



# RULE-MAKING ORDER

CR-103 (12/31/00)

(RCW 34.05.360)

Agency: Agriculture	<input checked="" type="checkbox"/> Permanent Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Expedited Repeal
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(1) Date of adoption: December 3, 2002

(2) Purpose: The United States Department of Agriculture, Animal and Plant Health Inspection Services, recently (August 21, 2001) adopted as final rule amendments to 9 CFR Parts 54 and 79, "Scrapie in Sheep and Goats, Interstate Movement Restrictions and Indemnity Program". In order for Washington State to maintain its status as a compliant state, scrapie rule Chapter 16-89 WAC, "Sheep and Goat Scrapie Disease Control", must be amended by January 1, 2003, to remain in compliant with the Federal rules.

(3) Citation of existing rules affected by this order: WAC 16-89

Repealed: WAC 16-89-020

Amended: WAC 16-89-005, 010, 015, 030, 050, and 100

Suspended: None

(4) Statutory authority for adoption: RCW 16.36.040

Other authority:

**PERMANENT RULE ONLY**

Adopted under notice filed as WSR 02-20-100 on 10/2/02 (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:

<b>Permanent Rules</b> <input checked="" type="checkbox"/> 31 days after filing <input type="checkbox"/> Other (specify) ___*	<b>Emergency Rules</b> <input type="checkbox"/> Immediately <input type="checkbox"/> Later (specify) ___
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\*If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required

NAME (TYPE OR PRINT)  
VALORIA H. LOVELAND

SIGNATURE  
*Valoria H. Loveland* 11/20/02

TITLE  
DIRECTOR

DATE  
11/20/02

CODE REVISER USE ONLY

DATE REVISOR FILED  
STANDARD WASHINGTON

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8:30 PM

02-24-042

**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:**

<b>Federal statute:</b>	New	Amended	Repealed
<b>Federal rules or standards:</b>	New <u>2</u>	Amended <u>6</u>	Repealed <u>1</u>
<b>Recently enacted state statutes:</b>	New	Amended	Repealed

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

New <u>2</u>	Amended <u>6</u>	Repealed <u>2</u>
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**The number of sections adopted in the agency's own initiative:**

New <u>2</u>	Amended <u>6</u>	Repealed <u>1</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New <u>2</u>	Amended <u>6</u>	Repealed <u>2</u>
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	Amended	Repealed
<b>Pilot rule making:</b>	New	Amended	Repealed
<b>Other alternative rule making:</b>	New	Amended	Repealed

AMENDATORY SECTION (Amending WSR 99-09-026, filed 4/15/99, effective 5/16/99)

**WAC 16-89-005 Purpose.** (1) Scrapie is an insidious, fatal neurological disease of sheep and goats. The disease agent has not been definitively characterized. The incubation period is very long, usually over eighteen months. There is no treatment, and the disease is always fatal. Currently there is no live animal diagnostic test for the presence of the disease. Diagnosis is made by observation of characteristic signs in the live animal and is confirmed by post-mortem examination of brain tissue.

(2) The United States Department of Agriculture (USDA) (~~Voluntary~~) Scrapie Flock Certification Program (SFCP) is designed to monitor flocks and certify the scrapie status of the animals that are enrolled in the program. Any sheep or goat owner may apply to the USDA Veterinary Services area office in Olympia, Washington to participate in this program. It requires individual animal identification, keeping of good records, the reporting of acquisitions and deaths of animals to the USDA, Animal and Plant Health Inspection Service (APHIS) veterinary representative and annual inspections by the APHIS veterinary representative. At the end of five years, if all criteria have been met, the flock may be certified as being free of scrapie, as long as the flock remains on the USDA Voluntary Scrapie Flock Certification Program.

(3) The Washington state scrapie program requires that every (~~blackface or blackface crossbred breeding~~) sheep (~~which is one year or older~~) or goat unless otherwise exempted be identified with a (~~Washington~~) state or federal flock identification number and an individual identification upon change of ownership, possession, intrastate or interstate transport. Animals over eighteen months of age as evidenced by eruption of the second incisor in slaughter channels must be identified such that the animal may be traced to its flock of birth. Ewes that have lambed or are pregnant in slaughter channels must be so identified regardless of age. Ninety seven percent of all diagnosed scrapie cases in the United States have occurred in blackfaced breeds or crosses although whitefaced individuals can occasionally be susceptible. (~~Blackface or blackface crossbred breeding stock of any age must be identified before transfer of ownership or possession.~~) A few records need to be maintained((7)) to meet federal regulations. No reports to the state of deaths or new acquisitions are required under the Washington state program. The program is strictly a control and eradication program and does not lead to flock certification.

Enrollment in the USDA (~~Voluntary~~) Scrapie Flock Certification Program will fulfill the requirements of the Washington state program.

AMENDATORY SECTION (Amending WSR 99-09-026, filed 4/15/99, effective 5/16/99)

**WAC 16-89-010 Definitions.** For the purposes of this chapter:

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

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

(3) "Blackface (~~breeding stock~~) sheep" means (~~intact male or female sheep of blackface breeds and intact male or female sheep that are crosses of blackface and other breeds of~~) any purebred Suffolk, Hampshire, Shropshire purebred sheep of unknown ancestry with a black face, except for hair sheep.

(4) "Flock" means a number of animals of sheep or goat species which are kept, fed and herded together having single or multiple ownership. The term "flock" shall be interchangeable with the term "herd" and shall apply to purebred and commercial sheep.

(5) "Washington flock identification number" means a unique flock identification number assigned to the owner or owners of each flock of blackface breeding sheep in the state of Washington.

(6) "Official individual identification" means the unique identification of individual animals with an alphanumeric number applied as a tamper proof tag, tattoo, electronic device, or other tag approved by USDA or the director. The Washington flock identification number can serve as the official individual identification number if it contains a unique individual animal number in addition to the flock number.

(7) "Scrapie" means a transmissible spongiform encephalopathy that is a nonfebrile, transmissible, insidious, degenerative disease affecting the central nervous system of sheep and goats.

(8) "Scrapie exposed animal" means any animal, which has been in the same flock at the same time within the previous sixty months as a scrapie positive animal excluding limited contacts. Limited contacts are contacts between animals that occur off the premises of the flock and do not occur during or up to sixty days after parturition for any of the animals involved. Limited contacts do not include commingling or transportation to other flocks for the purposes of breeding. Examples of limited contacts include incidental contact in the show/sales ring. (See Appendix III of USDA's Voluntary Scrapie Flock Certification Program.)

(9) "Scrapie high risk animal" means an animal determined by epidemiologic investigation to be a high risk for developing clinical scrapie because the animal was the progeny of a scrapie-positive dam, was born in the same contemporary lambing group as a scrapie-positive animal or was born in the same contemporary lambing group as progeny of a scrapie-positive dam. Based upon evidence from the latest research information available and upon

recommendation of the state scrapie certification board, animals that fit the criteria for high risk animals may be exempted by the director as high risk animals if they are determined by genetic testing to be QR or RR at the 171 codon or are determined by other recognized testing procedures to pose no risk.

(10) "Scrapie infected flock" means any flock in which a scrapie-positive animal has been identified by a state or federal animal health official.

(11) "Scrapie positive animal" means an animal for which a diagnosis of scrapie has been made by the National Veterinary Services Laboratories, USDA, laboratories accredited by the American Association of Veterinary Laboratory Diagnosticians (AAVLD) or another laboratory authorized by state or federal officials to conduct scrapie tests through histological examinations of central nervous system or by other diagnostic procedures approved for scrapie diagnosis by USDA. Animals diagnosed by experimental tests for abnormal prion will not be considered infected animals for the purposes of this rule.

(12) "Scrapie source flock" means a flock in which an animal was born and subsequently diagnosed as scrapie-positive at less than fifty-four months of age.

(13) "~~((Voluntary))~~ Scrapie Flock Certification Program" means a national voluntary program for classification of flocks relative to scrapie.

AMENDATORY SECTION (Amending WSR 99-09-026, filed 4/15/99, effective 5/16/99)

**WAC 16-89-015 Scrapie program standards.** ((The ~~USDA Voluntary Scrapie Flock Certification Program Standards, dated October 1, 1992, as amended October 17, 1997)~~) Scrapie Eradication, State-Federal-Industry, Uniform Methods and Rules dated October, 2001, and Scrapie in Sheep and Goats, Title 9, Code of Federal Regulations, Parts 54 and 79 as revised ((January 1, 1997)) August 21, 2001, are adopted by reference as the basic standards for the scrapie control and eradication program in Washington state. Copies of these documents are on file at the Washington Department of Agriculture, Division of Food Safety/Animal Health, 1111 Washington Street, Olympia, Washington 98504 and are available on request.

NEW SECTION

**WAC 16-89-022 Identification of sheep and goats.** (1) Effective January 1, 2003, all sheep and goats of any age not in slaughter channels upon any change of ownership or intrastate movement must be officially identified as defined in 9 CFR Parts 54 and 79 and any sheep or goat over eighteen months of age as evidenced by eruption of the second incisor identified such that the animal may be traced to its flock of birth except:

(a) Commercial goats in intrastate commerce that have not been in contact with sheep as there has been no case of scrapie in a commercial goat in the past ten years that originated in the state of Washington or attributed to exposure to infected sheep and there are no exposed commercial goat herds in the state of Washington.

(b) Commercial whitefaced sheep or commercial hair sheep under eighteen months of age in intrastate commerce as there has been no case of scrapie in this exempted class that originated in the state of Washington in the last ten years and there are no exposed commercial whitefaced or hair sheep flocks in the state that have been exposed by a female animal.

(2) The exemptions granted in subsection (1)(a) and (b) of this section will be void after ninety days if the conditions in subsection (1)(a) and (b) of this section no longer exist.

NEW SECTION

**WAC 16-89-025 Recordkeeping.** Persons assigned serial numbers of the United States Department of Agriculture backtags, official sheep and goat tattoos, official eartags, and state or federal premises identification numbers must:

(1) If the person assigned the numbers is a flock owner, so that the assigned numbers are directly linked to the flock of origin in the nation scrapie data base, record the following information on a document:

- (a) The premises identification number or serial numbers;
- (b) The number of animals so identified;
- (c) The date the animals were identified;
- (d) For animals born after January 1, 2002, that were not identified to the previous flock of origin, the individual identification number applied and the name, street address, including the city and state, or the township, county, and state, and the telephone number, if the telephone number is available, of the flock of birth if known.

(2) If the person assigned the numbers is a veterinarian, extension agent, auction market operator, dealer, or any person other than the owner of the flock of origin, record the following information on a document:

- (a) All serial numbers applied to a sheep or goat;

(b) Any other serial numbers and approved identification appearing on the sheep or goat;

(c) The street address, including the city and state, or the township, county and state, of the premises where the approved means of identification was applied;

(d) The date the identification was applied;

(e) The name, street address, including the city and state, or the township, county, and state, and the telephone number if the telephone number is available, of the owner of the flock of origin and, if different, the person who owns or possesses the sheep or goat;

(f) For animals born after January 1, 2002, that were not born in the flock of origin and that are not identified to the previous flock of origin, the individual identification number applied and the name, street address, including the city and state, or the township, county, and state, and the telephone number if the telephone number is available, of the flock of birth if known; and

(g) The serial numbers, the manufacturer, and the type and color of all official tags received. Usually maintaining the tag invoice will meet this requirement.

(3) Maintain these records for five years; and

(4) Make these records available for inspection and copying during ordinary business hours (8:00 a.m. to 5:30 p.m., Monday through Friday) or any regular shift upon request by any authorized employee of the United States Department of Agriculture or the state, and presentation of his or her official credentials.

AMENDATORY SECTION (Amending WSR 99-09-026, filed 4/15/99, effective 5/16/99)

**WAC 16-89-030 Quarantine.** Infected and source flocks or flocks that have received high risk animals must be placed and held under quarantine until the infected or high risk animals have been depopulated or the flock has qualified for and has been enrolled in the ((voluntary)) Scrapie Flock Certification Program (9 CFR Part 54, Subpart B). Flocks not participating in the certification program will remain under quarantine until the entire flock has been slaughtered or depopulated. Infected or high risk animals must be destroyed by means other than by slaughter under the direction of the state veterinarian.

AMENDATORY SECTION (Amending WSR 99-09-026, filed 4/15/99, effective 5/16/99)

**WAC 16-89-050 Scrapie source flocks.** A single trace to a flock must meet the following criteria to designate the flock as a source flock:

The scrapie positive animal must:

(1) Be identified with a Washington state flock identification number on a tamper proof tag; or an official federal eartag, electronic device, ear tattoo, or flank tattoo which is correlated to the Washington state or federal flock identification number on flock records; or

(2) Be identified by genetic testing; or

(3) Possess the original registry eartag or individual identification ear tag along with the movement, production, and registry records indicating birth in the source flock; or

(4) Be traced to the flock by a veterinary epidemiologist through a thorough epidemiological investigation of records and all other available evidence.

AMENDATORY SECTION (Amending WSR 99-09-026, filed 4/15/99, effective 5/16/99)

**WAC 16-89-100 Indemnification.** (1) Owners, individuals, partnerships, corporations or other legal entities whose animals or flocks have been destroyed or otherwise disposed of by order of the director may be eligible for indemnification in the form of cash payment for part of the value of the animals destroyed or otherwise disposed of and for reasonable actual costs for burial or disposal of animal carcasses.

(2) Indemnity payments will be paid only to an owner of sheep or goats that were born in the state of Washington or were imported into the state in compliance with existing Washington state statutes and rules. Payment of indemnity does not apply to animals belonging to the federal government or any of its agencies, this state or any of its agencies, or any municipal corporation. Indemnity may not be paid on animals eligible for federal indemnity payments.

(3) The amount of indemnity to be paid for each animal will be determined by the state veterinarian and will not exceed seventy-five percent of the appraised value of the animal up to the following maximum amounts:

(a) Ewes or does one year of age or older - three hundred dollars per head.

(b) Rams or (~~billies~~) bucks one year of age or older - six hundred dollars per head.

(c) Lambs or kids under one year of age - one hundred twenty-five dollars per head.



(4) In addition to the indemnity payments authorized in subsection (3) of this section, owners who voluntarily destroy rams found to be genetically prone to scrapie will be paid up to twenty-five dollars of the laboratory diagnostic fee.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-89-020

Identification of blackface  
breeding stock.