



# RULE-MAKING ORDER

## CR-103 (June 2004) (Implements RCW 34.05.360)

Agency: Department of Agriculture

- Permanent Rule  
 Emergency Rule

Effective date of rule:

### Permanent Rules

- 31 days after filing.  
 Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

### Emergency Rules

- Immediately upon filing.  
 Later (specify) \_\_\_\_\_

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

- Yes  No If Yes, explain:

**Purpose:** In order to control brucellosis, tuberculosis, and other infectious and communicable livestock diseases, the department is establishing restricted holding facilities for cattle that enter Washington without first meeting animal import health requirements. In addition, the department is eliminating the category II restricted feedlot and eliminating the option for feedlot operators to purchase cattle from places under quarantine. Other amendments were made to make the rules easier to read and understand.

Citation of existing rules affected by this order:

Repealed: 16-30-020, 16-30-080, 16-30-090  
 Amended: 16-30-010, 16-30-025, 16-30-030, 16-30-040, 16-30-050, 16-30-060, 16-30-070  
 Suspended:

Statutory authority for adoption: chapter 16.36 RCW

Other authority: chapter 34.05 RCW

### PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 07-21-154 on October 24, 2007 (date).  
 Describe any changes other than editing from proposed to adopted version: See attached.

[07-21-154]

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: \_\_\_\_\_ phone ( ) \_\_\_\_\_  
 Address: \_\_\_\_\_ fax ( ) \_\_\_\_\_  
 e-mail \_\_\_\_\_

### EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- 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.  
 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:

Date adopted:  
 December 14, 2007

NAME (TYPE OR PRINT)  
 Valoria H Loveland

SIGNATURE

TITLE  
 Director

### CODE REVISER USE ONLY

STATE OF WASHINGTON



458

08-01-095

**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 a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	<u>3</u>	Amended	<u>7</u>	Repealed	<u>3</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>1</u>	Amended	<u>7</u>	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	<u>3</u>	Amended	<u>7</u>	Repealed	<u>3</u>

Chapter 16-30 WAC

RESTRICTED FEEDLOTS AND RESTRICTED HOLDING FACILITIES

AMENDATORY SECTION (Amending WSR 99-14-032, filed 6/29/99, effective 7/30/99)

WAC 16-30-010 Definitions. In addition to the definitions found in RCW 16.36.005, the following definitions apply to this chapter:

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

"Director" means the director of the department of agriculture or the director's authorized representative.

"Official individual identification" means identifying an animal or group of animals using devices or methods including, but not limited to, official tags, tattoos, and registered brands when accompanied by a certificate of brand inspection from a brand inspection authority who is recognized by the director.

"Restricted cattle" means cattle being held in a restricted holding facility or a restricted feedlot.

"Restricted feedlot" means a dry feed yard ((where)) with no provision for grazing where cattle ((not known to be exposed to brucellosis and not vaccinated against brucellosis are restricted to prevent their use for breeding purposes)) specified in this rule are confined for feeding and kept separate and apart from all other cattle.

"Restricted holding facility" means a dry feed yard with no provision for grazing where cattle are held to meet import test requirements.

"Test-eligible" means bulls over six months of age, brucellosis vaccinated female dairy cattle over twenty months of age, and brucellosis vaccinated beef breed female cattle over twenty-four months of age.

AMENDATORY SECTION (Amending Order 1995, filed 2/23/89)

**WAC 16-30-025 Restricted feedlots ((categories)).** ((There shall be ~~Category I and Category II~~ restricted feedlots.

~~(1) Category I restricted feedlots may, upon approval of the state veterinarian, buy and import cattle from feedlots in states classified "Class A" for brucellosis that may be under state quarantine if the feedlot does not contain reactors or has not had reactors for a minimum period of one hundred eighty days. Such cattle may move interstate if they are not test eligible without further restriction. Test eligible cattle which are not brucellosis exposed and from herds not known to be affected (state quarantined feedlots) may be moved interstate to Category I restricted feedlots if they are tested negative within thirty days prior to movement and are accompanied by a health certificate. Category I restricted feedlots may not import cattle from a state-federal quarantined feedlot.~~

~~(2) Category II restricted feedlots may not import cattle from any feedlot which is classified as a quarantined feedlot by another state. Category II restricted feedlots may sell cattle to Category I restricted feedlots but may not receive cattle from Category I feedlots.)~~

(1) A restricted feedlot is a designated area that is isolated from all other nonrestricted areas within a feedlot. Restricted feedlots must meet the following standards:

(a) Cattle in the restricted feedlot must not share water or feeding facilities accessible to other areas.

(b) Restricted feedlots must be clearly identified as such by signs permanently affixed at all corners stating "restricted feeding area" in letters a minimum of six inches in height.

(c) There must be a minimum of thirty feet between restricted feedlots and other lots and facilities.

(d) No common fences and gates may be used.

(2) The purpose of a restricted feedlot is to accept for feeding purposes with no provision for grazing:

(a) Female cattle from a Class Free state that are not officially brucellosis vaccinated and not knowingly exposed to brucellosis;

(b) Cattle that enter Washington state on a brand certificate that includes the permit number and without a certificate of veterinary inspection; and

(c) Cattle imported from Canada. These cattle must be confined to the initial restricted feedlot until moved to slaughter.

(3)(a) Restricted feedlots may buy and import cattle from a Class A state if the cattle do not originate from a herd known to be exposed to brucellosis. Female cattle entering a restricted feedlot from a Class A state must be:

(i) Officially brucellosis vaccinated; or

(ii) Brucellosis tested negative within thirty days prior to movement.

(b) Cattle may not be imported from restricted feedlots that accept cattle known to be exposed to brucellosis.



(4) The classification of states and areas as Class Free and Class A is designated by United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS) in Title 9 CFR Part 78.41 (January 1, 2006) and is defined in *Brucellosis Eradication: Uniform Methods and Rules*, effective October 1, 2003.

AMENDATORY SECTION (Amending Order 1995, filed 2/23/89)

**WAC 16-30-030 Conditions of permit to operate a restricted feedlot.** ~~((+1))~~ The operator of a ~~((Category I))~~ restricted feedlot must abide by the following conditions:

~~((a) That)~~ (1) There shall may be no contact (with other) between animals not also similarly (and commonly) restricted.

~~((b) That)~~ (2) (a) No (animal, except steers and spayed heifers for temporary grazing purposes only, shall) cattle, except for brucellosis vaccinated females, may be (moved) removed from the (feed yard) restricted feedlot except to a federally inspected slaughter plant (or to a licensed public livestock market for immediate slaughter) or a restricted feedlot of like status or to a licensed public livestock market where they will be marketed for immediate slaughter.

(b) Cattle that move from a restricted feedlot to a public livestock market must be identified with an "F" brand and remain in the slaughter channels.

(c) Female cattle that are calfhood vaccinated may be removed from the restricted feedlot for breeding purposes only and by permit from the director. Calfhood vaccinated female cattle that are test-eligible must also test negative for brucellosis and tuberculosis before removal from the restricted feedlot for breeding purposes.

(d) Bulls under six months of age may be removed from the restricted feedlot for breeding purposes only.

~~((c) That)~~ (3) The (yard) restricted feedlot will be maintained in a sanitary condition.

~~((d) That)~~ (4) The department (of agriculture) will be notified immediately of any outbreak of any infectious or contagious disease.

~~((e) That)~~ (5) The ((disposition)) disposal of dead ((animals)) livestock will be in accordance with the laws relating to the disposal of dead ((animals)) livestock and in accordance with chapter 16-25 WAC.

~~((f) That)~~ (6) Accurate records will be kept for six years accounting for all ((animals)) cattle entering and leaving the restricted feedlot.

~~((2) The operator of a Category II restricted feedlot must abide by the following conditions:~~

~~(a) That there shall be no intermingling with other animals~~

~~not also similarly and commonly restricted.~~

~~(b) That no animal shall be moved from the feed yard except to a federally inspected slaughter plant, to a licensed public livestock market for immediate slaughter, or to a feedlot of like status, except:~~

~~(i) Steers and spayed heifers which are unrestricted in movement.~~

~~(ii) Calves born in the feedlot which are unrestricted in movement.~~

~~(iii) Restricted cattle moved for temporary grazing purposes.~~

~~(c) Nonbrucellosis vaccinated females must be "F" branded when moved other than directly to slaughter or to another feedlot of like status.~~

~~(d) That the yard will be maintained in a sanitary condition.~~

~~(e) That the department of agriculture will be notified immediately of any outbreak of any reportable infectious or contagious disease.~~

~~(f) That the disposition of dead animals will be in accordance with the laws relating to the disposal of dead animals.~~

~~(g) That accurate records will be kept accounting for all animals entering and leaving the feedlot and open for review by authorized department of agriculture personnel during any normal business hours.~~

~~(h) That any bulls or brucellosis vaccinated females removed from the yard for any other than the above purposes must move by permit from the state veterinarian and on an official certificate of veterinary inspection prepared by an accredited veterinarian.))~~

(7) Proper facilities shall be provided for inspection of brands, branding, and identification of cattle.

#### NEW SECTION

**WAC 16-30-035 Restricted holding facilities.** (1) Restricted holding facilities are areas approved by the director, as advised by the designated brucellosis and tuberculosis epidemiologist. Such facilities are specifically for cattle that have been imported into the state but have not met the department's brucellosis and tuberculosis entry requirements.

(2) The restricted holding facility area shall house restricted cattle separate and apart from all other cattle.

(3) Upon negative brucellosis and tuberculosis test results, restricted cattle will be released from the holding facility.

(4) Milk from restricted cattle may not be used for human consumption.

(5) Restricted holding facilities must be clearly identified as such by signs permanently affixed at all corners stating "restricted holding facility" in letters a minimum of six inches in height.

NEW SECTION

**WAC 16-30-038 Conditions of permit to operate a restricted holding facility.** The operator of a restricted holding facility must abide by the following conditions:

(1) All cattle entering restricted holding facilities must have official individual identification listed on the certificate of veterinary inspection.

(2) There may be no contact between cattle not also similarly restricted and no commingling between separate shipments of cattle.

(3) No cattle may be removed from the restricted holding facility until they meet state and federal import regulations.

(4) Cattle may be removed from the restricted holding facility without meeting state and federal import regulations if they are sent to a federally inspected slaughter plant.

(5) The restricted holding facility will be maintained in a sanitary condition.

(6) The department of agriculture will be notified immediately of any outbreak of any infectious or contagious disease.

(7) The disposition of dead cattle will be in accordance with the laws relating to the disposal of dead livestock and in accordance with chapter 16-25 WAC.

(8) Accurate records will be kept for six years to account for all cattle entering and leaving the restricted holding facility. Records must be open for review by authorized department of agriculture personnel during normal business hours, and must be provided to the department upon the director's request.

NEW SECTION

**WAC 16-30-039 Permit applications for a restricted feedlot or restricted holding facility.** (1) Application forms to establish a restricted feedlot or restricted holding facility may be obtained from:

Washington State Department of Agriculture  
Animal Services Division  
1111 Washington St. S.E.  
P.O. Box 42577  
Olympia, Washington 98504-2577  
Phone: 360-902-1878.

(2) Applicants for restricted feedlots and restricted holding facilities must provide the following information on the

application form:

- (a) Name and address of applicant;
- (b) Location of the restricted feedlot or restricted holding facility; and
- (c) Drawing of the layout of the restricted feedlot or restricted holding facility.

AMENDATORY SECTION (Amending Order 1964, filed 2/5/88)

**WAC 16-30-040 Expiration and revocation of restricted feedlot and restricted holding facility permits.** (1) All permits for restricted feedlots ((shall)) and holding facilities expire on the 30th day of June ((next subsequent to)) of the year following the date of issue ((and may be sooner revoked or suspended by the director of agriculture upon reasonable notice to the permittee for violations of the disease control or brand inspection laws of this state or any lawful regulations issued and promulgated by the director of agriculture under said laws. Any permittee shall have the right to request a hearing before a revocation is made permanent)). Restricted feedlots and holding facilities must be inspected annually upon renewal and at any other time as determined by the director. Renewal of a restricted feedlot is contingent upon accurate recordkeeping.

(2) Any violation of chapter 16.36 RCW or any of the rules adopted under that chapter is sufficient cause for the suspension or revocation of any permit to operate a restricted feedlot or restricted holding facility. In all proceedings for suspension or revocation of a restricted feedlot or restricted holding facility permit, the owner or manager has the right to request a hearing before revocation is made permanent. Any action shall be taken under the provisions of chapter 34.05 RCW, the Administrative Procedure Act.

AMENDATORY SECTION (Amending Order 1995, filed 2/23/89)

**WAC 16-30-050 Brands.** Before a permit is issued for a restricted feedlot the operator or owner must have an "F" brand and number recorded with the state department of agriculture ((an "F" brand number to be used exclusively by said operator)). Such a brand ((shall)) consists of the letter "F" followed by ((a)) an assigned number ((assigned by said department)) and is to be used only by the restricted feedlot to which it is recorded.



AMENDATORY SECTION (Amending Order 1995, filed 2/23/89)

**WAC 16-30-060 Brand time.** For the purpose of proper identification, all cattle (~~(, except steers and spayed heifers, arriving at a Category I)~~) moving from a restricted feedlot to a public livestock market must be branded with (~~(the aforementioned)~~) an "F" brand (~~(within forty-eight hours after arrival. Use of such brands on steers and properly identified spayed heifers shall be optional)~~).

AMENDATORY SECTION (Amending Order 1995, filed 2/23/89)

**WAC 16-30-070 Place of brand.** (1) The ((aforementioned)) "F" brand shall be placed immediately behind the shoulder and high on the back. In the event a brand is already situated there, the feedlot brand may be placed directly in front of or below the existing brand, but must not deface the existing brand(~~(- Provided, The restricted feedlot operators or owners who now place their duly recorded "F" brands in the area between the point of the shoulder and the jaw shall continue to so brand, or they may apply to the registrar of brands, department of agriculture, to change the position to which their brand is affixed to the new position without charge)~~).

(2) Restricted feedlots may apply for an "F" series brand from the department at the following address:

Brand Registrar  
Washington State Department of Agriculture  
P.O. Box 42577  
Olympia, WA 98504-2577  
Phone: 360-725-5505.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 16-30-020 Permit applications.
- WAC 16-30-080 Lot size.
- WAC 16-30-090 Feedlot requirements.