



RULE-MAKING ORDER  
(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Department of Agriculture

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

(1) Date of adoption: April 15, 1999

(2) Purpose: The purpose of Chapter 16-86 WAC is to lay out rules for the control and surveillance of Brucellosis and Tuberculosis in Cattle and Goats. The section on Scrapie in sheep is removed and a new Scrapie rule (WAC 16-89) is proposed as a new rule.

(3) Citation of existing rules affected by this order: Chapter WAC 16-86

Repealed: WAC 16-86-093 and 100  
Amended: WAC 16-86-005, 015, 017, 020, 030, 040, 055, 060, 070, 080, 090, 092 and 095  
Suspended: None

(4) Statutory authority for adoption: RCW 16.36.040

Other Authority:

**PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)**

Adopted under notice filed as WSR 99-03-087 on January 20, 1999 (date).

Describe any changes other than editing from proposed to adopted version: A typographical error in the proposed rule filing was detected. WAC 16-86-040 the word "VSI-27" should read "VS1-27". This change also applies to WAC 16-86-050. The change will be made in the rules for permanent adoption.

**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<br/>or Expedited Repeal</b>           | <b>Emergency Rules</b>                         |
| <input checked="" type="checkbox"/> 31 days after filing | <input type="checkbox"/> Immediately           |
| <input type="checkbox"/> Other (specify) _____ *         | <input type="checkbox"/> Later (specify) _____ |

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

Name (Type or Print)

James M. Jesernig

Signature

Title

Director

Date

April 15, 1999

**CODE REVISER USE ONLY**

GOVERNOR  
STATE OF WASHINGTON

APR 15 1999

TIME 9:44 AM

WSR 99-09-025

**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	-----	Repealed	-----
<b>Recently enacted state statutes:</b>	New	-----	Amended	-----	Repealed	-----

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

	New	-----	Amended	-----	Repealed	-----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

	New	-----	Amended	<u>13</u>	Repealed	<u>2</u>
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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	<u>3</u>	Repealed	-----
<b>Pilot rule making:</b>	New	-----	Amended	-----	Repealed	-----
<b>Other alternative rule making:</b>	New	-----	Amended	-----	Repealed	-----

Chapter 16-86 WAC

BRUCELLOSIS (~~(7)~~) AND TUBERCULOSIS ((AND SCRAPIE)) IN CATTLE (~~(7)~~)  
AND GOATS ((AND SHEEP))

AMENDATORY SECTION (Amending Order 2035, filed 4/30/90, effective 5/31/90)

**WAC 16-86-005 Definitions.** For purposes of this chapter:

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

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

~~(3) "Accredited veterinarian" means a veterinarian licensed to practice veterinary medicine, surgery, and dentistry in the state of Washington and approved by the United States Department of Agriculture veterinary services to participate in state-federal cooperative programs.~~

~~(4) "Official calfhood vaccinate" means a female bovine animal vaccinated between the ages of four and twelve months (one hundred twenty days to three hundred sixty five days) for beef breed cattle and between the ages of four and eight months (one hundred twenty days to two hundred forty days) for dairy breed cattle with an approved brucella vaccine.~~

~~(5) "Approved brucella vaccine" means only those biological products that are approved by and produced under license of the United States Department of Agriculture for injection into cattle for the purpose of enhancing their resistance to brucellosis.~~

~~(6) "Registry tattoo" means a tattoo identifying the individual as a registered animal within the breed association.~~

~~(7) "Vaccination tattoo" means the United States registered shield and V preceded by a number indicating the quarter of the year and followed by a number corresponding to the last digit of the year in which vaccination was done.~~

~~(8) "Scrapie infected flock" means a flock of sheep or goats in which the disease scrapie has been diagnosed positive in one or more animals by the National Veterinary Service Laboratory (NVSL).)~~ (1) "Accredited veterinarian" means a veterinarian licensed to practice veterinary medicine, surgery, and dentistry in the state of Washington and approved by the United States Department of Agriculture (USDA) veterinary services to participate in state-federal cooperative programs.

(2) "Adult vaccination" means the whole herd vaccination of a

herd infected with or exposed to the Brucella abortus organism when conducted under a herd plan agreed to by the owner and the director. A USDA approved adult dosage brucella vaccine will be used to vaccinate all female cattle in the herd above twelve months of age.

(3) "Approved brucella vaccine" means only those biological products that are approved by and produced under license of the USDA for injection into cattle for the purpose of enhancing their resistance to brucellosis.

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

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

(6) "Immediate slaughter" means delivery within seven days to an inspected slaughter facility or restricted feedlot as defined in chapter 16-30 WAC and operating under the permission of the director.

(7) "Official calfhood vaccinate" means a female bovine animal vaccinated with an approved brucella abortus vaccine such as strain 19 vaccine or RB-51 vaccine at a calfhood dose between the ages of four and twelve months of age (one hundred twenty days to three hundred sixty-five days).

(8) "Official mature vaccinate" means a female bovine over the age of twelve months vaccinated with an approved adult dosage brucella vaccine under directions issued by the state veterinarian. Mature vaccinates must be blood tested for brucellosis at the time of vaccination and a copy of the test chart submitted to the state veterinarian with the vaccination record.

(9) "Registry tattoo" means a tattoo identifying the individual as a registered animal within the breed association.

(10) "Vaccination tattoo" means the United States registered shield and V preceded by a number indicating the quarter of the year and followed by a number corresponding to the last digit of the year in which the animal was vaccinated with strain 19 brucella vaccine. For strain RB-51 calfhood vaccination an R precedes the shield and V. In the case of strain RB-51 mature vaccination an M precedes the shield and V. In the case of strain RB-51 adult vaccination an A precedes the shield. For strain RB-51 vaccinates, the last number of the tattoo corresponds to the last digit of the year in which vaccine was administered.

AMENDATORY SECTION (Amending Order 6009, filed 12/16/96, effective 1/16/97)

**WAC 16-86-015 Washington cattle sale requirements.** (1) Effective January 1, 1984, within thirty days prior to any change of ownership and in a manner prescribed by the state veterinarian, all dairy breed cattle shall be tested negative for brucellosis.

The following classes of cattle are exempt from this test requirement:

- (a) Calves under four months of age.
- (b) Cattle sold or consigned to a restricted feedlot.
- (c) Cattle sold or consigned to a federally inspected slaughter plant.
- (d) Steers and spayed heifers.
- (e) Official calfhood vaccinates under twenty months of age and not parturient or post parturient.
- (f) Official Washington or Canadian calfhood vaccinates under thirty months of age as evidenced by less than full development of the lower permanent second incisors. This exemption applies only to Washington resident cattle which bear an eartag showing a Washington vaccination (91 V series) or a Canadian vaccination certificate. Subdivision (e) of this subsection applies to all other female dairy breed cattle unless exempted by (a), (b), (c) or (d) of this subsection. Cattle exempted under this subsection may be tested if requested by a prospective buyer or to meet import requirements of another state or foreign country.

(2) All female cattle shall be (~~officially vaccinated against brucellosis~~) an official calfhood or Washington mature vaccinate and bear a legible vaccination tattoo prior to being sold or introduced into any breeding herd in the state of Washington. This rule does not apply to the following:

(a) Calves under four months of age. Female calves under four months acquired by any herd and natural female additions must become official calfhood vaccinates or official Washington mature vaccinates, as provided for in this chapter, to be sold for any purpose other than those set forth in (b), (c), (d), (~~or~~) (e), or (f) of this subsection.

(b) Cattle sold or consigned to a restricted feedlot.

(c) Cattle sold or consigned to a federally inspected slaughter plant.

(d) Cattle sold or consigned to a public livestock market for immediate slaughter only.

(e) Spayed heifers.

(f) Cattle sold to buyers in states or countries without brucellosis vaccination requirements.

(3) All Washington cattle shall be individually identified and permanently recorded as to herd of origin prior to being sold or consigned for slaughter. Such identity shall be transferred to the blood sample taken for market cattle identification (MCI) test purposes. These records shall be made available to the department upon request. The following classes of cattle shall be exempt from these requirements:

(a) Cattle under twenty-four months of age (~~(-)~~) and not parturient or post parturient. (~~(+)~~)

(b) Steers and spayed heifers.

AMENDATORY SECTION (Amending Order 1539, filed 10/17/77)

**WAC 16-86-017 Grazing permits.** Washington herd owners desiring to move cattle interstate for grazing purposes and return to Washington shall request a permit for such movement from the animal health (~~(division)~~) program of the department (~~(of agriculture)~~). The state to which the animals are to be moved for grazing must approve the movement. A separate permit must be obtained from the animal health (~~(division)~~) program for the return of such cattle. (~~(Animals grazed in counties or areas in which brucellosis has been diagnosed during the grazing period shall, upon returning to Washington, be held separate from all other cattle and brucellosis tested at owner's expense.)~~) Grazing permits will be issued only for movements to states which are class free or A for brucellosis and which share common borders with the state of Washington. Cattle moving interstate on grazing permits are generally exempt from interstate health certificate and testing requirements unless required by the state veterinarian in either state due to changing disease conditions. Cattle moving interstate on grazing permits must meet the brand or animal identification requirements of each state before interstate movement.

AMENDATORY SECTION (Amending Order 1539, filed 10/17/77)

**WAC 16-86-020 Quarantine.** All cattle or goats that are infected or suspected of being infected with brucellosis or tuberculosis after an official test shall be quarantined as provided by law. (~~(All cattle or goats, the)~~) If owners (~~(of which)~~) refuse to allow the department to test for the above diseases, (~~(shall)~~) all cattle or goats will be regarded as a menace to the health of livestock, and the premises on which they are kept shall be immediately quarantined and no animals or products of such animals shall be removed from the premises as outlined in RCW (~~(16.40.010)~~) 16.36.010.

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

**WAC 16-86-030 Sale of quarantined animals.** (1) No person shall sell or offer for sale any cattle from a brucellosis quarantined herd except steers and spayed heifers for other than immediate slaughter or for consignment to a state-federal approved sales yard for immediate slaughter (~~(:—Provided, That prior to)~~). Before consignment to a state-federal approved sales yard, the cattle (~~(shall)~~) must be "S" branded and shall only be moved from

the brucellosis quarantined herd when accompanied by an official federal form number VS1-27.

(2) Cattle from a tuberculosis quarantined herd (~~shall~~) must not be sold or offered for sale except for immediate slaughter.

AMENDATORY SECTION (Amending Order 1958, filed 11/18/87)

**WAC 16-86-040 Quarantine and release.** (1) Brucellosis:

(a) Any herd of cattle or goats in which brucellosis reactors are found will be quarantined. Positive or reactor classification shall be based on standards listed in U.S. Department of Agriculture Uniform Methods and Rules for Brucellosis Eradication. Animals positive to the brucellosis test (~~shall~~) must not be sold or offered for sale except for immediate slaughter. Quarantined animals may only be moved when accompanied by an official form number VS1-27. The quarantine will be released when the entire quarantined herd has passed two consecutive negative blood (~~agglutination~~) tests without reactors(~~7~~). The first test (~~to~~) must be not less than thirty days following removal of all reactors from the herd and the second test not less than ninety days nor more than one year following the date of the previous test. Steers, spayed heifers and officially vaccinated dairy animals under twenty months of age and officially vaccinated beef animals under twenty-four months of age need not be tested.

(b) Adult vaccination may be used as a whole herd vaccination under the terms of a herd plan and based on the standards listed in U.S. Department of Agriculture Uniform Methods and Rules for Brucellosis Eradication dated May 6, 1992, and revised February 2, 1993, and June 16, 1994.

(2) Tuberculosis:

(a) Any herd of cattle or goats in which tuberculosis reactors are found will be quarantined and except for immediate slaughter the sale or removal of any animal out of such herds(~~7, except for immediate slaughter~~) is prohibited. Herds in which only no gross lesions (NGL) reactor(s) occur and in which no evidence of Mycobacterium bovis infection has been disclosed may be released from quarantine after a sixty-day negative caudal fold retest of the entire herd.

(b) Herds containing one or more suspects to the caudal fold tuberculosis test shall be quarantined until the suspect animals are:

(i) Retested by the comparative-cervical tuberculosis test within ten days of the caudal fold injection and the tuberculosis status of the suspect(s) has/have been determined; or

(ii) Retested by the comparative-cervical tuberculosis test after sixty days and the tuberculosis status of the suspect(s) has/~~(have)~~ have been determined; or

(iii) Shipped under permit directly to slaughter in accordance

with state or federal laws and regulations and the tuberculosis status of the suspect(s) has/have been determined.

(c) Herds in which Mycobacterium bovis infection has been confirmed and the herd has not been depopulated (~~((shall))~~) will remain under quarantine and must pass two tuberculin tests at intervals of at least sixty days and one additional test after six months from the previous negative test. These herds will also be subject to five annual tests on the entire herd following the release from quarantine.

AMENDATORY SECTION (Amending Order 1681, filed 3/25/80)

**WAC 16-86-055 Disinfecting vehicles.** (1) When a vehicle is used to transport brucellosis reactor animals or brucellosis exposed animals from a brucellosis quarantined herd, the vehicle (~~((shall))~~) must be cleaned and disinfected immediately following the unloading of the last animal of each (~~((such))~~) load. (~~((The destination for such reactor or exposed cattle shall have department approved facilities to clean and disinfect vehicles.))~~)

(2) (~~((Upon completion of))~~) The cleaning and disinfecting of the vehicle when complete, (~~((approval shall))~~) must be (~~((obtained))~~) approved in writing on form number VS1-27. This approval shall be made by a state (~~((or federal))~~) animal health employee, a federal veterinary services employee or by (~~((an))~~) another authorized representative of the director (~~((of agriculture, on a form approved by the director))~~).

AMENDATORY SECTION (Amending Order 1718, filed 12/17/80)

**WAC 16-86-060 Sale of brucellosis reactors.** Reactors to a brucellosis test (~~((may))~~) must be moved or sold only to a slaughtering establishment where state-federal approved inspection is maintained. Reactor cattle can only be moved from a quarantine premises by permit from the director or his representative(~~((= Provided, That))~~). Any reactor to a brucellosis test must be marketed for slaughter within fifteen days from the date of tagging and branding.



AMENDATORY SECTION (Amending Order 1958, filed 11/18/87)

**WAC 16-86-070 Sale of tuberculosis reactors.** Reactors to a tuberculosis test ((may)) must be moved or sold only to a slaughtering establishment where federal inspection is maintained(~~(: Provided, That)~~). Any reactor to tuberculosis test must be marketed for slaughter within fifteen days from the date of tagging and branding.

AMENDATORY SECTION (Amending Order 1171, filed 12/15/70)

**WAC 16-86-080 Branding and tagging of tuberculosis reactors.** Animals positive to the tuberculosis test will be branded by a state or federal veterinarian or ((his)) their authorized representative with the letter "T" on the left jaw((~~r~~)). The brand is to be not less than two inches nor more than three inches high((~~r~~ and)). To further identify the animal or animals ((by attaching)), the person branding will also attach to the left ear a metal tag bearing an identifying number and the word "REACTOR." It ((shall be)) is unlawful for the owner, or his or her authorized representative, to refuse the director ((of agriculture or his authorized representative)) the right to identify the ((reacting)) reactor animal or animals by ((such)) branding and tagging.

AMENDATORY SECTION (Amending Order 1171, filed 12/15/70)

**WAC 16-86-090 Branding and tagging of brucellosis reactors.** Animals positive to the brucellosis test will be branded by a state or federal veterinarian or his authorized representative with the letter "B" on the left jaw((~~r~~)). The brand to be not less than two inches nor more than three inches high((~~r~~ and)). To further identify the animal or animals ((by attaching)), the person branding will attach to the left ear a metal tag bearing an identifying number and the word "REACTOR." It ((shall be)) is unlawful for the owner, or his or her authorized representative to refuse the director ((of agriculture or his authorized representative)) the right to identify the ((reacting)) reactor animal or animals by ((such)) branding and tagging.

**WAC 16-86-092 Indemnity for brucellosis affected or exposed cattle.** As provided under RCW 16.36.096, the director ((of agriculture)) may order the slaughter or destruction of any cattle affected with or exposed to brucellosis. Subject to the availability of sufficient funds, the director may pay an indemnity for any cattle ordered slaughtered or destroyed. When indemnity is approved, the amount that will be paid is ((twenty-five dollars)) fifty dollars for any grade beef breed female, ((fifty)) one hundred dollars for any purebred registered beef breed bull or female, ((one)) two hundred dollars for any grade dairy breed female or ((one)) two hundred fifty dollars for any purebred registered dairy breed bull or female.

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

**WAC 16-86-095 Official ((calfhood)) brucellosis vaccination.**  
(1) An official vaccination report of ((calfhood)) all brucellosis vaccinations must be made to the department within thirty days of ((occurrence)) vaccination. The vaccination report must be made on an approved report form (VS 4-26) issued by the department for the purpose of identifying and recording by official ((calfhood)) brucellosis vaccination ear tag or registry tattoo ((calves)) cattle officially brucellosis vaccinated.

(2) All vaccinations must be done by a licensed accredited veterinarian or federal or state employed veterinarian. Vaccinated animals must be permanently identified as vaccinates by a vaccination tattoo in the right ear. An official vaccination ear tag or registry tattoo shall be used for individual animal identification.

(3) ((All)) Brucellosis vaccinations ((shall be)) are not official until they are reported to the department ((before becoming official)) on official, completed and signed forms.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- |               |   |
|---------------|---|
| WAC 16-86-093 | Indemnity for scrapie infected or exposed sheep or goats. |
| WAC 16-86-100 | Criminal penalty--Civil injunction.                       |