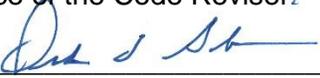




STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
P.O. Box 42560 • Olympia, Washington 98504-2560 • (360) 902-1800

Date: July 8, 2020
To: Office of the Code Reviser
From: 
Derek I. Sandison, Director
Subject: Policy Statement AO-20-0001 – Recognizing 2020 as a Disaster Year when Determining Eligibility for Allocations from the State Fair Fund in 2021 and Modification of Requirements for Fair Events Held in 2020

On July 8, 2020, a policy statement was issued regarding eligibility requirements to receive an allocation from the state fair fund under chapter 15.76 RCW and how the Washington State Department of Agriculture will apply the merit rating to fair events held during the 2020 fairs season.

A copy of the policy statement may be obtained by accessing the Washington State Department of Agriculture website (www.agr.wa.gov) or by contacting:p

Gloriann Robinson, Agency Rules Coordinator
1111 Washington Street SE
PO Box 42560
Olympia, WA 98504-2560
Phone: 360-902-1802
Email: wsdarulescomments@agr.wa.gov

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED
DATE: July 09, 2020
TIME: 10:12 AM
WSR 20-15-052



STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
P.O. Box 42560 • Olympia, Washington 98504-2560 • (360) 902-1800

POLICY STATEMENT
Number: AO-20-0001

Subject: Recognizing 2020 as a Disaster Year when Determining Eligibility for Allocations from the State Fair Fund in 2021 and Modification of Requirements for Fair Events Held in 2020

Supersedes: Not Applicable

Contact: Teresa Norman, Fairs Program Administrator
Email: tnorman@agr.wa.gov Phone: (360) 902-2043

Approved By: 
Derek I. Sandison, Director

Date Approved: July 8, 2020

The Washington State Department of Agriculture (WSDA) issues this policy statement pursuant to RCW 34.05.230 to:

- (1) For purposes of [RCW 15.76.140](#), recognize 2020 as a disaster year for the Washington State agricultural fair industry when determining eligibility requirements to receive an allocation from the state fair fund in 2021.
- (2) For events held in 2020:
 - a. Eliminate the requirement in [WAC 16-700-022\(3\)](#) for a minimum seven-hour display; and
 - b. Advise that the Director will provide guidance on the application of the merit system under [RCW 15.76.150](#) and [WAC 16-700-050](#) to virtual, online events.
- (3) Notify fairs that incurred expenses in preparation for a 2020 fair that was then cancelled may apply for special assistance grants.

Background:

[Chapter 15.76 RCW](#) declares that it is in the public interest to hold agricultural fairs. Under this chapter, the State provides for a reimbursement of operating expenses for the state's agricultural fairs, as determined by a merit rating. It also allows a portion of the allocation dollars to be used as special assistance to participating fairs.

In order to be eligible to receive allocations from the state fair fund, RCW 15.76.140 requires agricultural fairs to have conducted two successful consecutive annual fairs immediately preceding application for such allocations. A fair that does not hold an event in 2020 would be

ineligible to apply for a reimbursement allocation from the state fair fund for a 2021 event. The WSDA Director may waive this requirement if a fair is not held due to a natural disaster.

RCW 15.76.150 requires allocations to be distributed according to a merit rating system established by the Director. The merit rating must take into account certain factors, such as youth participation, number and type of exhibits, premiums paid, attendance, community support, conditions of the fairgrounds, etc. Generally, the merit system assumes physical events and exhibits in one place that is open to the public at least seven hours a day. See WAC 16-700-050.

RCW 15.76.160 specifies that allocation amounts can be made only as a reimbursement for operating expenses incurred. Thus, the amount of state funds allocated to a fair is based on a fair's expenses in the prior year. For example, the allocations made in the spring of 2019 were a reimbursement of operating expenses from the 2018 fairs season.

Circumstances Warranting this Policy Statement:

The Washington Governor first declared a state of emergency in response to new cases of COVID-19 on February 29, 2020. On March 22, 2020, the U.S. President declared a major disaster exists in Washington as a result of the COVID-19 pandemic of 2020. The State undertook a number of measures to stop or slow the spread of the virus, including a stay-at-home order, prohibitions on public gatherings, and social distancing restrictions.

Such measures required many agricultural fairs to cancel their physical fair events. In some cases, the fair organizers had already incurred expenses in preparation for a fair. Some fairs were or are able to conduct a limited virtual fair or online sale option for their exhibitors – especially for youth exhibitors who had many hours and great expense tied to their projects. Such events, however, are significantly different from traditional physical fairs funded in part by state allocations.

This significant disruption to the ordinary course of events harms the public interest in holding agricultural fairs. The traditional application of the merit rating system would be ineffective in judging the merit of novel, virtual fairs. The impact of the pandemic on fairs will continue into 2021 by eliminating the eligibility of many fairs to apply for funding as the result of cancelling the 2020 fair in response to the public health emergency.

Such circumstances require the Director to exercise the discretion granted by the Legislature to account for disasters and accommodate novel means of training youth and promoting the welfare of farm people and rural economic development.

Description:

The Director of the Washington State Department of Agriculture recognizes 2020 to be a disaster year for the state's agricultural fairs. For all fairs in the year 2021, the Director waives the requirement in [RCW 15.76.140\(1\)](#) for two previous consecutive fairs for a fair to be eligible for an allocation from the state fair fund. Fairs that held events in 2019 will be eligible to apply for reimbursement for a fair held in 2021.

Fairs that hold a virtual or limited in-person event in lieu of a physical fair may apply to receive a reimbursement-based allocation from the state fair fund, as required in [WAC 16-700-015](#). For events held in 2020, the Director waives the requirement to have displays open to the public for a seven-hour time period found in [WAC 16-700-022\(3\)](#). Also for 2020 events, the Director will revise the merit system required in [RCW 15.76.150](#) and [WAC 16-700-050](#) to provide for an

agricultural fair that cancels its physical fair during a disaster year and instead holds a virtual or limited in-person fair or auction for the benefit of its youth exhibitors.

Fairs that incurred operating expenses prior to cancelling their physical fair may apply to receive a special assistance grant for such preparation expenses.