



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: Department of Agriculture

Permanent Rule
 Emergency Rule

(1) Date of adoption: February 24, 1992

(2) Purpose: To provide more clearly defined facility requirements for public livestock markets in work areas for department brand inspectors.

(3) Citation of existing rules affected by this order:
Repealed:
Amended: WAC 16-604-010
Suspended:

(4) Authority for adoption: RCW 16.65.445
Statute: RCW 16.65.390
Other Authority:

(5.1) **PERMANENT RULE ONLY**
Pursuant to notice filed as WSR 92-01-111 on December 18, 1991 (date).
Describe any changes other than editing from proposed to adopted version:

(5.2) **EMERGENCY RULE ONLY**
Pursuant to 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:

(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 **Emergency Rules**
 31 days after filing Immediately
 Other (specify) _____ * Later (specify) _____
*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

CODE REVISER USE ONLY
CODE REVISER'S OFFICE
STATE OF WASHINGTON
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NAME (TYPE OR PRINT)
C. Alan Pettibone
SIGNATURE
C. Alan Pettibone
TITLE
Director
DATE
2/24/92

AMENDATORY SECTION (Amending Order 1102, filed 11/18/68, effective 12/19/68)

WAC 16-604-010 BRAND INSPECTION REGULATIONS. (1) All ~~((live-stock-before-being-offered-for-sale-at-any-market))~~ cattle and horses shall be ~~((brand))~~ inspected for brands by ~~((a-regulatory-officer-of-this-state))~~ the director prior to sale at any public livestock market.

(2) Whenever any ~~((livestock-is))~~ cattle or horses are offered for sale at a market and not sold, the identical animals may be offered for sale at the same market within eight days of the original inspection date without being required to pay a second brand inspection fee, upon presentation of the prior brand inspection certificate. In any such instance the unsold ~~((livestock))~~ cattle or horses must be presented for brand inspection without any animals having been taken from, or other animals having been added to, such lot or group of livestock and must be retained on the premises where first offered for sale within the time limit specified above.

(3) It shall be the responsibility of the licensee to identify each head of cattle and horses consigned to a market by placing a numbered tag or other method of identification as approved by the director on each animal before the ~~((livestock))~~ animals are brand inspected ~~((except))~~. Certain lots of one brand cattle or ((lots of)) no brand cattle ((under-one-year-of-age)) may be exempted by the ((regulatory-officer)) director. The licensee or any consignor shall, at the request of the director, make visible any brand on any animal. The licensee shall provide the ~~((regulatory-officer))~~ director with a sale ticket or sale sheet immediately after the animal is sold which shall show the name of the new buyer and the number identifying the animals.

~~((Adequate-facilities-and-space-shall-be-provided-for-inspection-for-brands-or-other-identifying-characteristics,-such--facilities-to--be-approved-by-the-director.--The-market-or-the-consignor-shall-at-the-request-of-the-regulatory-officer-make-visible-the-brand-or-brands-on-the-animal.))~~ Brand inspection facilities shall be approved by the director and shall consist of:

~~((Adequate-covered-chute-or-chutes-and-work-space-adjacent; (b)-Adequate-office-facilities;))~~ A chute which has a solid base on each side of sufficient strength to contain cattle and horses at least twenty-four inches in height, but no more than thirty-six inches in height. Above the base on each side, the chute shall have wire cables extended along its entire length separated by six-inch intervals to a height of at least six feet. The cables shall be attached to a vertical post every sixteen feet, alternated with a pipe or stay every eight feet for support and to ensure that the cables are maintained in a tight condition;

(b) The brand chute shall be kept well lit with shop, spot, or flood lights on both sides of the chute at a height of five feet above the highest cable. The lighting shall extend for a distance of three-fourths of the length of the chute beginning at the head of the chute;

(c) Electrical outlets for clippers at chutes;

(d) ((Adequate-lighting-of-chutes-)) The brand inspection area shall be kept free of any leaking or water build-up of any kind and well covered by adequate roofing;

(e) The work area for brand inspectors on each side of the chute shall be protected from cattle and horses being unloaded or moved by fencing or any other permanent structure allowing at least thirty inches of work space along the length of the chute;

(f) An office shall be provided in the brand inspection area with dimensions of at least eight feet by ten feet. The office shall contain adequate heating and a counter approximately eighteen inches in width at a standing work level.

(5) No person shall remove any ~~((livestock))~~ cattle or horses from the premises of any market without first obtaining a ~~((signed))~~ release from the licensee ~~((--PROVIDED;))~~. The licensee or any agent or employee ~~((thereof))~~ of the licensee shall not allow the removal of any ~~((livestock))~~ cattle or horses from the premises of the market

without first obtaining a brand inspection clearance ((of)) issued by the director for the ((livestock)) cattle or horses to be removed ((~~PROVIDED--FURTHER,-That-horses,-swine,-sheep,-poultry-and-rabbits-will be-exempt-from-the-brand-inspection-requirements-of-this-regulation~~)).

NEW SECTION

WAC 16-604-015 SALES DAY. In any case where a licensed operator of a public livestock market fails to conduct a sale on a sales day which has been allocated to the licensee by the director more than six times in any twelve-month period, the allocation of that sales day shall be subject to change or revocation. Any change or revocation of an allocated sales day shall be considered in an administrative hearing conducted under the provisions of chapter 34.05 RCW.