

Amend the following:

3 CCR § 4603
§ 4603. Schedule of Charges.

The Secretary of Food and Agriculture, pursuant to Section 5852 of the Food and Agricultural Code, establishes the following schedule of charges for analytical, certification, diagnostic, inspection, quality assurance, testing and other non-regulatory services related to nursery stock, plants, seed, or other plant pests and diseases.

(a) The hourly charge for requested diagnostics or scientific consultations which require travel is \$70 per hour portal to portal with a one hour minimum charge, plus any car mileage, air fare, meals and lodging pursuant to the State's per diem travel rules.

(b) The hourly charge for requested onsite laboratory diagnostics or scientific consultations is \$70 per hour and a minimum of ¼ hour administrative time for data entry, generating and tracking invoices, and creating laboratory analysis reports.

(c) Other charges may include:

- (1) The approximate costs of the laboratory supplies used; including but not limited to specific testing kits, reagents or general supplies.
- (2) The approximate cost for disposing of any associated hazardous waste generated during testing/analysis, including but not limited to: treated, coated, encrusted, or pelleted seed.
- (3) The approximate cost per sample for facility and operations expenses.
- (4) Prorated costs for equipment calibration, maintenance, and replacement.
- (5) Labor cost for testing/analyzing coated, pelleted, or encrusted seed and/or conducting soil or sand based seed germination tests.
- (6) Costs for any outside consulting/professional services, including but not limited to DNA sequencing.

(d) Prior to charging for a specific requested service, the fee schedule for that service shall be posted to the following departmental website:

www.cdfa.ca.gov/plant/ppd/feeschedule.html. In order to provide notice to those requesting services, proposed changes to the fee schedule will be posted to the departmental website 15 days before they take effect. A short explanation of why the fees are changing will accompany the proposed fee changes during the 15 day notice period.

(e) Postentry Quarantine Program -- Charges shall be per postentry quarantine inspection performed as required under federal regulation (7 CFR § 319.37-7) and based upon combining the total amounts of (1) and (2) below.

- (1) The charge for an application is \$50 for each growing location and for inspection performed at the postentry quarantine site is \$70 per hour.
- (2) The charge for travel, based upon the round-trip distance traveled from the responsible inspector's office to the postentry quarantine inspection site and back

to the point of origin, shall be the sum total of any air fare, meals and lodging pursuant to the State's per diem travel rules plus a flat rate of:

- (A) \$75 for up to 50 miles;
- (B) \$150 from over 50 to 100 miles;
- (C) \$250 from over 100 to 150 miles;
- (D) \$350 from over 150 to 200 miles; and,
- (E) \$450 for over 200 miles.

~~(f) Grapevine Registration and Certification Fees:~~

~~(1) The annual application fee shall be \$200~~

~~(2) Field Planting Inspection Fees~~

~~(A) Increase Block, \$50 for each acre or portion thereof~~

~~(B) Nursery Planting, \$120 for each acre or portion thereof~~

~~(3) Greenhouse or other non-field planting inspection fees: \$100 per each 20,000 square feet or portion thereof.~~

(fg) Phytosanitary Certification. This is a non-regulatory requested service in order to meet a regulatory requirement imposed by another country, state, district or territory. The Secretary of Food and Agriculture, pursuant to Section 5852 of the Food and Agricultural Code, establishes the following schedule of charges and these charges shall be based upon the State or federal certificates issued in California by authorized State or county agricultural commissioners' staff.

(1) Federal Certificates -- Charges shall conform to the requirements of federal regulation (7 CFR § 354.3(5)) and are based upon a "cost-per-certificate."

(A) If the United States Department of Agriculture's Phytosanitary Certificate Tracking System (PCIT) is used to assess the fee the cost per certificate is \$5.30.

(B) If PCIT is not used, the cost per certificate is \$5.30.

(2) State Certificates -- Charges shall be based upon a "cost-per-certificate."

(A) The charge for an original State phytosanitary certificate or certificate of quarantine compliance issued for interstate movement shall be \$5.30 if PCIT is used to assess the fee.

(B) If PCIT is not used, the cost per certificate is \$5.30.

(3) Collection and Remittance of Fees

(A) Each county agricultural commissioner's office shall assess the required fees for State and federal phytosanitary certificates and certificates of quarantine compliance upon the issuance of the certificate; except there shall be no additional charge for reissued certificates as a result of an error by the certifying official.

(B) Each county agricultural commissioner's office shall annually remit any fees collected, except if PCIT is used to assess the fee, to the Department by January 31st, the fees remitted shall be those which were collected within the 12 month period annually beginning on December 1st and ending on November 30th. Fees sent to "collection" and portions of fees reimbursed through the "collection" process need not be remitted.

(C) Except for fees assessed through PCIT, each county agricultural commissioner's office may include a surcharge for each State or federal certificate issued to recover

the approximate costs incurred for collecting and remitting these fees to the Department. This surcharge shall be recovered from the person/business requesting the certificate.

(D) Any county agricultural commissioner's office issuing less than 100 certificates during the applicable 12 month period is exempt from having to remit the collected fees and they may be retained by the collecting office.

(E) The person/business which is authorized to use a "master certificate" shall remit \$125 directly to the Department at the time the "master certificate" is issued and thereafter annually remit \$125 directly to the Department by January 31st. This service charge shall be applicable regardless if the "master certificate" is utilized for any portion of the preceding year starting December 1st and ending on November 30th or if the "master certificate" is suspended or revoked for cause by the destination state or the Department during that annual period.

(F) All fees shall be remitted by check made payable to "Department of Food and Agriculture," mailed to:

CASHIER

DEPARTMENT OF FOOD AND AGRICULTURE

PO BOX 942872

SACRAMENTO, CA 94271-2872

and if a "master certificate" is used, shall be accompanied by letter stating the name of the shipper listed on the compliance agreement and the compliance agreement number.

Note: Authority cited: Sections 407, 5823, 5851, 5852 and 52331, Food and Agricultural Code. Reference: Sections 407, 5851, 5852 and 52331, Food and Agricultural Code.