



# RULE-MAKING ORDER

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

Agency: Department of Agriculture

- Permanent Rule  
 Emergency Rule

**Effective date of rule:**

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**Permanent Rules**

**Emergency 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)

- 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:

The Washington State Department of Agriculture has entered into a memorandum of understanding (MOU) with the United States Department of Agriculture, agreeing that WSDA will comply with all provisions of the National Poultry Improvement Plan.

**Purpose:** Language is added to existing rule requiring that all poultry must come from U.S. Pullorum-Typhoid Clean or equivalent flocks or have a negative pullorum-typhoid test within 90 days before going to public exhibition.

**Citation of existing rules affected by this order:**

Repealed:  
 Amended: WAC 16-59-030  
 Suspended:

**Statutory authority for adoption:** RCW 16.36.040

**Other authority:** RCW 34.05

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

Adopted under notice filed as WSR \_\_\_\_\_ on \_\_\_\_\_ (date).  
 Describe any changes other than editing from proposed to adopted version:

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: In order to receive federal funding for indemnity for commercial flocks in the event of depopulation for infection with low pathogenic avian influenza, USDA requires that states have a pullorum-typhoid testing requirement for poultry shown at public exhibition. WSDA is undertaking emergency rulemaking in order to avoid delay in receipt of the federal funding and to obtain the benefits for poultry producers that come with state participation in the program including access to federal indemnification funds.

**Date adopted:**

7-17-07

**NAME (TYPE OR PRINT)**

ROBERT W. GORC

**SIGNATURE**

*Robert W. Gorc*

**TITLE**

DEPUTY DIRECTOR

**CODE REVISER USE ONLY**

EMERGENCY PROVISION

JUL 17 2007

1:55

07-15-072

APR 17 2007

**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	_____	Amended	1	Repealed	_____
<b>Recently enacted state statutes:</b>	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	_____	Amended	1	Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	_____	Repealed	_____
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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	1	Repealed	_____

AMENDATORY SECTION (Amending WSR 99-09-024, filed 4/15/99, effective 5/16/99)

**WAC 16-59-030 Testing of breeding stock.** (1) (a) Pullorum-typhoid: All poultry, including exhibition, exotic, and game birds, but excluding waterfowl, that are going to public exhibition shall come from U.S. Pullorum-Typhoid Clean or equivalent flocks, as defined by Title 9 CFR Section 145.53 (January 1, 2007), or have had a negative pullorum-typhoid test within ninety days before going to public exhibition.

(b) All poultry and hatching eggs in interstate movement must originate from parent or grandparent stock (~~(which)~~) that are registered as participating flocks under NPIP or equivalent state program. The poultry and hatching eggs must be classified as pullorum-typhoid free or must be tested negative for pullorum-typhoid within thirty days (~~(of)~~) before movement. Acceptable tests are standard tube agglutination, microagglutination, enzyme-linked immuno-sorbent assay (ELISA) or rapid serum test. The stained antigen, rapid whole blood test can be used for all poultry except turkeys. The state veterinarian may allow cloacal swab or environmental testing in lieu of blood testing for certain species of ratites. Any person who sells poultry or hatching eggs as pullorum-typhoid free must qualify under the provisions of this rule.

(c) Exempt from pullorum-typhoid requirements are:  
~~((a))~~ (i) Eggs for table consumption;  
~~((b))~~ (ii) Poultry for immediate slaughter; and  
~~((c))~~ (iii) Shipments consigned to a diagnostic laboratory or research institute approved by the department.

(2) **Infectious laryngotracheitis; infectious coryza:** Poultry cannot be imported if naturally infected or exposed to natural infection with infectious laryngotracheitis or infectious coryza. Such poultry can be imported under permit from the state veterinarian. The shipment can only be moved into the state when accompanied by an official federal form VS1-27 completed and signed by a federal or state veterinarian. The shipment will be quarantined once it reaches its Washington destination. A permit will be granted when available information indicates that the poultry to be transported will not present a disease hazard to state of Washington flocks. Exempted from the infectious laryngotracheitis and infectious coryza requirements are:

(a) Poultry for immediate slaughter;  
(b) Poultry consigned to a diagnostic laboratory or research institute approved by the department; and

(c) Eggs for table consumption from flocks naturally infected or vaccinated with virulent vaccines. To meet this exemption, eggs for table consumption must be washed and sanitized by methods

required by the state veterinarian after consultation with Washington state poultry pathologists. Crates, equipment, and packaging material used for transportation must be cleaned and disinfected to the department's satisfaction or must be burned before leaving the slaughter, diagnostic, or egg processing premises. If crates, equipment and packaging material cannot be burned, they must be disposed of by a method in compliance with local air quality standards that still provide for destruction of pathogens.

(3) **Ornithosis:** Poultry and eggs are not to be imported into or moved intrastate in Washington if ornithosis is suspected or has been diagnosed. The state veterinarian may make an exception and issue a permit for importation or movement after proper treatment with a recommended antibiotic and observation of the appropriate withdrawal time.