



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of adoption: March 1, 2000

(2) Purpose: The purpose is to detail the livestock owners' responsibilities to present, confine and handle their animals and to furnish adequate facilities during disease testing.

(3) Citation of existing rules affected by this order: WAC 16-74, "Livestock Testing--Duties of Owners"

Repealed: WAC 16-74-001 and 040

Amended: WAC 16-74-010, 020 and 030 New Section WAC 16-74-005

Suspended:

(4) Statutory authority for adoption: RCW 16.36.040

Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 00-03-069 on 1/19/00 (date).

Describe any changes other than editing from proposed to adopted version:

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR ___ on ___ (date)

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

- Yes No If Yes, explain:

(6) Effective date of rule:

Permanent Rules
or Expedited Repeal

- 31 days after filing
- Other (specify) ___*

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Emergency Rules

- Immediately
- Later (specify) ___

Name (Type or Print)

Jim Jesernig

Signature

Title
Director

Date

2/24/2000

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

MAR 1 2000

TIME 8:34 AM

WSR 00-06-065 PM

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	Amended	Repealed
Federal rules or standards:	New	Amended	Repealed
Recently enacted state statutes:	New	Amended	Repealed

The number of sections adopted at the request of nongovernmental entity:

New	Amended	Repealed
-----	---------	----------

The number of sections adopted in the agency's own initiative:

New	<u>1</u>	Amended	<u>3</u>	Repealed	<u>2</u>
-----	----------	---------	----------	----------	----------

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>1</u>	Amended	<u>3</u>	Repealed	<u>2</u>
-----	----------	---------	----------	----------	----------

The number of sections adopted using:

Negotiated rule making:	New	Amended	Repealed
Pilot rule making:	New	Amended	Repealed
Other alternative rule making:	New	Amended	Repealed

NEW SECTION

WAC 16-74-005 Definitions. (1) "Communicable disease" means a disease due to a specific infectious agent or its toxic products transmitted from an infected person, animal or inanimate reservoir to a susceptible host, either directly or indirectly through an intermediate plant or animal host, vector or the environment.

(2) "Contagious disease" means a communicable disease that is capable of being easily transmitted from one animal to another animal or a human.

(3) "Director" means the director of agriculture of the state of Washington or his or her authorized representative.

(4) "Department" means the department of agriculture of the state of Washington.

(5) "Infectious disease" means a clinical disease of humans or animals resulting from an infection with an infectious agent that may or may not be communicable or contagious.

(6) "Livestock" means horses, mules, donkeys, cattle, bison, sheep, goats, swine, rabbits, llamas, alpacas, ratites, poultry, waterfowl, game birds and other species designated by statute. "Livestock" does not mean free ranging wildlife as defined in Title 77 RCW.

AMENDATORY SECTION (Amending Order 776, Regulation 1, effective 5/26/58)

WAC 16-74-010 Presenting and confining ((cattle)) livestock for testing. Livestock owners ((shall be)) are required to present and confine their ((cattle)) livestock when ((such cattle)) they are to be tested for ((tuberculosis and/or brucellosis or)) any infectious, communicable or contagious disease ((, such confinement and presentment)). The accessibility and confinement of the livestock are to be in a manner and at ((such)) reasonable times as prescribed by the director ((of agriculture)).

AMENDATORY SECTION (Amending Order 776, Regulation 2, effective 5/26/58)

WAC 16-74-020 Facilities. Owners must furnish adequate facilities to assure convenient and safe procedures in conducting ~~((such))~~ all tests ~~((, which facilities may be required to))~~. The required facilities may include corrals, chutes, stanchions and/or squeeze chutes as deemed necessary by the director or his duly authorized representative ~~((or inspector in any given instance))~~.

AMENDATORY SECTION (Amending Order 776, Regulation 3, effective 5/26/58)

WAC 16-74-030 Handling. All handling of ~~((cattle))~~ livestock for the purpose of testing, sampling or drawing of blood samples ~~((shall be))~~ is the responsibility of the owner.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-74-001	Promulgation.
WAC 16-74-040	Penalty.