

WAC 16-90-030 Penalty schedule. (1) The following penalty schedule will be used for violations of Washington state animal health laws and rules, including chapter 16.36 RCW and the rules adopted under that statute. The level of civil penalty is determined by the number of prior civil penalties the person has received in the past ten years excluding notices of correction.

Violation	Procedural Violations	Disease Violations
First	\$150.00	\$250.00
Second	\$350.00	\$650.00
Third and subsequent	\$1,000.00	\$1,000.00

(2) Procedural violations: A "procedural violation" is a violation of the administrative functions associated with state import regulations where the violation did not cause a threat to Washington state's livestock industry. Procedural violations include but are not limited to violations of the following statutes and rules:

WAC 16-54-030 Certificate of veterinary inspection, and entry permit requirements.

WAC 16-54-032 Certificate of veterinary inspection—Required information.

WAC 16-54-068 Restrictions.

WAC 16-54-082 Domestic bovine animals—Importation requirements.

WAC 16-54-088 Temporary grazing permits.

WAC 16-54-105 Llamas and alpacas.

WAC 16-54-160 Birds other than poultry—Importation and testing requirements.

WAC 16-54-180 Wild and exotic animals and birds—Importation and testing requirements.

Chapter 16-74 WAC Livestock testing—Duties of owners.

WAC 16-80-045 Identification of swine.

WAC 16-86-017 Grazing permits.

(3) Disease violations: A "disease violation" is a violation of animal health statute and rules that cause a threat to Washington state's livestock industry and include the failure to obtain required testing and vaccinations prior to entry into Washington state. Disease violations include, but are not limited to, violations of the following statutes and rules:

RCW 16.36.105 Swine, garbage feeding, license—Application—Fee—Inspection.

Chapter 16-25 WAC Disposal of dead livestock.

Chapter 16-42 WAC Biological products.

WAC 16-54-025 Transporting livestock—Sanitary requirements.

WAC 16-54-028 Testing procedure requirements.

WAC 16-54-065 Prohibited entries.

WAC 16-54-068(4) - proof of current rabies vaccination.

WAC 16-54-071 Domestic equine and equine reproductive products—Importation requirements.

WAC 16-54-083 Domestic and foreign bovine brucellosis requirements.

WAC 16-54-085 Domestic bovine tuberculosis requirements.

WAC 16-54-086 Bovine trichomoniasis requirements.

WAC 16-54-090 Goats—Importation and testing requirements.

WAC 16-54-101 Sheep—Importation and testing requirements.

WAC 16-54-111 Swine—Importation and testing requirements.
WAC 16-54-145 Poultry and game birds, including ratites—Importation and testing requirements.
Chapter 16-59 WAC Avian diseases in Washington state.
Chapter 16-70 WAC Animal disease—Reporting.
Chapter 16-71 WAC Equine infectious anemia.
WAC 16-80-025 Disinfecting premises.
WAC 16-80-030 Disinfecting vehicles.
WAC 16-86-015 Change of ownership requirements for cattle and bison in Washington.
WAC 16-86-026 Brucellosis testing requirements for raw milk dairies.
WAC 16-86-110 Q fever testing requirements for raw milk dairies.
WAC 16-86-130 Cattle used in rodeo or timed events.
WAC 16-86-140 Tuberculosis testing requirements for raw milk dairies.
WAC 16-89-022 Scrapie identification of sheep and goats.
WAC 16-89-090 Destruction and disposal of scrapie infected animals or flocks.
WAC 16-89-120 Concealing the disease.
WAC 16-89-150 Brucellosis testing for sheep and goat dairies.
WAC 16-89-170 Q fever testing requirements for sheep and goat dairies.
WAC 16-89-180 Tuberculosis testing for goat dairies.

(4) A one thousand dollar civil penalty will be issued regardless of the number of prior violations for a violation of the following:

(a) Chapter 16-30 WAC Restricted feedlots and restricted holding facilities;

(b) WAC 16-54-071 (13) and (14) - Piroplasmosis;

(c) WAC 16-54-111 Swine—Importation and testing requirements;

(d) WAC 16-54-180 Wild and exotic animals and birds—Importation and testing requirements;

(e) WAC 16-80-015 Sale of quarantined animals;

(f) WAC 16-80-040 Vaccination;

(g) WAC 16-80-047 Mandatory reporting of suspected pseudorabies;

(h) Importation of a foreign animal disease or "transboundary" diseased animal. A transboundary animal disease is a disease that has been eradicated within the borders of the United States that would cause an economic loss if detected; and

(i) All quarantine and hold order violations under chapter 16.36 RCW. The department may assess a civil penalty for these violations without first issuing a notice of correction in accordance with RCW 43.05.110.

(5) Mitigating factors: The department reserves the right to decrease the civil penalty assessed for a violation by up to one hundred dollars in circumstances that include, but are not limited to, voluntary disclosure of a violation, or voluntary taking of remedial measures that would result in increased public protection and a decreased likelihood that the violation will be repeated.

(6) Aggravating factors: The department reserves the right to increase the civil penalty assessed for a violation by up to five hundred dollars, not to exceed one thousand dollars per violation. Circumstances may include, but are not limited to, situations where the violator knowingly commits a violation, where the civil penalty assessed is not substantially equivalent to the violator's economic benefit derived from the violation, the high magnitude of the harm, or

potential harm to humans, animals, or property caused by the violation, the similarity of the current alleged violation to previous violations committed within the past ten years, or the extent to which the alleged violation is part of a pattern of the same or substantially similar conduct.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. WSR 09-03-020, § 16-90-030, filed 1/9/09, effective 2/9/09.]