribution reporting requirements and inspection fees.** (1) (a) Each licensee must file a semiannual report on forms provided by the department setting forth the number of tons of commercial feed distributed in or into this state as required by RCW 15.53.9018.

(b) The report must include the amount of feed distributed by type of mixed feed by animal class, feed ingredients, signature of person filing report, and date signed.

(2) An inspection fee of twelve cents per ton on all commercial feed sold for distribution in or into this state during the year must accompany the semiannual report.

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

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

animal feed program at [feedreg@agr.wa.gov](mailto:feedreg@agr.wa.gov); or by phone at 360-902-1942.

(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

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  
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Olympia, WA 98504-2591