

Certification Page Regular and Emergency Rules Revised September 2016

	Emergency	ency Rules (After completing all of Sections 1 through 3, proceed to Section 5 below)			Regular Rules				
1.	General Information			The State of the S	ensule and				
	a. Agency/Board Name								
	/yoming Department of Ag	griculture	T- 0:t-	w		d Zin Codo			
	b. Agency/Board Address 2219 Carey Avenue			c. City Cheyenne		d. Zip Code 82002			
	Name of Agency Liaison		f. Agency Liaison Telephone Number						
				07-640-1806					
	Agency Liaison Email Address			h. Adoption Date					
	ale.heggem@wyo.gov		September 26, 2018						
i. Program General Agency Board or Commission Rules									
2. Legislative Enactment For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not									
previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.									
a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?									
	No. Test. Please provide the Enrolled Act Numbers and Years Enacted: 1989 Wyoming Session Laws Chapter 239								
3. Rule Type and Information									
a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.									
		nation form for more than 10 chapters and attach it t	o this certification	n)			Г		
	Chapter Number:	Chapter Name:			New New	Amended	Repealed		
	58	Commodity Certification	n Regu	lations					
	Chapter Number:	Chapter Name:			New	Amended	Repealed		
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	Ob t No b	Charter Name				<u> </u>			
	Chapter Number:	Chapter Name:			New	Amended	Repealed		

3. State Government Notice of	ntended Rulemaking							
a. Date on which the Proposed Rule Packet (consisting of the Notice of Intent as per W.S. 16-3-103(a), Statement of Principal Reasons, strike and underscore format and a clean copy of each chapter of rules were:								
approved as to form by the Registrar of Rules; and								
provided to the Legislative Service Office and Attorney General:								
4. Public Notice of Intended Rulemaking								
a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. No. No. N/A								
b. A public hearing was held on the proposed rules. No. Yes. Please complete the boxes below.								
Date: Time:	City: Location:							
c. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing:								
5. Final Filing of Rules								
1.C. I de la company de the								
Attorney General's Office for the Governor's signature:								
b. Date on which final rules were approved a Legislative Service Office:	o form by the Secretary of State and sent to the September 26	3, 2018						
c. The Statement of Reasons is attached	to this certification.							
6. Agency/Board Certification								
The undersigned certifies that the forego	g information is correct.							
Signature of Authorized Individual	D & J. Majan							
Printed Name of Signatory	Doug Miyamoto							
Signatory Title	Director, Wyoming Department of Agriculture							
Date of Signature	9-25-18							
7. Governor's Certification								
I have reviewed these rules and determined that they:								
 Are within the scope of the statutory authority delegated to the adopting agency; Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules, 								
 Appear to be within the scope of the legislative purpose of the statutory authority, and, if emergency rules, Are necessary and that I concur in the finding that they are an emergency. 								
Therefore, I approve the same.								

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Matthew H. Mead, Governor

Doug Miyamoto, Director

2219 Carey Ave. ◆ Cheyenne, WY 82002

Phone: (307) 777-7321 ◆ Fax: (307) 777-6593

Web: agriculture.wy.gov ◆ Email: wda1@wyo.gov

The Wyoming Department of Agriculture is dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life.

Principle Statement of Reasons

The Department of Agriculture is proposing new Chapter 58 rules for commodity certification, as provided for under Wyoming Statute § 11-43-101. The proposed rule will increase the cost of some services provided to customers. The current fees charged by the Department were established over 30 years ago, through an agreement between the Department and the regulated industry, as provided for under the requirements of the U.S. Federal Grain Inspection Service (FGIS). Due to increased activity in certain services over the past 5 years, and in consultation with the Federal Grain Inspection Service, the Department has evaluated the costs of services provided. Based on that review, the Department is proposing to adjust the fees assessed to adequately represent the time and expense involved in providing these services. The proposed fees have been reviewed by our partners at the Federal Grain Inspection Service and have been found to meet their requirements for a fee increase.



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Summary of Comments and Agency Response

Chapter 58

COMMODITY CERTIFICATION CHAPTER 58 FEES CHARGED FOR INSPECTING DRY EDIBLE BEANS AND FACILITY EXAMINATIONS

Comment period for these rules ended on September 21, 2018.

No request for a public hearing was requested and no comments were received.

Signed:

Dale Heggem

Senior Inspection Specialist – Technical Services

September 25, 2018

Chapter 58

Commodity Certification Regulations

Section 1. Authority.

Pursuant to authority vested in the Wyoming Department of Agriculture (WDA) by Wyoming Statute § 11-43-101 the following regulations are hereby promulgated and adopted.

Section 2. Purpose of rules.

These rules pertain to the sampling and grading of commodities covered under the United States Agricultural Marketing Act (AMA) and associated costs to cover the cost of administering an inspection program.

Section 3. Definitions.

- (a) "Licensed Inspector" means an employee of the WDA who is licensed by FGIS to inspect and grade AMA commodities in accordance with United States Department of Agriculture (USDA) standards.
- (b) "Licensed Sampler" means an employee of the Wyoming Department of Agriculture who is licensed by FGIS to sample and perform all other associated activities (excluding grading) pertaining to the shipment of AMA commodities in accordance with USDA standards.
- (c) "Official Sample" means a sample collected by a licensed inspector or licensed sampler.
- (d) "Submitted sample" means a sample submitted for grading that was not collected by a licensed inspector or licensed sampler.
 - (e) "FGIS" means Federal Grain Inspection Service.
- (f) "Condition of Container" means the process of inspection of a shipping container and/or carrier, by a licensed inspector, to determine its suitability for the sanitary transportation of a commodity.
- (g) "Check Counting" means the process of determining the total number of filled containers in a lot in order to determine that the number of containers shown by an applicant is correct and certifying the results.
- (h) "Check Weighing" means the process of weighing a selected number of random containers from a lot, determining the estimated total gross, tare and net weight or the estimated average gross or net weight per filled container and certifying the results.

- (i) "Check Loading" means the process of counting individual sacks, cartons, totes, etc. by a licensed inspector as per FGIS standards to ensure the amount loaded and that the shipping container/carrier remains suitable to receive the commodity and that the condition of the commodity being loaded does not change.
- (j) "Sanitation Inspection" means a physical walk through and inspection by a licensed inspector of a plant, mill, storage building, etc. including all associated outside areas to ensure that the facility and processed products are handled and stored in a sanitary manner.
- (k) "Grade Certificate" means an official certificate issued by a licensed inspector for an official or submitted sample.
- (l) "Normal working hours" means Monday through Friday, 8 am 5 pm, excluding holidays observed by the State Of Wyoming.
 - (m) "Overtime hours" means any time other than normal working hours.

Section 4. Fees.

- (a) \$10.00 for each condition of container check weighing or check loading inspections.
 - (b) \$20.00 for each official sample and sanitation inspection.
 - (c) \$50.00 for each grade certificate.
- (d) Mileage and hourly rates will not be charged for activities performed during normal working hours.
 - (e) Mileage and hourly rates for overtime hours will be charged as follows:
 - (i) Mileage will be charged in accordance with W.S. § Ann. 9-3-103.
- (ii) Hourly rates will be charged at \$35.00 per hour for all travel and inspection times in addition to mileage and normal fees.
 - (iii) Hourly rates shall be charged and billed only in whole hour increments.
 - (f) All fees shall be billed annually on June 30.
- (g) The WDA may send a monthly activity sheet to each customer that has requested services, identifying what services were performed and showing the current outstanding portion of any bill that a customer may have. A customer may choose to pay off any outstanding portion of any bill prior to the annual billing date.
- (h) Failure to pay the WDA within 90 days of the annual billing date may result in the WDA denying service until all fees for services are remitted.
 - (i) All fees include any FGIS user fees, postage and shipping as required.

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