

WAC 16-461-050 Certificate of compliance agreements and issuance of certificates of compliance.

(1) A shipper or packer of apples, apricots, asparagus, Italian prunes, peaches, pears, or sweet cherries may petition the director for authority to issue certificates of compliance for each season. Under RCW 15.17.143, the director may issue certificate of compliance agreements under terms and conditions provided in this section. The authority granted to the applicant is limited to the identified commodities handled under the applicant's direct control or handled at the shipper's or packer's facilities. A compliance agreement will include technical provisions appropriate for the certificate of compliance activities, provisions for the applicant's requests for service from the department, and the following conditions:

(a) The applicant must grant the director the right of entry to its facilities as provided under RCW 15.17.190;

(b) The applicant must grant the director the right to audit an applicant's certificate of compliance records for the purpose of determining compliance with chapter 15.17 RCW, chapter 16-390 WAC, and this chapter;

(c) The applicant must grant the director the right to request and obtain a yearly total hundredweight (CWT) report to verify the volume of commodities shipped for all certificates of compliance issued by the applicant;

(d) Shipper or packer reports may be verified by WSDA for accurate reporting on certificates of compliance. WSDA may determine that a report may be inaccurate if there is a five percent variance in the reported hundredweight, as verified against historical certificate of compliance data and current crop size data or estimates; and

(e) The applicant must indemnify and hold harmless the director and WSDA for claims related to the applicant's activities related to issuance of certificates of compliance.

(2) Certificates of compliance must be on forms approved and issued by the director.

(3) Any shipper or packer authorized to issue certificates of compliance must deposit with the director the fee required under chapter 16-390 WAC for each certificate.

(4) Apples, apricots, asparagus, Italian prunes, peaches, pears, or sweet cherries about to be shipped or transported must be in full compliance with the applicable requirements of chapter 15.17 RCW, chapter 16-390 WAC, and this chapter as a condition for issuance of a certificate of compliance.

(5) A certificate of compliance will be issued at the time of shipment.

[Statutory Authority: RCW 15.17.030, [15.17.]050, [15.17.]060 and chapter 34.05 RCW. WSR 15-10-090, § 16-461-050, filed 5/6/15, effective 6/6/15.]