



PROPOSED RULE MAKING

CR-102 (July 2022)
(Implements RCW 34.05.320)
Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: December 23, 2025

TIME: 8:26 AM

WSR 26-01-180

Agency: Dept. of Agriculture

Original Notice
 Supplemental Notice to WSR _____
 Continuance of WSR _____
 Preproposal Statement of Inquiry was filed as WSR 24-10-035 ; or
 Expedited Rule Making--Proposed notice was filed as WSR _____; or
 Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or
 Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) Chapter 16-470 (Quarantine – Agricultural Pests). As a result of a petition for rulemaking, the Department is proposing expanding the apple maggot quarantine area in Okanogan County.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
February 10, 2026	01:00 PM	Microsoft Teams conference call information: Join on your computer, mobile app, or room device: https://gcc02.safelinks.protection.outlook.com/ap/t-59584e83/?url=https%3A%2F%2Fteams.microsoft.com%2F%2Fmeetup-join%2F19%253ameeting_ZTk4NGYwNTAtN2UzYS00NzIzLWJiZDMtNDc0OThiMTgyNDgx%2540thread.v2%2F0%3Fcontext%3D%257b%2522Tid%2522%253a%252211d0e217-264e-400a-8ba0-57dcc127d72d%2522%252c%2522Oid%2522%253a%2522838c55c7-c187-44ae-8de0-2be684ce5d4a%2522%257d&data=05%7C02%7CAClows%40agr.wa.gov%7C896fc6e0e47a4ff8431308de31243332%7C11d0e217264e400a8ba057dcc127d72d%7C0%7C0%7C639002228700400438%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIiYiOilwLjAUMDAwMCIsIiAiOiJXaW4zMilsIkFQljoiTWFpbCIsIldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=dcYd%2FZekM%2BpVFLRKJoV%2FfBzvaNnRlhCuhg1gT7r4P0E%3D&reserved=0 Meeting ID: 221 965 183 857 62 Passcode: tK7yL235	Attendees may join the public hearing through the Microsoft Teams conference link provided.

		<p>Dial in by phone +1 564-999-2000,,894044767#</p> <p>Phone conference ID: 894 044 767#</p>	
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Date of intended adoption: February 17, 2026 (Note: This is **NOT** the **effective** date)

<p>Submit written comments to:</p> <p>Name: Gloriam Robinson, Agency Rules Coordinator Address: PO Box 42560, Olympia, WA 98504-2560 Email: wsdarulescomments@agr.wa.gov Fax: (360) 902-2092 Other: By (date) <u>5:00 PM on February 10, 2026</u></p>	<p>Assistance for persons with disabilities:</p> <p>Contact Amy Clow Phone: 360-902-2041 Fax: TTY: (800) 833-6388 Email: aclow@agr.wa.gov Other: By (date) <u>February 3, 2026</u></p>
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Purpose of the proposal and its anticipated effects, including any changes in existing rules: As a result of a recommendation by a sub-committee of the Apple Maggot Working Group, the Department is proposing to expand the quarantine area in Okanogan County. Recent apple maggot surveys provide evidence that the state's apple maggot population has expanded its range into pest-free areas of the county. Changes to the existing rule may better protect the environment and agricultural crops of the state by slowing possible movements of apple maggot from infested areas into the pest-free area, and by securing access to international and interstate markets.

Reasons supporting proposal: The apple maggot is an invasive insect pest native to Eastern North America. Its hosts include apples, crabapple, and native and ornamental hawthorn. During the larval stage, apple maggot can cause extensive damage to fruit. It is also economically significant to Washington's apple industry because fruit from the pest-free areas has greater access to international markets.

Statutory authority for adoption: RCW 17.24.011 and 17.24.041.

Statute being implemented: Chapter 17.24 RCW)

Is rule necessary because of a:

Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

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

Type of proponent: Private Public Governmental

Name of proponent: (person or organization) The Apple Maggot Working Group, which consists of industry representatives, county pest boards, and WSDA staff.

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Sven-Erik Spichiger	PO Box 42560 Olympia, WA 98504-2560	(360) 280-6327
Implementation:	Sven-Erik Spichiger	PO Box 42560 Olympia, WA 98504-2560	(360) 280-6327
Enforcement:	Sven-Erik Spichiger	PO Box 42560 Olympia, WA 98504-2560	(360) 280-6327

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)?

Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:

Other:

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:
TTY:
Email:
Other:

No: Please explain: The Washington State Dept. of Agriculture is not a listed agency under RCW 34.05.328(5)(a)(i)

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570](#)(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(3). Check all that apply:

<input type="checkbox"/> RCW 34.05.310 (4)(b) (Internal government operations)	<input type="checkbox"/> RCW 34.05.310 (4)(e) (Dictated by statute)
<input type="checkbox"/> RCW 34.05.310 (4)(c) (Incorporation by reference)	<input type="checkbox"/> RCW 34.05.310 (4)(f) (Set or adjust fees)
<input type="checkbox"/> RCW 34.05.310 (4)(d) (Correct or clarify language)	<input type="checkbox"/> RCW 34.05.310 (4)(g) (i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(4) (does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: Check one.

The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.

The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: Complete this section if any portion is not exempt.

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

Small Business Economic Impact Statement
Chapter 16-470 WAC
Apple Maggot Quarantine

SECTION 1:

Describe the proposed rule, including: a brief history of the issue; an explanation of why the proposed rule is needed; and a brief description of the probable compliance requirements and the kinds of professional services that a small business is likely to need in order to comply with the proposed rule.

Brief History

The Washington State Department of Agriculture (WSDA) is proposing to expand the apple maggot quarantine to protect the state's apple industry from this invasive pest. Apple maggots, first detected in Washington in the 1980s, threaten fruit crops by spreading through infested fruit and waste. The need for an apple maggot quarantine in Okanogan County arose due to the detection of the apple maggot fruit fly (*Rhagoletis pomonella*) throughout the area and aims to restrict the movement of fruit, soil, and municipal waste from within the quarantine boundary to pest-free areas outside of it.

In 2017, the Washington State Department of Agriculture (WSDA) identified several areas in Okanogan County showing signs of a reproducing apple maggot population. In 2018, a quarantine was established in the Methow Valley in Okanogan County. Later, in 2020, following further surveying efforts by WSDA, it was proposed that the entire county be quarantined due to the widespread detection of apple maggot. However, through the efforts of the Tri-County Pest Control Board and an accompanying task force, the impact was significantly minimized by removing host material and treating specific sites of concern.

Lastly, throughout 2020 and 2021, the assembled task force continued its treatment and mitigation efforts at various sites. As a result, the quarantine boundaries remained unchanged in 2022, but ongoing efforts remained in motion to address the apple maggot issue, particularly along the riparian areas where host material could not be easily removed.

Why the Rule is Needed

In 2024, an expansion of the existing apple maggot quarantine is now essential for several reasons:

Spread Prevention of Apple Maggot

The primary purpose of the proposed rule is to immediately and effectively prevent the spread of the apple maggot into pest-free areas of the state. This effort is critical for maintaining the health and economic viability of fruit production in Washington state. The quarantine regulates the movement of homegrown fruit, soil, municipal solid waste, and municipal green waste, as these all can be hosts for apple maggot. Beyond apples, other regulated fruits include cherries, hawthorns, pears, plums, prunes, and quinces.

Economic Impact/Viability

Washington state produces upwards of 60% of all U.S. apples, contributing over \$7 billion annually to the state economy. A widespread infestation of apple maggot could result in losses between \$510 - \$557 million and jeopardize export markets. The prevention of this pest spreading through expanded quarantine measures, protects the \$7 billion apple industry and the ~38,000 jobs it supports.

Additionally, the expanded quarantine serves as a measure to protect export markets. Infested fruit is unsuitable for export, risking losses of hundreds of millions of dollars and ~3,000 jobs in export-dependent sectors.

Lastly, the proposed rule serves to both promote and sustain organic production which is often considered a high-value segment within Washington state.

Probable Compliance Requirements and/or Professional Services Needed

Waste Origin Tracking and Segregation

Under the proposed quarantine, the waste disposal company operating in the proposed quarantine area (henceforth referred to as WDC), would need to apply for a WSDA Special Permit for waste transport from a quarantine area, into a pest-free area. This would allow the WDC to continue transporting waste to the Ellisforde Transfer Station. The WDC could apply for a Municipal Solid Waste (MSW) Special Permit, allowing for the movement of solid waste only or they could apply for a Municipal Green Waste (MGW) Special Permit, allowing for the movement of green waste. Compliance requirements for each permit differ. MSW Special Permit requirements include the segregation of solid waste from green waste, with the green waste staying within the quarantined area. MGW Special Permit requirements include heat treating green waste prior to transport into a pest-free area, to disinfest the waste from any apple maggot contained within. The below examples (a – d) outline compliance requirements for the MSW Special Permit. Depending on which permit is issued to the WDC, the compliance requirements will differ. WSDA has had conversations with the WDC about what will be required to comply with the proposed quarantine. The WDC has indicated they would apply for an MSW Special Permit. Additionally, they stated they would likely require residents inside the proposed quarantine area to dispose of organic waste on site, rather than setting up an area for collection. **The compliance requirements outlined below examine all options, rather than just focusing on what the WDC has indicated they will do.**

- a. Documentation Procedures – Implementing a digital or enhanced paper-based tracking system is necessary. This system may involve one or more of the following:
 - Creating and maintaining logs for random load checks of incoming waste at the transfer station to verify no green waste from a quarantine area is present.
- b. Collection site for organic waste – The WDC has stated that they do not anticipate collecting organic waste under the proposed quarantine, however, if they chose to do so, they would need to establish a central collection location inside the proposed quarantine area. This would allow residents in the quarantine area to drop-off organic waste. The WDC would not be able to transport the waste outside of the quarantine area. From discussions with the WDC, a majority of residents in the area already compost or burn organic waste on site, making it unnecessary for them to set up a collection site in the proposed quarantine area.
- c. Employee Training – All employees involved in waste handling, receiving, and processing will need to be trained on proper identification, documentation, and segregation procedures.
- d. Customer Education Campaign – The WDC will need to inform customers on changes to their waste collection services resulting from apple maggot quarantine restrictions. The following are identified potential objectives of such a campaign:
 - Educate residents on proper waste segregation (i.e. separating green waste from solid waste).
 - Prevent non-compliance by providing clear instructions on restricted materials and available disposal options.
 - Minimize economic and environmental impacts caused by improper disposal.

General Restriction on Organic Waste Movement from Quarantined Area

The proposed rule prohibits the movement of 'regulated articles' from within the quarantined area to outside the quarantined area (defined as pest-free areas). To prepare for this restriction, the WDC needs to have a procedure for separating organic waste from solid waste or heat treating organic waste within the quarantined area if they intend on transporting it into the pest-free area.

Core Compliance Requirements (FOR ORCHARDS WITHIN QUARANTINE, INCLUDING BOTH COMMERCIAL OPERATIONS AND INDIVIDUAL FARM STAND/U-PICK SELLERS)

Orchards operating within the proposed quarantine must comply with the following rule requirements as they govern the movement of fruit from quarantined to pest-free areas within Washington State. Non-

compliance risks introducing apple maggot larva into eastern Washington's commercial growing regions. Therefore, compliance with intra-state shipment regulations is intended to:

- Protect of Washington State's \$1B+ annual apple industry;
- Prevent of market closures from trading partners; and
- Avoid mandatory destruction orders for infested orchards.

Below is a table detailing the core compliance requirements for an orchard operating within the proposed apple maggot quarantine area, along with the applicable Washington Administrative Codes (WAC) and Revised Code of Washington (RCW) statutes:

Triggered Compliance Requirement	Trigger Condition	WAC Reference	Example Action(s) Required
No movement of unprocessed, host fruit/material out of quarantine	All times; applies to all orchards within the quarantine area	WAC 16-470-105(5)	Sell/process all apples and other host fruit within the quarantine area unless processed (canned, juiced, dried); do not transport fresh, unprocessed fruit outside the area. Instruct customers not to remove homegrown fruit.
No movement of green/yard/cull waste out of quarantine	All times when generating such material	WAC 16-470-105(4)(c)(ii)	Collect all pruning, culled, or dropped fruit and green waste containing host material; compost, deep-bury, or destroy waste on-site or use only an approved disposal facility within the quarantine area.
Proper disposal/treatment of dropped/cull fruit	All times when cull/dropped fruit is produced	WAC 16-470-105(4)(c)(ii)	Regularly collect and destroy dropped/cull fruit through deep burial, high-temperature composting, or other approved on-site destruction methods.
Equipment/vehicle cleaning prior to leaving quarantine	Only when moving bins, trucks, or equipment out of the quarantine area after contact with fruit/plant material	WAC 16-470-105(5)(b)	Clean and inspect bins, trucks, harvesters, and other equipment to ensure all fruit and plant debris is removed before leaving the quarantine area.
Inspection/certification for movement out of quarantine	When shipping/selling fruit or host material out of	WAC 16-470-105(6)	Contact WSDA to arrange official inspection and obtain a phytosanitary certificate or movement

	the quarantine area		permit prior to shipping or selling fruit outside the quarantine area.
Cooperation with WSDA inspections and orders	Any time upon WSDA request or during investigations	WAC 16-470-105(3,4,6,7)	Allow WSDA inspectors entry for compliance checks, follow inspection instructions, and comply with any issued orders (such as allowing sampling or providing access to records).
Implementation of pest control measures if apple maggot found	Only if apple maggot detected in the orchard or by WSDA order	WAC 16-470-105(7)	Apply additional pesticide treatments, increase sanitation measures, or remove infested trees/fruit as directed by WSDA to contain and eliminate the pest population.
Monitoring and reporting for apple maggot	If required by WSDA (i.e. following detection or as permit/inspection condition)	WAC 16-470-105(3-7)	Set, monitor, and report results from apple maggot traps according to WSDA protocol; promptly notify WSDA of any apple maggot detection.
Recordkeeping to support compliance	If subject to WSDA inspection, applying for certificate, or under investigation	WAC 16-470-105	Maintain up-to-date records of fruit movement, disposal practices, pest control measures, and inspections; make records available upon request by WSDA.
Payment of fees for permits/inspections /certificates	When requesting inspection, certificate, or movement permit	WAC 16-470-105(6)	Pay any required fees to WSDA for inspections, movement permits, or phytosanitary certification before fruit can be shipped or sold outside the quarantine area.
Communication/training for staff or customers	If operating farm stand/u-pick or as required by compliance agreement/permit	WAC 16-470-105(6)(d)	Post quarantine notices at point of sale/u-pick areas; train staff on quarantine rules and proper fruit/waste handling practices; provide customer guidance as needed.

Core Compliance Requirements (FOR NURSERIES, LANDSCAPING, GARDEN CENTERS, WASTE FACILITIES AND TRANSPORTERS)

The apple maggot quarantine imposes a set of core compliance requirements on a range of industries—including nurseries, landscaping, garden centers, waste facilities, and transporters—operating within or near the proposed quarantine area.

For **nurseries and plant sellers**, any host plant (or non-host plant grown under the drip line of a fruiting host) with soil or growing medium may not be moved from the quarantine area into pest-free areas unless accompanied by a phytosanitary certificate. The certificate must verify that the plant has not fruited, was not grown under a fruiting host, originated from a pest-free area, or that the soil/growing medium has been appropriately treated prior to shipping. Bare-root plants and non-host plants grown away from host plants are generally exempt, but documentation and careful recordkeeping are essential.

The overall importance of this proposed apple maggot quarantine lies in protecting Washington's commercial fruit industry—valued at billions of dollars annually—as well as home gardens and native habitats, by containing the apple maggot and preventing its establishment in pest-free regions. Strict compliance helps maintain market access, reduces the risk of costly pest outbreaks, and supports the long-term sustainability of diverse agricultural and horticultural businesses.

SECTION 2:

Identify which businesses are required to comply with the proposed rule using the North American Industry Classification System (NAICS) codes and what the minor cost thresholds are.

NAICS Code (4, 5 or 6 Digit)	NAICS Business Description	Number of Businesses in Washington	Minor Cost Threshold = 1% of Average Annual Payroll	Minor Cost Threshold = 0.3% of Average Annual Revenue	Applicable Minor Cost Estimate
111331	Apple Orchards	52	\$9,820.23	\$4,178.42	\$9,820.23
562111	Solid Waste Collection	145	\$14,106.51	\$22,869.55	\$22,869.55
111339	Other Noncitrus Fruit Farming	812	\$2,941.04	\$667.35	\$2,941.04

*Data source: 2021 Employment Security Department

**Data source: 2021 Department of Revenue

±Data source: 2021 Quarterly Census of Employment and Wages (Bureau of Labor Statistics)

SECTION 3:

Analyze the probable cost of compliance. Identify the probable costs to comply with the proposed rule, including: cost of equipment, supplies, labor, professional services and increased administrative costs; and whether compliance with the proposed rule will cause businesses to lose sales or revenue.

The following tables, 3.1 – 3.6, list potential cost scenarios that WDC and orchards may experience, depending on how they choose to comply with the quarantine:

Table 3.1 – Transportation and Associated Labor Costs for Waste Roll-off Container

Scenario	One-time transport of roll-off container to central area to collect organic waste generated within the proposed quarantine area. This would not necessarily be required under a MSW Special Permit.																
Potential Costs	<p>1. Equipment Costs</p> <p>A. Trailer Rental or Ownership</p> <ul style="list-style-type: none"> • If the WDC rents large organic waste trailers: <ul style="list-style-type: none"> ◦ Rental cost for a standard trailer-sized dumpster (i.e. 20-yard or larger) can range from \$150 - \$300 per day. • If WDC owns the trailer: <ul style="list-style-type: none"> ◦ Large trailer bins range from \$10,000 - \$20,000 as upfront purchase. ◦ Depreciation and maintenance costs are estimated to be \$25 - \$50 per trip. <p>B. Administrative Costs</p> <ul style="list-style-type: none"> • Administrative time to track pickups, manage compliance documentation, and process billing: \$10 - \$20/hour. • Estimated time: ~15-30 minutes per trip (collection → processing). • Estimated cost: \$5 - \$10 per trip (collection → processing). These costs would be subject to change if the WDC allows for resident drop-off at the site of where organic waste is processed (e.g. chipped) within the quarantine area. 																
Total Estimated Costs	<table border="1" data-bbox="344 994 1318 1296"> <thead> <tr> <th data-bbox="344 994 845 1036">Cost Component</th><th data-bbox="845 994 1318 1036">Estimated Cost Range</th></tr> </thead> <tbody> <tr> <td data-bbox="344 1036 845 1079">Fuel Costs</td><td data-bbox="845 1036 1318 1079">\$16.67 - \$25</td></tr> <tr> <td data-bbox="344 1079 845 1121">Driver Labor</td><td data-bbox="845 1079 1318 1121">\$15 - \$30</td></tr> <tr> <td data-bbox="344 1121 845 1163">Truck Maintenance/Depreciation</td><td data-bbox="845 1121 1318 1163">\$40 - \$60</td></tr> <tr> <td data-bbox="344 1163 845 1205">Trailer Purchase</td><td data-bbox="845 1163 1318 1205">\$10,000 - \$20,000</td></tr> <tr> <td data-bbox="344 1205 845 1248">Trailer Rental</td><td data-bbox="845 1205 1318 1248">\$50 - \$300</td></tr> <tr> <td data-bbox="344 1248 845 1290">Bin Cleaning</td><td data-bbox="845 1248 1318 1290">\$75 - \$150</td></tr> <tr> <td data-bbox="344 1290 845 1332">Administrative Costs</td><td data-bbox="845 1290 1318 1332">\$5 - \$10</td></tr> </tbody> </table> <p>Rented Trailers Total Estimated Round Trip Cost: \$201.67 - \$575, depending on fuel efficiency and cleaning needs.</p> <p>Owned Trailers Total Estimated Round Trip Cost: \$201.67 - \$575 plus one-time purchase of \$10,000 - \$20,000 per container.</p>	Cost Component	Estimated Cost Range	Fuel Costs	\$16.67 - \$25	Driver Labor	\$15 - \$30	Truck Maintenance/Depreciation	\$40 - \$60	Trailer Purchase	\$10,000 - \$20,000	Trailer Rental	\$50 - \$300	Bin Cleaning	\$75 - \$150	Administrative Costs	\$5 - \$10
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Additional Considerations	<ol style="list-style-type: none"> 1. Bin Capacity: Large trailer-sized bins can hold significant volumes (i.e. over 20 cubic yards). Transporting multiple bins may require additional trips or larger trucks, increasing costs. 2. Frequency of Trips: If WDC needs to transport several bins weekly, costs will scale accordingly. 3. Seasonal Variability: Increased organic waste during peak seasons may require more frequent trips or additional trailers. 4. Cost Sharing Agreement: If WDC has a cost sharing agreement with Okanogan County, the costs reflected above may be less. <p>NOTE: The tabled data above lists a range of cost estimates for each component. It is assumed that the WDC will choose the</p>																

	<i>least cost options and therefore accrue actual expenses less than detailed above.</i>
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Table 3.2 – Administrative, Monitoring, and Waste Segregation Costs

Scenario	Inspect incoming residential and/or commercial waste for compliance with segregation rules (i.e. ensuring no prohibited materials like untreated green waste cross the quarantine's boundary).						
Potential Costs	<p>1. Monitoring Costs</p> <p>A. Permit Requirement: Inspection of Waste Loads (two loads checked, twice per week)</p> <ul style="list-style-type: none"> • Labor Costs: <ul style="list-style-type: none"> ○ \$15 - \$30/hour for inspectors ○ Estimated inspection time: ~10 minutes/load ○ Cost per load: \$2.50 - \$5.00 <p>2. Administrative Costs</p> <p>A. Recordkeeping and Compliance Reporting</p> <ul style="list-style-type: none"> • Must maintain detailed records of waste segregation practices, transport routes, random load check logs, and compliance with quarantine regulations. • Labor Costs: <ul style="list-style-type: none"> ○ \$10 - \$20/hour for administrative staff ○ Estimated time: ~30 minutes/load ○ Cost per load: \$5 - \$10 						
Total Estimated Costs	<table border="1"> <thead> <tr> <th>Cost Component</th> <th>Estimated Cost Range</th> </tr> </thead> <tbody> <tr> <td>Inspection/Monitoring Labor</td> <td>\$7.50 - \$15</td> </tr> <tr> <td>Administrative Costs</td> <td>\$5 - \$10</td> </tr> </tbody> </table> <p>Low End Total Estimated Cost for Administrative, Monitoring, and Waste Segregation Costs: \$12.50 + monitoring equipment (if needed) and software (if needed) per round trip.</p> <p>Upper Range Total Estimated Cost for Administrative, Monitoring, and Waste Segregation Costs: \$25 + monitoring equipment (if needed) and software (if needed) per round trip.</p>	Cost Component	Estimated Cost Range	Inspection/Monitoring Labor	\$7.50 - \$15	Administrative Costs	\$5 - \$10
Cost Component	Estimated Cost Range						
Inspection/Monitoring Labor	\$7.50 - \$15						
Administrative Costs	\$5 - \$10						

Table 3.3 – Special Permitting Fees

Requirement	Transporting solid waste between quarantine and pest-free areas requires a WSDA Special Permit.
Potential Costs	<p>1. Special Permit</p> <ul style="list-style-type: none"> • Cost Per Permit: \$72.50 per hour for issuing the permit. Once issued, the permit is good for five-years.

Table 3.4 – Specialized Hauling and Specialty Equipment (Including Other Relevant Costs)

Requirement	<p>One-time cost to bring large equipment like grinders or heat treatment systems from pest-free areas into the quarantine area on flatbed trailers or using specialized hauling service(s). This would only be necessary if the WDC chose to apply for a MGW Special Permit, rather than a MSW Special Permit.</p>														
Potential Costs	<p>1. Specialized Hauling for Equipment</p> <ul style="list-style-type: none"> Cost is estimated to be \$4.50 per loaded mile (according to industry standard for heavy haul trucking) Calculation: 20 miles x \$4.50 = \$90 per round trip <p>Grand Total Calculation: Fuel Cost (\$16.67 - \$25) + Driver Labor Cost (\$15 - \$30/hour) + Maintenance/Depreciation Cost (\$40 - \$60 per trip) + Specialized Hauling Cost (\$90 per trip)</p>														
	<p>2. Specialized Equipment: Grinding/Shredding Equipment</p> <ul style="list-style-type: none"> Weight and Size: Industrial grinders and shredders weigh approximately 10,000 – 15,000 lbs. and require heavy-duty flatbeds. Loading/Unloading Costs: Forklift or crane rental for loading/unloading: \$200 - \$500 per use. Rental Fees (if applicable): \$500 - \$1500 per day. <p>3. Specialized Equipment: Heat Treatment System</p> <ul style="list-style-type: none"> Weight and Size: Steam treatment vessels weigh approximately 8,000 lbs. and require similar handling as shredders/grinders. Loading/Unloading Costs: \$200 - \$500 per use. Rental Fees (if applicable): \$1,000 - \$2,000 per day. 														
	<p>4. Monitoring Costs</p> <p>A. Inspection of Equipment</p> <ul style="list-style-type: none"> The WDC must inspect grinding/shredding and heat treatment equipment to ensure they meet WSDA sanitation standards before transport into the quarantine area. Labor Costs: <ul style="list-style-type: none"> Estimated Labor Wage: \$15 - \$30/hour Estimated Time: ~1 hour per unit Cost Per Unit Inspection: \$15 - \$30 <p>B. Sanitation Requirements</p> <ul style="list-style-type: none"> WSDA requires trailers transporting equipment into quarantine areas to be thoroughly washed to prevent pest contamination. Sanitation Costs: \$100 - \$300 for pressure washing or steam cleaning trailer. 														
Total Estimated Costs	<table border="1"> <thead> <tr> <th data-bbox="328 1717 845 1769">Cost Component</th><th data-bbox="845 1717 1320 1769">Estimated Cost Range</th></tr> </thead> <tbody> <tr> <td data-bbox="328 1769 845 1812">Fuel Costs</td><td data-bbox="845 1769 1320 1812">\$16.67 - \$25</td></tr> <tr> <td data-bbox="328 1812 845 1854">Driver Labor</td><td data-bbox="845 1812 1320 1854">\$15 - \$30</td></tr> <tr> <td data-bbox="328 1854 845 1896">Truck Maintenance/Depreciation</td><td data-bbox="845 1854 1320 1896">\$40 - \$60</td></tr> <tr> <td data-bbox="328 1896 845 1938">Specialized Hauling</td><td data-bbox="845 1896 1320 1938">~\$90</td></tr> <tr> <td data-bbox="328 1938 845 1981">Loading/Unloading Equipment</td><td data-bbox="845 1938 1320 1981">\$200 - \$500</td></tr> <tr> <td data-bbox="328 1981 845 2023">Grinder/Heat System Rental</td><td data-bbox="845 1981 1320 2023">\$500 - \$2000</td></tr> </tbody> </table>	Cost Component	Estimated Cost Range	Fuel Costs	\$16.67 - \$25	Driver Labor	\$15 - \$30	Truck Maintenance/Depreciation	\$40 - \$60	Specialized Hauling	~\$90	Loading/Unloading Equipment	\$200 - \$500	Grinder/Heat System Rental	\$500 - \$2000
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Grinder/Heat System Rental	\$500 - \$2000														

	Inspection Labor	\$15 - \$30
	Sanitation Costs	\$100 - \$300
Low End Total Estimated Cost for Specialized Equipment, Hauling, and Other Relevant Costs: ~\$976.67		
Upper Range Total Estimated Cost for Specialized Equipment, Hauling, and Other Relevant Costs: ~\$3,035.00		
Additional Considerations	<ol style="list-style-type: none"> Frequency of Trips: If WDC needs to transport multiple loads weekly, costs will scale proportionately. Seasonal Variability: Increased organic waste during peak seasons may require additional labor and equipment resources. Equipment Ownership v. Rental: Long-term costs can be reduced if WDC owns the equipment rather than renting it. Cost Sharing Agreement: If WDC has a cost sharing agreement with Okanogan County, the costs reflected above may be less. <p>NOTE: <i>The tabled data above lists a range of cost estimates for each component. It is assumed that the WDC will choose the least cost options and therefore accrue actual expenses less than detailed above.</i></p>	

Table 3.5 – Employee Compliance Training, Equipment Downtime, Customer Non-Compliance Penalties, and Public Relations/Community Outreach Costs

Requirement	<p>Employees likely need to be trained on new quarantine protocols, including waste segregation, equipment sanitation, and transportation requirements.</p> <p>Grinding/shredding equipment or heat treatment systems may require downtime for cleaning, inspection, or maintenance to meet quarantine standards. This is only applicable if the WDC chooses to apply for a MGW special permit.</p> <p>If Customers fail to comply with waste segregation rules (i.e. mixing untreated green waste with other materials), WDC may need to implement penalties to absorb additional segregation costs.</p> <p>The WDC may need to address public concerns about increased fees or operational changes due to the quarantine rules through PR campaigns or community meetings.</p>
Potential Costs	<p>1. Compliance Training for Employees</p> <ul style="list-style-type: none"> Training Sessions: \$50 - \$200 per employee for professional training programs. Lost Productivity: Assuming a 2-hour training session for 10 employees at \$15 - \$30/hour. <ul style="list-style-type: none"> Total Labor Cost: \$300 - \$600

	<p>2. Equipment Downtime During Compliance Measures vs. Its Per Diem Rental Fee</p> <ul style="list-style-type: none"> Lost Operational Time: Assuming downtime of 4 hours per cleaning cycle: <ul style="list-style-type: none"> Labor cost for idle operators: $\\$15 - \\$30/\text{hour} \times 4 \text{ hours} = \\$60 - \\$120$. Lost revenue from reduced processing capacity: $\sim \\$500 - \\$1,000 \text{ per day}$. <p>3. Customer Non-Compliance Penalties</p> <ul style="list-style-type: none"> Administrative time to issue penalties or warnings based on a $\\$15 - \\$30/\text{hour}$ wage: $\sim \\$5 - \\10 per incident. <p>4. Public Relations and Community Outreach Costs</p> <ul style="list-style-type: none"> Estimated Costs: <ul style="list-style-type: none"> Community Meetings: Venue rental and materials may range from $\\$500 - \\$1,000$ per meeting. PR Campaigns: Social media ads, local newspaper notices, and direct mailing postcards may range from $\\$1,000 - \\$3,000$ annually. 										
Total Estimated Costs	<table border="1" data-bbox="331 840 1313 1036"> <thead> <tr> <th>Cost Component</th><th>Estimated Cost Range</th></tr> </thead> <tbody> <tr> <td>Employee Training</td><td>$\\$300 - \\$600/\text{session}$</td></tr> <tr> <td>Equipment Downtime</td><td>$\\$560 - \\$1,120/\text{day}$</td></tr> <tr> <td>Customer Non-Compliance</td><td>$\sim \\$20 - \\$40/\text{load}$</td></tr> <tr> <td>Public Relations Outreach</td><td>$\\$1,500 - \\$4,500 \text{ annually}$</td></tr> </tbody> </table> <p>Low End Total Estimated Cost for Employee Compliance Training, Equipment Downtime, Customer Non-Compliance Penalties, and Public Relations/Community Outreach Costs: $\sim \\$2,380.00$</p> <p>Upper Range Total Estimated Cost for Employee Compliance Training, Equipment Downtime, Customer Non-Compliance Penalties, and Public Relations/Community Outreach Costs: $\sim \\$3,035.00$</p>	Cost Component	Estimated Cost Range	Employee Training	$\$300 - \$600/\text{session}$	Equipment Downtime	$\$560 - \$1,120/\text{day}$	Customer Non-Compliance	$\sim \$20 - \$40/\text{load}$	Public Relations Outreach	$\$1,500 - \$4,500 \text{ annually}$
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Customer Non-Compliance	$\sim \$20 - \$40/\text{load}$										
Public Relations Outreach	$\$1,500 - \$4,500 \text{ annually}$										
Additional Considerations	<ol style="list-style-type: none"> Frequency of Outreach: If the WDC needs to communicate with its community less or more frequently, the numbers above are subject to scale accordingly. Seasonal Variability: Increased organic waste during peak seasons may require additional labor and equipment resources. Equipment Ownership v. Rental: Costs for maintenance will adjust accordingly based on whether WDC owns or rents its equipment. Cost Sharing Agreement: If WDC has a cost sharing agreement with Okanogan County, the costs reflected above may be less. <p>NOTE: The tabled data above lists a range of cost estimates for each component. It is assumed that the WDC will choose the least cost options and therefore accrue actual expenses less than detailed above.</p>										

The following table, Table 3.6, list potential cost categories that an orchard may come to expect should they have operations within the proposed apple maggot quarantine

Table 3.6 – Potential Costs of Compliance for Orchards Within Quarantine Area

Potential Cost and/or Compliance Requirement	
Lost Revenue from Restricted Fruit Movement	Trigger Condition: Orchard is in quarantine area; cannot move/sell fresh fruit outside area unless certified or processed.
	Estimated Cost (Per Acre or Per Event): Potential lost revenue – varies by market access (\$0 - \$1,000+ per acre)
	Key Implications: Loss of access to certain markets; orchard may have to sell at lower prices or process fruit.
Green/Yard Waste Separation & Disposal	Trigger Condition: Handling, separating, or composting/disposing of green or yard waste; orchard generating green/yard waste.
	Estimated Cost (Per Acre or Per Event): \$50 - \$200/acre per year (bins, labor, disposal fees).
	Key Implications: Requires separation and disposal of green waste within the quarantine area; export to pest-free areas is prohibited.
On-site or Local Disposal of Fruit and Yard Waste (May Include Composting, Chipping, etc.)	Trigger Condition: Orchard generating fruit or yard waste.
	Estimated Cost (Per Acre or Per Event): \$50 - \$200/acre per year depending on equipment (purchase/rental of chippers, compost bins, building compost areas, etc.).
	Key Implications: Must compost, chip, or dispose of waste within quarantine area.
Inspection/Certification for Commercial Fruit Export	Trigger Condition: Orchard ships fresh fruit out of quarantine area.

	<p>Estimated Cost (Per Acre or Per Event): Per Box: \$0.10 - \$0.20; Per Acre: \$30 - \$100/acre per year</p> <p>Key Implications: Requires WSDA inspection and certification for pest-free status.</p>
Cold Treatment of Exported Fruit	<p>Trigger Condition: Export to markets requiring cold treatment</p>
	<p>Estimated Cost (Per Acre or Per Event): Per Box: \$0.20 - \$0.30 Per Acre: \$80 - \$150</p>
	<p>Key Implications: If shipping fruit to markets that require cold storage, costs related to cold treatment protocols, such as storage, energy, and handling, must be considered.</p>
Pest Monitoring (Trapping, Inspection, Documentation, Etc.)	<p>Trigger Condition: Orchard located within quarantine area.</p>
	<p>Estimated Cost (Per Acre or Per Event): \$20 - \$50/acre per year (traps, labor).</p>
	<p>Key Implications: Depending on confirmed trappings, may require setting and monitoring additional traps and reporting to WSDA.</p>
Mandatory Pesticide Application	<p>Trigger Condition: Apple maggot detected on property.</p>
	<p>Estimated Cost (Per Acre or Per Event): \$30 - \$60/acre per application</p>
	<p>Key Implications: Related costs may include chemicals, labor, and equipment costs for required pesticide(s). Unexpected expense; potential impact on organic certification and worker safety.</p>
Documentation and Recordkeeping	<p>Trigger Condition: General compliance with quarantine requirements.</p>
	<p>Estimated Cost (Per Acre or Per Event): \$10 - \$25/acre per year.</p>

	Key Implications: Related costs may include administrative labor for maintaining the required records, such as logs, compliance reports, etc.
Public Outreach and Signage	Trigger Condition: Orchard open to public/employees/visitors.
	Estimated Cost (Per Acre or Per Event): Depending on signage, it could range from \$50 - \$200 total.
	Key Implications: Related costs may include posting signs, training staff, or distributing flyers.
Delays Due to Compliance (Cold Treatment, Inspection, etc.)	Trigger Condition: Exporting fruit, plants, or soil.
	Estimated Cost (Per Acre or Per Event): Depending on the market, it may range from \$0 - \$500/acre.
	Key Implications: Some of these direct costs may be labor for adjusting schedules, communicating with buyers, etc. Related indirect costs may include shipping delays affecting market timing/pricing. Additionally, there may be loss of premium pricing, which could affect customer relationships and cash flow.

The preceding tables provide a comprehensive overview of the **potential costs and operational requirements** that an orchard may encounter when operating within the apple maggot quarantine area. Each line item identifies a specific compliance obligation, estimated cost ranges, and the key implications for orchard operations.

It is important to emphasize that **these tables are intended as a reference tool only**. The actual costs incurred by any individual orchard will vary significantly based on a range of business-specific factors, including but not limited to:

- **Scale of Operations:** Larger orchards (but still under 50 employees) may realize lower per-unit costs due to economies of scale, while smaller operations may face higher relative expenses.
- **Business Model and Market Access:** Orchards that primarily sell locally may face fewer export-related costs, whereas those serving distant or international markets will need to budget for additional compliance, inspection, and treatment requirements.
- **Existing Infrastructure and Practices:** Orchards with established on-site composting, pest monitoring, or recordkeeping systems may incur lower incremental costs than those needing to implement new processes or purchase equipment.
- **Adaptability and Resourcefulness:** The ability to adapt business practices—such as processing fruit on-site, forming partnerships for waste management, or optimizing logistics—can mitigate some compliance costs.

- **Labor Availability and Expertise:** Costs for compliance activities such as monitoring, documentation, and outreach may vary depending on the availability and skill level of the workforce.

In conclusion, while these tables offer an overview of potential costs and compliance considerations related to apple maggot quarantine areas, it is intended to serve as a general guide rather than a definitive cost projection. Orchard operators and waste disposal companies are encouraged to use this information as a foundation for further analysis, taking into account their own operational scale, resources, and business strategies

SECTION 4:

Analyze whether the proposed rule may impose more than minor costs on businesses in the industry.

Under Washington Administrative Code (WAC) 19.85.020(2), the minor cost threshold is defined as the cost per business that is less than three-tenths of one percent of annual revenue or income, whichever is greater, or one percent of annual payroll.

If the annual cost of complying with a regulation is **higher than either of these thresholds**, it's considered a "more-than-minor" cost. This triggers requirements for more detailed economic impact analysis and consideration of ways to reduce the burden on small businesses.

Table 4.1 – Waste Industry Minor Cost Threshold Analysis

The Department was unable to confirm exact figures with WDC. Therefore, the minor cost threshold calculation shown below should be considered an estimate rather than an exact figure. Based on sources such as Allbiz, Dun & Bradstreet, and Manta, it is reported that the WDC employs 5 individuals and has an annual revenue between \$1m - \$5m, with other reports citing between ~\$300,000 - \$350,000 in annual revenue. The Washington State Employment Security Department cites that there are 152 solid waste collection businesses operating under NAICS 562111 and have an average annual revenue of \$1,410,651.

Revenue-Based Threshold:

- Assuming WDC has an annual revenue of ~\$300,000 - \$1.4m
 - Minor Cost Threshold: $0.003 \times 300,000 = 900$ **X**
 - Minor Cost Threshold: $0.003 \times 1,400,000 = 4,200$ **✓**

Payroll-Based Threshold:

- If WDC employs 5 employees at an average annual wage of \$50,000 per employee:
 - Total payroll: $5 \times 50,000 = 250,000$
 - Minor Cost Threshold: $0.01 \times 250,000 = 2,500$ **X**
 - Minor Cost Threshold as calculated from Washington State's Department of Revenue: \$22,869.55 **✓**

Estimated Annual Compliance Costs v. Minor Cost Threshold Analysis:

- Segregation labor alone costs \$62,000 - \$125,000 annually- more than 24 times the payroll-based threshold.
 - These figures are subject to change based on WDC's election to perform this body of work and/or WDC's customer cooperation.
- Transportation restrictions add recurring costs of ~\$8,500.00 annually for hauling bins within quarantine areas.
 - These figures are subject to change based on WDC's election to perform this body of work and/or WDC's customer cooperation.

- Equipment upgrades require upfront investments ranging from \$50,000 - \$150,000 plus recurring maintenance fees. Should a business not wish to purchase this equipment, they would then be subject to (likely) high per diem rental fees.
 - Should the WDC elect to rent a chipper or grinder estimated to be ~\$500 a day, it would only take 6 days to meet the minor cost threshold and 7 days to exceed it.
 - Should the WDC elect to rent a heat treatment system estimated to be ~\$1000 a day, it would only take 3 days to meet the minor cost threshold and 4 days to exceed it.

Table 4.2 – Orchards Minor Cost Threshold Analysis

Revenue-Based Threshold

A. Minor Cost Threshold Calculation

0.3% of Annual Revenue:

In its most recent findings, Washington State identified NAICS 111331 to have a total gross income of \$72,425,947 across an industry count of 52. Thus, the average annual gross business income for operations classified under NAICS 111331 is $\frac{\$72,425,947}{52}$ or \$1,392,806.67.

Additionally, Washington State also identified NAICS 111339 to have a total gross income of \$7,785,747 across an industry count of 35. Thus, the average annual gross business income for operations classified under NAICS 111339 is $\frac{\$7,785,747}{35}$ or \$222,449.91.

- 111331: $\$1,392,806.67 \times 0.003 = \$4,178.42$ **X**
- 111339: $\$222,449.91 \times 0.003 = \667.35 **X**

Payroll-Based Threshold

1% of Payroll:

In its most recent findings, Washington State identified NAICS 111331 to have total wages of \$631,440,914.00 across 643 operations. Thus, the average annual payroll for businesses classified under NAICS 111331 is $\frac{\$631,440,914}{643}$ or \$982,023.19.

Additionally, Washington State also identified NAICS 111339 to have total wages of \$245,870,810 across 836 operations. Thus, the average annual payroll for businesses classified under NAICS 111339 is $\frac{\$245,870,810}{836}$ or \$294,103.84.

- 111331: $\$982,023.19 \times 0.01 = \$9,820.23$ **✓**
- 111339: $\$294,103.84 \times 0.01 = \$2,941.04$ **✓**

Because Washington State law uses the **higher** of 0.3% of revenue or 1% of payroll as the minor cost threshold, the thresholds for NAICS codes 111331 and 111339 are \$9,820.23 and \$2,941.04 respectively.

B. Estimated Compliance Cost

- Cold Storage for Certification: ~\$7,000/year
- Inspection & Certification Fees: ~\$1,200/year
- Operational Adjustments: ~\$1,500/year
- Lost Market Opportunities: ~\$2,500/year
- Packaging & Labeling: ~\$400
- Transportation Restrictions: ~\$1,300

Total: \$17,400

Based on the most recent available data and cost estimates, it is likely that the annual compliance costs associated with the apple maggot quarantine—estimated at \$17,400 per orchard—will exceed the minor cost threshold as defined in RCW 19.85.020 for both NAICS 111331 (Apple Orchards) and NAICS 111339 (Other Noncitrus Fruit Farming). Despite datasets from ORIA and Department of Revenue indicating that a more-than-minor economic impact is probable for businesses classified under these industry codes, it is important to recognize that the burden of compliance will not be uniform across all operations. Larger orchards and vertically integrated businesses, had they been identified within the proposed quarantine boundary, would be better positioned to absorb these costs due to economies of scale, greater operational flexibility, and the ability to spread fixed compliance costs over high production volumes.

Based on the available cost estimates and industry data, the annual compliance costs associated with the proposed apple maggot quarantine are expected to exceed the minor cost threshold defined in Washington Administrative Code (WAC) 19.85.020 for the WDC servicing the proposed quarantine area. For this company, the minor cost thresholds are calculated as \$2,500 based on payroll and \$3,000 based on annual revenue, while segregation labor alone may result in compliance costs ranging from \$62,000 to \$125,000 annually—well above either threshold. These requirement levels trigger an obligation for detailed economic impact analysis, as well as consideration of less burdensome alternatives for affected small businesses.

These compliance costs are especially significant for small businesses, such as the WDC analyzed here, which operates with a limited workforce and relatively modest annual revenue compared to larger industry participants. The cost of labor for segregation, equipment rental or purchase, and administrative reporting collectively account for more than-minor impacts, as established by state law. Accordingly, adoption of the proposed rule would require the WDC to undertake substantial new operational and financial responsibilities, outpacing the thresholds designed to protect small businesses from disproportionate regulatory burdens.

Additionally, and based on the most recent available data and cost estimates, it is likely that the annual compliance costs associated with the proposed apple maggot quarantine—estimated at approximately \$17,400 per orchard—will exceed the “minor cost threshold” as defined in RCW 19.85.020 for both NAICS 111331 Apple Orchards and NAICS 111339 Other Noncitrus Fruit Farming. The applicable thresholds are \$9,820.23 for apple orchards and \$2,941.04 for other noncitrus fruit farming. As such, orchards required to comply with the proposed rule would experience more-than-minor costs, triggering requirements for detailed economic impact analysis and consideration of less burdensome alternatives.

It should be noted that the burden of compliance will not be uniform across all orchards. Larger orchards, though still under 50 employees, may realize lower per-unit costs due to economies of scale and operational flexibility, while smaller operations are more likely to experience higher relative costs. The actual cost incurred by each orchard will depend on various business-specific factors, including operational scale, market access, existing infrastructure, and the ability to integrate new compliance measures efficiently.

In conclusion, the proposed rule, if adopted, is expected to impose compliance costs on orchards operating within the quarantine area that exceed the established minor cost threshold under state law.

SECTION 5:

Determine whether the proposed rule may have a disproportionate impact on small businesses as compared to the 10 percent of businesses that are the largest businesses required to comply with the proposed rule.

RCW 19.85.040(1) requires the department to compare the cost of compliance for small businesses with the cost of compliance for the ten percent of businesses that are the largest businesses required to comply with the proposed rules using one or more of the following as a basis for comparing costs: (a) cost per employee; (b) cost per hour of labor; or (c) cost per one hundred dollars of sales.

The proposed apple maggot quarantine would impose significant costs on the WDC servicing the proposed quarantine area. Given the WDC's classification as a small business, that is, an entity with less than 50 employees, the financial and operational burdens created by the proposed rule would disproportionately impact it compared to larger businesses that may be subject to similar regulations elsewhere.

Below is a tailored analysis considering both the disproportionate impact and the unique circumstance of the WDC being the only business affected:

Disproportionate Impact on WDC Small Businesses (<50 Employees)

1. Small Business Characteristics

- a. Revenue: WDC's annual revenue is estimated to be between \$300,000 - \$1m, far below the revenue of large waste management businesses, which often exceed \$10 million annually.
- b. Employee Count: The WDC is reported to only employ 5 staff members, whereas larger waste management companies typically employ hundreds of workers across multiple facilities.
- c. Operational Scale: The WDC operates locally within Okanogan County, serving a rural community, whereas larger businesses often benefit from economies of scale and diversified operations across multiple regions.

Proposed Rule Costs

The costs associated with compliance under the proposed rule:

1. Segregation Costs

- a. Labor for segregation: Estimated at \$62,000 - \$125,000/year.
- b. Additional bins or containers: Estimated at \$10,000 - \$20,000 per or per diem rental fees. This cost only applies if the WDC elects to have separate bins for organic waste. The WDC has told WSDA they do not intend to take this approach.

2. Transportation Costs

- a. Fuel, labor, and truck maintenance for hauling bins within quarantine areas: Estimated at ~\$8,500/year. This cost only applies if the WDC decides to service organic waste bins within

the proposed quarantine area. The WDC has told WSDA they do not intend to take this approach.

3. *Treatment Costs* – costs under this category only apply if the WDC elects to apply for a MGW Special Permit. The WDC has informed WSDA that they do not intend to take this approach.
 - a. Grinding/shredding equipment: Estimated at ~\$50,000 - \$150,000 upfront; \$5,000+ annual maintenance or per diem rental fees.
 - b. Heat treatment systems: \$33,000 upfront; \$10,000 annual operational costs or per diem rental fees.
4. *Compliance Costs*
 - a. Permitting fees: \$125 every 5 years.
 - b. Recordkeeping and audits: \$500 - \$1,000 per audit; administrative labor adds recurring costs.

Comparison to Large Businesses (>50 Employees)

For larger waste management companies:

1. These costs represent a small percentage of their annual revenue due to their scale (IE. \$10m revenue v. WDC's \$300,000 - \$1m).
2. Larger companies often already have infrastructure (i.e. advanced treatment systems) and administrative capacity to absorb compliance costs without major disruptions.

Economies of scale allow larger businesses to spread costs across multiple facilities and customers.

Disproportionate Financial Burden on the WDC

1. Compliance costs could exceed **15 – 30% of its annual revenue**, creating significant financial strain.
2. With only 5 employees, the WDC lacks the workforce to absorb additional labor demands without hiring temporary workers or overburdening existing staff.
3. Upfront investments in equipment (\$50,000+) are likely unaffordable for a business with limited cash flow.

Therefore, the proposed apple maggot quarantine disproportionately impacts small businesses like the WDC due to its limited revenue base (~\$300,000 - \$1m), small workforce (5 employees), and inability to spread compliance costs across diversified operations. While large businesses may absorb similar regulatory requirements without major disruptions, this WDC instead faces disproportionate impacts as a small business.

Further, the Department's outreach efforts showed that the proposed rule does not encompass any "large" businesses as defined under statute and, more notably, lacks inclusion of the largest 10% of businesses which would be required to comply with the proposed rule. Given the absence of large businesses within the quarantine boundaries, it remains indeterminable and inconclusive whether compliance obligations imposed by the proposed rule will disproportionately impact small businesses, namely the orchards operating under NAICS codes 111331 and 111339.

Despite not having any "large" businesses identified within the proposed quarantine area, the following orchard analysis considers both the disproportionate impact and unique circumstances of being just one of a few operating within the boundary limits:

Disproportionate Impact on Orchards/Similar Small Businesses (<50 Employees)

1. *Size and Revenue*

The majority of affected orchards and noncitrus fruit farms within the quarantine area are small businesses, typically with fewer than 50 employees. According to recent industry data, the average annual revenue per orchard in Washington State is estimated between \$250,000 and \$1 million, with larger consolidated operations reaching multi-million dollar revenues but not present within this quarantine boundary.

2. *Operational Model*

These farms rely heavily on local, regional, and export markets, with Washington's apple industry generating approximately \$6 billion annually statewide. Smaller farms face rising operational costs, including labor which can represent up to 60% of expenses, making absorption of new regulatory costs particularly challenging.

Proposed Rule Costs

1. *Estimated Compliance Costs*

Compliance actions such as regular pest monitoring (estimated at \$20 to \$50 per acre annually), mandatory cold storage treatments if apple maggot is detected (costing \$30 to \$60 per acre per application), and recordkeeping (\$10 to \$25 per acre annually) collectively represent a substantial cost burden. For a typical small orchard, these recurring annual costs can total approximately \$17,000 to \$22,000 or more depending on acreage and infestation level.

2. *Additional Costs*

Public outreach, employee training, and possible inspection delays—estimated between \$50 and \$500 per event depending on scale—further increase the financial impact. These costs include labor hours for compliance documentation and possible fruit treatment or destruction costs if apple maggot presence is confirmed.

Comparison to Large Businesses (>50 Employees)

1. *Lack of Large-Scale Orchards Within Quarantine*

No large orchards or integrated fruit farming conglomerates are located within the quarantine boundaries. Larger businesses, which benefit from economies of scale, are typically better equipped to distribute fixed compliance costs across extensive production volumes.

2. *Economies of Scale*

Larger operations enjoy a spread of costs over greater production, mitigating the relative financial impact per unit of output. Smaller orchards, by contrast, bear a disproportionately higher per-acre or per-bin cost share, exacerbating economic strain.

Disproportionate Financial Burden on Orchards and Noncitrus Farming

1. *Exceeding Minor Cost Thresholds*

The minor cost threshold for apple orchards under NAICS 111331 is approximately \$9,820 annually. With estimated compliance costs reaching upwards of \$17,000 annually per orchard, the proposed rule imposes more-than-minor costs clearly exceeding statutory thresholds.

2. *Operational and Labor Strains*

Small orchards' limited labor pool faces additional burden from monitoring, treatment application, recordkeeping, and communication duties. Increased regulatory overhead is a financial and operational challenge amidst the competitive apple market where prices have remained stagnant or declined relative to rising costs.

3. *Regulatory Necessity and Limited Relief Options*

Despite the disproportionate financial burden on small orchard operators, these measures are essential to prevent the spread of apple maggot, which threatens over \$6 billion in state apple production and associated jobs. Given the critical nature of this pest control effort, few practical alternatives exist to mitigate the costs without jeopardizing long-term industry viability.

Although no large businesses were identified within the quarantine area for apple orchards (NAICS 111331), other noncitrus fruit farming (NAICS 111339), or for waste disposal companies, the structure and magnitude of regulatory costs under the proposed rule create a clear and substantial disproportionate impact on small businesses compared to the largest businesses that would otherwise be required to comply. Larger businesses typically have greater financial, operational, and administrative resources to spread compliance costs across higher revenues, more employees, and diversified operations. In contrast, small orchards and the WDC operate with fewer than 50 employees and annual revenues that can be several orders of magnitude smaller, making even moderate regulatory costs significant in relation to their operating budgets.

For small orchards and noncitrus farming operations, estimated annual compliance costs—ranging from \$15,000 to \$20,000 per year—can represent a sizable portion of their annual revenue, often exceeding 2–7% depending on business size, and far surpass the statutory “minor cost threshold” for their industry codes. Similarly, annual compliance costs for the WDC, particularly for segregation labor, can reach \$50,000 to \$125,000, easily exceeding thresholds tied to both payroll and revenue. If large businesses were within the affected area, such costs would likely constitute a much smaller percentage of their total resources and have less impact on business viability.

Therefore, even in the absence of large businesses subject to the proposed rule within the current quarantine boundary, it is evident that the proportional burden imposed on small businesses is far greater than it would be for the ten percent of the largest businesses required to comply.

SECTION 6:

If the proposed rule has a disproportionate impact on small businesses, identify the steps taken to reduce the costs of the rule on small businesses. If the costs cannot be reduced provide a clear explanation of why.

The proposed apple maggot quarantine rule is a statutory obligation under Washington State law to protect the state's agricultural resources, forests, and ecosystems from invasive pests such as the apple maggot. WSDA is mandated to prioritize prevention, containment, and eradication efforts to safeguard these vital resources. While the proposed rule imposes significant costs on the WDC and the few orchards identified within the proposed quarantine area, reducing these compliance costs would compromise WSDA's ability to fulfill its legal and ecological responsibilities.

The compliance measures imposed by this rule – segregation of waste, transportation restrictions, treatment requirements, etc. are critical components of WSDA's prevention strategy. Reducing or eliminating these costs would significantly undermine the effectiveness of these measures.

While these unavoidable costs are significant for orchards and waste disposal companies as small businesses, they are necessary to prevent far greater economic and ecological harm caused by pest infestations. Additionally, WSDA can assist these businesses through outreach programs, but cannot reduce compliance requirements without compromising its legal responsibilities.

RCW 19.85.030(2) requires consideration of the following methods of reducing the impact of the proposed amendment on small businesses:

(a) Reducing, modifying, or eliminating substantive regulatory requirements –

WSDA faces significant constraints in reducing, modifying, or eliminating substantive regulatory requirements for the proposed apple maggot quarantine rule. While flexibility in environmental regulation is sometimes possible under Washington law, WSDA's statutory obligations to protect the state's agricultural resources, forests, and ecosystems from invasive pests like the apple maggot rarely allows for substantive modifications without compromising its effectiveness.

As such, WSDA has determined that it is unable to reduce, modify, or eliminate substantive regulatory requirements.

(b) Simplifying, reducing, or eliminating recordkeeping and reporting requirements –

WSDA is statutorily obligated to enforce strict recordkeeping and reporting requirements under the proposed apple maggot quarantine rule. These requirements are critical for ensuring compliance, tracking regulated materials, and preventing the spread of invasive pests into pest-free areas of Washington.

While recordkeeping may impose administrative burdens on affected businesses like the WDC, these obligations are essential to the integrity of the quarantine program and WSDA has determined that it cannot be simplified, reduced, or eliminated without compromising its overall effectiveness.

(c) Reducing the frequency of inspections –

WSDA is statutorily obligated to prevent the spread of invasive pests like the apple maggot. Inspections are a cornerstone of WSDA's quarantine programs, ensuring compliance with treatment protocols, verifying pest-free areas, and maintaining the integrity of quarantine boundaries. Reducing the frequency of inspections would undermine the effectiveness of the program and jeopardize WSDA's ability to fulfill its statutory responsibilities.

(d) Delaying compliance timetables –

WSDA has determined that it is unable to delay compliance timetables for this proposed rule due to its statutory obligations. The apple maggot poses a significant threat to the state's ~\$2.4 billion apple industry and other fruit crops, and delaying compliance would increase the risk of pest spread from quarantined areas into pest-free areas.

(e) Reducing or modifying fine schedules for noncompliance –

Due to its statutory obligations, WSDA determined that it is unable to reduce or modify its fine schedules for noncompliance. The fine schedules associated with violations are designed to deter actions that could lead to the spread of this invasive pest and consequently threaten the state's apple industry and other crops.

(f) Any other mitigation techniques including those suggested by small businesses or small business advocates –

WSDA met with Okanogan County Solid Waste on multiple occasions to discuss the proposed quarantine boundary and its impact on the waste system in the area. Speaking to the county gave WSDA a better understanding of how the proposed rule could impact the waste industry in the area. Based on these

conversations and recommendations from the county, WSDA altered the quarantine boundary so it would greatly reduce the impact to the waste industry in the area. This directly impacted WDC, as they are the waste hauler that services the area inside of the proposed quarantine.

SECTION 7:

Describe how small businesses were involved in the development of the proposed rule.

The Department has actively communicated with key stakeholders, including waste disposal companies and county officials, to understand potential impacts and incorporate practical recommendations where possible. Although efforts were made to engage small businesses (including that of WDC and impacted orchards/noncitrus fruit farms) and mitigate impacts, the critical nature of this quarantine limits the Department's ability to reduce substantive regulatory requirements without compromising effectiveness. Compliance is mandatory, but is also accompanied by support and information campaigns to assist affected businesses.

Because the Department recognizes the importance of engaging small businesses in the development of regulatory measures, the Department communicated with the WDC about the impacts the proposed rule would have on their operations. The WDC conveyed the steps they would take to comply with the proposed rule. Additionally, the Department communicated with Okanogan County Solid Waste. Through this communication, the Department worked with the county to better understand how the proposed rule may impact the waste industry in the area, specifically this WDC, and followed some recommendations proposed by the county regarding the quarantine boundary. Overall, this helped reduce the potential impact of the quarantine on the waste industry in the area.

SECTION 8:

Identify the estimated number of jobs that will be created or lost as the result of compliance with the proposed rule.

The proposed apple maggot quarantine introduces regulatory requirements that could have significant implications for the workforce at the WDC and impacted orchards. These implications depend on how both the orchards and WDC adapts to the new compliance measures, which include waste segregation, transportation restrictions, and other operational adjustments. Examples are shown below:

Potential Job Creation For Waste Disposal Industry

1. Increased Labor Needs for Compliance

The proposed rule mandates strict segregation of municipal green waste (MGW) from municipal solid waste (MSW), as well as treatment of organic materials to prevent the spread of apple maggots. These requirements could lead to job creation through the following:

- a. Segregation Staff
 - The WDC may need to hire additional workers to monitor and enforce proper segregation of MGW
 - This includes ensuring compliance with WSDA requirements.
- b. Treatment Operations – The WDC has communicated that they do not intend to pursue this option.
 - If the WDC invests in grinding, shredding, or heat treatment equipment, it will require operators to manage these systems.
 - Maintenance personnel may also be needed to ensure the equipment functions efficiently.
- c. Administrative Roles

- Compliance with the proposed rule's recordkeeping and reporting requirements could necessitate hiring administrative staff to manage documentation and permits.

d. Customer Education

- The WDC may need outreach personnel to educate customers about proper segregation practices and the importance of compliance with quarantine rules.

Potential Job Elimination for Waste Disposal Industry

1. *Increased Operational Costs*

The compliance costs associated with the apple maggot quarantine rule are substantial for a small business like the WDC, which has an annual revenue ranging from \$300,000 - \$1m and employs 5 staff members.

a. Labor Costs

- Hiring additional workers for segregation or treatment operations may strain WDC's budget.
- If labor costs become unsustainable, the WDC may need to downsize its existing workforce or reduce hours for current employees.

b. Equipment Investments – The WDC has communicated that they do not intend to pursue this option.

- The upfront cost of purchasing a grinding/shredding or heat treatment equipment (\$50,000 - \$150,000) and ongoing maintenance expenses could divert funds away from payroll. It is assumed that the WDC would instead opt for per diem rental fees to mitigate some of this financial burden.

c. Transportation Costs – The WDC has communicated that they do not intend to pursue this option.

- Adhering to transportation restrictions (i.e. hauling treated waste back into pest-free areas) increases fuel, labor, and vehicle maintenance expenses.
- Rising operational costs may force the WDC to cut jobs if revenue cannot offset these expenses.

Additionally, while the proposed apple maggot quarantine rule does not explicitly mandate job creation or job elimination, the regulatory requirements associated with compliance could indirectly influence employment levels within affected orchards and noncitrus fruit farming operations.

Possible Job Creation for Orchards/Noncitrus Fruit Farming

Compliance with the proposed rule may lead to increased labor demand in several areas:

1. *Sanitation and Pest Control*

If apple maggots are detected, additional labor may be necessary to apply pesticide treatments, remove infested fruit or trees, and implement enhanced sanitation measures to contain and eradicate pest populations.

2. *Recordkeeping and Compliance Management*

Maintaining detailed records of fruit movement, treatment applications, and inspection results may necessitate hiring or reallocating administrative staff to ensure regulatory compliance.

3. Customer and Visitor Education

Orchards with public-facing operations, such as farm stands and u-pick facilities, might need employees to educate customers on quarantine rules and proper fruit handling to avoid pest spread.

These increased labor needs could generate new seasonal or permanent job opportunities within affected farming operations, particularly for smaller orchards expanding their compliance capacity.

Possible Job Elimination for Orchards/Noncitrus Fruit Farming

Conversely, the proposed rule may lead to employment reductions or constraints under certain circumstances:

1. Increased Operational Costs

Compliance costs—including pesticide applications, monitoring, inspections, and recordkeeping—may strain the financial resources of smaller orchards. If these costs become unsustainable, some operators may reduce labor hours, delay or cancel hiring plans, or possibly downsize their workforce.

2. Operational Efficiency Challenges

The additional labor requirements and administrative burdens might divert resources from other productive activities, potentially leading to workforce reductions in non-compliance roles.

3. Market Access and Revenue Impacts

If compliance costs indirectly reduce profitability, particularly for operations facing strong market competition or price pressures, workforce reductions could occur as a business adjustment.

Net Employment Impact for Orchards/Noncitrus Fruit Farming

The ultimate impact on job levels within orchards and noncitrus fruit farms will depend on factors such as:

1. The scale of the orchard business and its ability to absorb or offset compliance costs.
2. The degree of apple maggot detection and consequent need for intensified control efforts.
3. Market conditions and profitability dynamics affecting individual growers.
4. Adoption of new technologies or operational adjustments that may improve compliance efficiency over time.

While the rule itself does not directly mandate employment changes, the compliance-related activities it requires have the potential to both create and eliminate jobs, with the net effect varying among operations.

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The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

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Other:

Date: December 22, 2025	Signature:
Name: Alison Halpern	
Title: Acting Assistant Director	

WAC 16-470-105 Area under order for apple maggot—Pest free area

—Quarantine areas. (1) A pest free area for apple maggot is declared for the following portions of Washington state:

(a) Counties of Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Pend Oreille, Stevens, Walla Walla, and Whitman.

(b) The portion of Kittitas County designated as follows: Beginning at the point where Interstate Highway No. 90 crosses longitude $120^{\circ}31'$ W; thence southerly to the Kittitas-Yakima County line; thence easterly along the county line to the Columbia River; thence northerly along the Columbia River to Interstate Highway No. 90; thence westerly along Interstate Highway No. 90 to the point of beginning.

(c) Yakima County, except for the area designated in subsection (2) (c) of this section.

(d) Chelan County, except for the area designated in subsection (2) (d) of this section.

(e) Lincoln County, except for the area designated in subsection (2) (e) of this section.

(f) Okanogan County, except for the area designated in subsection (2) (f) of this section.

(2) A quarantine for apple maggot is declared for the following portions of Washington state:

(a) Counties of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Klickitat, Lewis, Mason, Pacific, Pierce, Snohomish, Spokane, Skagit, Skamania, Thurston, Wahkiakum, and Whatcom.

(b) Kittitas County, except for the area designated in subsection (1) (b) of this section.

(c) The portion of Yakima County designated as follows: Beginning at the northeastern corner of Yakima County on the west bank of the Columbia River; thence southerly along the Columbia River to the Yakima-Benton County line; thence southerly along the county line to latitude $N46^{\circ}30'$; thence west to longitude $W120^{\circ}20'$; thence north to latitude $N46^{\circ}30.48'$; thence west to longitude $W120^{\circ}25'$; thence north to latitude $N46^{\circ}31.47'$; thence west to longitude $W120^{\circ}28'$; thence north to latitude $N46^{\circ}32'$; thence west to longitude $W120^{\circ}36'$; thence south to latitude $N46^{\circ}30'$; thence west to longitude $W120^{\circ}48'$; thence southerly to the Klickitat-Yakima County line; thence westerly along the county line to the Yakima-Skamania County line; thence northerly along the county line to the Lewis-Yakima County line; thence easterly and northerly along the county line to the Pierce-Yakima County line; thence northerly and easterly along the county line to the Kittitas-Yakima County line; thence easterly and southerly along the county line to the west bank of the Columbia River and the point of beginning.

(d) The portion of Chelan County designated as follows: Beginning at the point where the northern boundary of the county crosses longitude $W120^{\circ}43.02'$ following the longitudinal line due south to the fork of Highway 207 and Chiwawa Loop Road; thence south following the eastern edge of Highway 207 which becomes Beaver Valley Road and then Chumstick Highway; thence southeast along the eastern edge of Highway 2 to the point where the northern ridgeline of Boundary Butte drops to

meet Highway 2; thence southerly, following the ridgeline of Boundary Butte gaining in elevation into the Stuart Range to the highest point of McClellan Peak; thence due south from McClellan Peak to the southern boundary of the county; thence following the county line west, then north, and then east to the beginning point.

(e) The portion of Lincoln County designated as follows: Beginning at longitude W118°20'0" on the Lincoln-Adams County line; thence northerly to State Highway Route 28 (SR 28); thence northerly and easterly along SR 28 to latitude N47°37'38.6"; thence easterly to the Lincoln-Spokane County line; thence south to the Lincoln-Whitman County line; thence west along the Lincoln County line to longitude W118°20'0" and the point of beginning.

(f) The portions of Okanogan County designated as follows:

(i) Beginning at the northern corner of the Okanogan-Whatcom County line; thence southerly to the Okanogan-Skagit County line; thence southerly and easterly along the Okanogan-Chelan County line; thence easterly to latitude N48°12'05.4"; thence northerly to longitude W119°53'05.9"; and thence westerly along the Okanogan County-Canada border to the beginning point.

(ii) Beginning at the northern point where U.S. Highway No. 97 crosses the Okanogan River (the approximate point N48°55'16.2", W119°25'16"); thence southerly along the western edge of U.S. Highway No. 97 to Ellisforde Bridge Road; thence westerly along the northern edge of Ellisforde Bridge Road to Okanogan County Highway 7; thence northerly along the eastern edge of Okanogan County Highway 7 to latitude N48°55'15.5"; thence easterly to the approximate point N48°55'15.6", W119°26'35.3"; thence north-easterly, crossing the Similkameen River, to the approximate point N48°55'17.6", W119°26'23.8"; thence easterly continuing along the northern edge of the converging Similkameen River and Okanogan River to the beginning point.

(3) A quarantine for apple maggot is declared for all states or foreign countries where apple maggot is established. The area under quarantine includes, but is not limited to, the states of Idaho, Oregon, Utah, and California, and, in the eastern United States, all states and districts east of and including North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and any other areas where apple maggot is established.