



# EXPEDITED RULE MAKING

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

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STATE OF WASHINGTON  
FILED

DATE: April 23, 2019

TIME: 6:37 AM

WSR 19-10-021

**Agency:** Agriculture

**Title of rule and other identifying information:** (describe subject) Chapter 16-532 WAC Hops.

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The purpose of this proposal is to update hop bale labeling requirements and to update public disclosure rules to implement RCW 42.56.040 and 42.56.120.

**Reasons supporting proposal:** Updating hop bale labeling requirements are necessary to facilitate the use of new technology using hand-held inkjet printers for hop bale marking and to acknowledge harmonization of U.S. hop variety codes with international standards. Updating public disclosure rules for the commission is a housekeeping task necessary to implement RCW 42.56.120.

**Statutory authority for adoption:** RCW 15.65.047 and 42.56.040.

**Statute being implemented:** Chapters 15.65 and 42.56 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 Hop Commission

Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Ann George	32 N 3 <sup>rd</sup> St. Yakima, WA	509-453-4749
Implementation:	Ann George	32 N 3 <sup>rd</sup> St. Yakima, WA	509-453-4749
Enforcement:	Ann George	32 N 3 <sup>rd</sup> St. Yakima, WA	509-453-4749

**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):** This rulemaking contains administrative changes and other changes that are necessary because of national industry standards. It does not rise to the level of requiring a referendum of hop producers.

**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) July 2, 2019

**Date:** April 23, 2019

**Name:** Derek I Sandison

**Title:** Director

**Signature:**



AMENDATORY SECTION (Amending WSR 08-14-054, filed 6/25/08, effective 7/26/08)

**WAC 16-532-120 Labeling.** Each lot of hops must be identified by the crop year produced, grower number and lot designation, and variety code stenciled on each bale.

(1) A ~~((three-digit))~~ five-character grower number will be assigned by the Washington hop commodity board (commission) prior to the annual harvest.

(2) The first marking will consist of the last two digits of the crop year and a hyphen, followed by the ~~((three-digit))~~ five-character grower number and three-digit lot designation (example: ~~((8-000-001))~~ 18-WA000-001).

(3) The first marking shall be affixed ~~((on the head or top))~~ in an easily identified location on the upper face of the bale (nonsewn side) and shall be in characters approximately two inches high.

(4) The second marking will ~~((consist of))~~ designate the hop variety, utilizing a ~~((two-letter))~~ three-character abbreviation. A list of ~~((approved two-letter))~~ three-character abbreviations will be approved annually by the Washington state hop commodity board, and will be consistent with internationally accepted variety codes issued by the International Hop Growers Convention.

(5) The second marking shall be affixed immediately below the first marking on the ~~((head or top))~~ upper face of the bale (nonsewn side), and shall be in characters approximately two inches high.

AMENDATORY SECTION (Amending WSR 17-05-032, filed 2/8/17, effective 3/11/17)

**WAC 16-532-145 Fees—Inspection and copying.** (1) No fee shall be charged for the inspection of public records.

~~(2) ((The commission shall charge fifteen cents per black and white copy plus postage to reimburse itself for the costs of providing copies of public records.~~

~~(3) Requests for records in special formatting, including color copies, will be charged at the amount necessary to reimburse the commission for its actual production costs. If the public records officer deems it more efficient to have copying or duplicating done outside the commission, the charges will be based on the actual cost of such outside copying or duplicating service.)) Pursuant to RCW 42.56.120(2), the commission declares for the following reasons that it would be unduly burdensome for it to calculate the actual costs it charges for providing copies of public records. Funds were not allocated for performing a study to calculate such costs and the commission lacks the necessary funds to perform a study and calculations; staff resources are insufficient to perform a study and to calculate such actual costs; and a study would interfere with and disrupt other essential commission functions.~~

(3) The commission may charge fees for production of copies of public records consistent with the fee schedule established in RCW 42.56.120.

(4) For all copying or duplicating service charges incurred, an invoice will be sent to the requestor. Reimbursement is payable within fifteen days of receipt of invoice payable to the Washington hop commission. The commission may require that all charges be paid in advance of release of the copies of the records.

~~((4))~~ (5) The commission or its designee may waive any of the foregoing copying costs.