

WAC 16-08-151 Emergency adjudicative proceedings. (1) Pursuant to RCW 34.05.479, the department shall use emergency adjudicative proceedings for the suspension or cancellation of authority in situations involving an immediate danger to the public health, safety, or welfare requiring immediate action by the department. Such situations shall include:

(a) Failure to possess required insurance, bonding or other security.

(b) Health, safety, or welfare violations when the violation involves an immediate danger to the public health, safety, or welfare, including, but not limited to, decisions by the department to:

(i) Condemn horticultural plants under chapter 15.13 RCW;

(ii) Condemn infested or infected articles under chapter 15.08 RCW;

(iii) Issue stop sale, use, or removal order under chapter 15.49 RCW;

(iv) Quarantine apiaries under chapter 15.60 RCW;

(v) Quarantine animals under chapter 16.36 RCW;

(vi) Impound infested, infected, or regulated articles pursuant to chapter 17.24 RCW; and

(vii) Close food processing facilities under chapter 69.07 RCW or under rules or regulations of the director adopted pursuant to such laws.

(2) The department shall enter a written order containing a brief statement of findings of fact, conclusions of law, and justification for the determination of an immediate danger to the public health, safety, or welfare. The order shall be effective when entered. Service of the order shall be made pursuant to WAC 10-08-110. The order shall also give the affected party instructions on how to request an adjudicative proceeding on the order, or, in the alternative, the department may in the order automatically establish a date affording the affected party the opportunity to present any defense concerning why the order is incorrect.

(3) A request for emergency hearing (application for an adjudicative proceeding) must be in writing and filed with the department during regular office hours at the address designated in the notice or instructions provided by the department. A request for hearing is filed in a timely manner when the mailing is postmarked or received by the department within five days of service of the order. A request for hearing may be filed with the department by personal delivery, commercial delivery, fax, or first-class, registered, or certified mail. A request for hearing may be filed by electronic mail (email) only when instructions for email filings have been provided by the department.

(4) The presiding officer for the emergency adjudicative proceeding shall issue a written order which shall be served on all parties. This written order is a final order.

(5) The order shall be effective pending disposition on the merits of the denial, suspension or revocation of authority.

[Statutory Authority: RCW 43.17.060 and chapter 34.05 RCW. WSR 17-13-125, § 16-08-151, filed 6/21/17, effective 7/22/17. Statutory Authority: Chapter 34.05 RCW and RCW 34.05.479. WSR 98-09-085, § 16-08-151, filed 4/21/98, effective 5/22/98. Statutory Authority: RCW 34.05.425. WSR 93-10-059, § 16-08-151, filed 4/30/93, effective 5/31/93. Statutory Authority: Chapter 34.05 RCW. WSR 91-23-051, § 16-08-151, filed 11/15/91, effective 12/16/91.]