



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)  
Do NOT use for expedited rule making

Agency: Agriculture

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR-08-24-114; or	<input checked="" type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).	<input type="checkbox"/> Continuance of WSR _____

### Title of rule and other identifying information:

The Department proposes to amend chapter WAC 16-461-010, Inspection certificate and/or permit required, by removing the mandatory certification and twenty-one day recertification of Red Delicious and Delicious varieties and by making any amendments that are necessary to update the chapter and make it more usable.

### Hearing location(s):

Tree Fruit Research Center  
 Conference Room (Large Conference Room)  
 1100 North Western Avenue  
 Wenatchee WA 98801  
**Thursday, April 2, 2009, 1:00 p.m. (Park on Western)**

WSDA Yakima Office  
 Conference Room 238 (Primary Conference Room)  
 Suite 226 -- 21 North First Avenue  
 Yakima WA 98902  
**Friday, April 3, 2009, 9:00 a.m.**

### Submit written comments to:

Name: Teresa Norman, Rules Coordinator  
 Address: Washington State Department of Agriculture  
 P.O. Box 42560  
 Olympia, Washington 98504-2560

E-mail: WSDARulesComments@agr.wa.gov  
 Fax: 360-902-2092

Comments are to be received by 5:00 p.m. on April 6, 2009  
*M.C.*

Wenatchee Date: Thursday, April 2, 2009 Time: 1:00 p.m.  
 Yakima Date: Friday, April 3, 2009 Time: 9:00 a.m.

### Assistance for persons with disabilities:

Contact: Rachel Lopez by March 26, 2009, or as soon as possible.

360-902-1976

TTY 800-833-6388

Date of intended adoption: May 1, 2009

(Note: This is NOT the effective date)

### Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The Department proposes to amend chapter WAC 16-461-010, Inspection certificate and/or permit required, by removing the mandatory certification and twenty-one day recertification of Red Delicious and Delicious varieties in WAC 16-461-010(1)(ii) and by making any amendments that are necessary to update the chapter and make it more usable.

### Reasons supporting proposal:

Grade standards imposed by retail buyers and the desire to comply by the shipper would serve to ensure adherence to the grade standards. It is in the shipper's self-interest that the product arrives within the agreed standards, making the existing inspection requirement in the WAC section unnecessary.

### Statutory authority for adoption:

Chapter 15.17 RCW Standards of grades and packs, specifically RCW 15.17.030, Enforcement--Director's duties--Rules and Chapter 34.05 RCW Administrative procedure act

### Statute being implemented:

Chapter 15.17 RCW Standards of grades and packs

### 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: \_\_\_\_\_

DATE  
 February 18, 2009

NAME (type or print)  
 Dennis Hannapel

SIGNATURE  
*Dennis Hannapel*

TITLE  
 Assistant Director

### CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
 STATE OF WASHINGTON  
 FILED

DATE: February 18, 2009  
 TIME: 9:08 AM

## WSR 09-05-091

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**  
None.

**Name of proponent: (person or organization)**  
Washington State Department of Agriculture

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Telephone
Drafting .....	Jim Quigley, Program Manager	P.O. Box 42560, Olympia, WA 98504-2560	360-902-1833
Implementation ....	Jim Quigley, Program Manager	P.O. Box 42560, Olympia, WA 98504-2560	360-902-1833
Enforcement .....	Jim Quigley, Program Manager	P.O. Box 42560, Olympia, WA 98504-2560	360-902-1833

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:  
Address:

phone  
fax  
e-mail

No. Explain why no statement was prepared.

RCW 19.85.030 (1)(a) requires an agency to prepare a Small Business Economic Impact Statement (SBEIS) for proposed rules that impose a more than minor cost on the business in an industry. The proposed change would not impose "more than minor impact" upon the regulated industry.

RCW 19.85.040(1) requires that an agency determine whether the proposed rule will have a disproportionate impact on small businesses by comparing the cost of compliance for small business with the cost of compliance for the ten percent of businesses that are the largest businesses required to comply. The proposed change would not impose "more than minor impact" upon the regulated industry.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:  
Address:

phone  
fax  
e-mail

No: Please explain:

Washington State Department of Agriculture is not a named agency in RCW 34.05.328.