

Chapter 16-30 WAC

RESTRICTED FEEDLOTS AND RESTRICTED HOLDING FACILITIES

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-30-001	Promulgation. [Order 955, Promulgation, filed 8/31/64; Order 851, Promulgation, effective 7/19/61.] Repealed by WSR 99-14-032, filed 6/29/99, effective 7/30/99. Statutory Authority: Chapter 16.36 RCW.
16-30-020	Permit applications. [Statutory Authority: RCW 16.36.-040 and 16.36.050. WSR 89-06-014 (Order 1995), § 16-30-020, filed 2/23/89; WSR 88-05-003 (Order 1964), § 16-30-020, filed 2/5/88; Order 955, Regulation 2, filed 8/31/64; Order 851, Regulation 2, effective 7/19/61.] Repealed by WSR 08-01-095, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapters 16.36 and 34.05 RCW.
16-30-050	Brands. [Statutory Authority: Chapters 16.36 and 34.05 RCW. WSR 08-01-095, § 16-30-050, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040 and 16.36.050. WSR 89-06-014 (Order 1995), § 16-30-050, filed 2/23/89; WSR 88-05-003 (Order 1964), § 16-30-050, filed 2/5/88; Order 955, Regulation 5, filed 8/31/64; Order 851, Regulation 5, effective 7/19/61.] Repealed by WSR 10-20-091, filed 9/30/10, effective 10/31/10. Statutory Authority: Chapters 16.36 and 34.05 RCW.
16-30-060	Brand time. [Statutory Authority: Chapters 16.36 and 34.05 RCW. WSR 08-01-095, § 16-30-060, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040 and 16.36.050. WSR 89-06-014 (Order 1995), § 16-30-060, filed 2/23/89; WSR 88-05-003 (Order 1964), § 16-30-060, filed 2/5/88; Order 955, Regulation 6, filed 8/31/64; Order 851, Regulation 6, effective 7/19/61.] Repealed by WSR 10-20-091, filed 9/30/10, effective 10/31/10. Statutory Authority: Chapters 16.36 and 34.05 RCW.
16-30-070	Place of brand. [Statutory Authority: Chapters 16.36 and 34.05 RCW. WSR 08-01-095, § 16-30-070, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040 and 16.36.050. WSR 89-06-014 (Order 1995), § 16-30-070, filed 2/23/89; WSR 88-05-003 (Order 1964), § 16-30-070, filed 2/5/88; Order 955, Regulation 7, filed 8/31/64; Order 851, Regulation 7, effective 7/19/61.] Repealed by WSR 10-20-091, filed 9/30/10, effective 10/31/10. Statutory Authority: Chapters 16.36 and 34.05 RCW.
16-30-080	Lot size. [Statutory Authority: RCW 16.36.040 and 16.36.050. WSR 88-05-003 (Order 1964), § 16-30-080, filed 2/5/88; Order 955, Regulation 8, filed 8/31/64; Order 851, Regulation 8, effective 7/19/61.] Repealed by WSR 08-01-095, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapters 16.36 and 34.05 RCW.
16-30-090	Feedlot requirements. [Statutory Authority: RCW 16.36.040 and 16.36.050. WSR 89-06-014 (Order 1995), § 16-30-090, filed 2/23/89; WSR 88-05-003 (Order 1964), § 16-30-090, filed 2/5/88; Order 955, Regulation 9, filed 8/31/64; Order 851, Regulation 9, effective 7/19/61.] Repealed by WSR 08-01-095, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapters 16.36 and 34.05 RCW.

(9/30/10)

16-30-100

Criminal penalty—Civil injunction. [Statutory Authority: RCW 16.36.040 and 16.36.050. WSR 89-06-014 (Order 1995), § 16-30-100, filed 2/23/89; Order 955, Regulation 10, filed 8/31/64; Order 851, effective 7/19/61.] Repealed by WSR 99-14-032, filed 6/29/99, effective 7/30/99. Statutory Authority: Chapter 16.36 RCW.

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

[Statutory Authority: Chapters 16.36 and 34.05 RCW. WSR 10-20-091, § 16-30-010, filed 9/30/10, effective 10/31/10; WSR 08-01-095, § 16-30-010, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapter 16.36 RCW. WSR 99-14-032, § 16-30-010, filed 6/29/99, effective 7/30/99. Statutory Authority: RCW 16.36.040 and 16.36.050. WSR 89-06-014 (Order 1995), § 16-30-010, filed 2/23/89; WSR 88-05-003 (Order 1964), § 16-30-010, filed 2/5/88; Order 955, Regulation 1, filed 8/31/64; Order 851, Regulation 1, effective 7/19/61.]

WAC 16-30-025 Restricted feedlots. (1) A restricted feedlot is a designated area that is isolated from all other non-restricted areas within a feedlot. A restricted feedlot is a category 2 restricted holding facility and subject to all the requirements pertaining to category 2 restricted holding facilities in addition to the requirements applicable to restricted feedlots.

(2) Restricted feedlots must meet the following standards:

(a) All cattle in a restricted feedlot must remain in slaughter channels.

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

(c) 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.

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

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

(3) The purpose of a restricted feedlot is to accept for feeding purposes with no provision for grazing or commingling with unrestricted cattle:

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(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 entry 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.

(4)(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.

(5) 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 C.F.R. Part 78.41 (January 1, 2006) and is defined in *Brucellosis Eradication: Uniform Methods and Rules*, effective October 1, 2003.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. WSR 10-20-091, § 16-30-025, filed 9/30/10, effective 10/31/10; WSR 08-01-095, § 16-30-025, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040 and 16.36.050. WSR 89-06-014 (Order 1995), § 16-30-025, filed 2/23/89.]

WAC 16-30-030 Conditions of permit to operate a restricted feedlot. The operator of a restricted feedlot must abide by the following conditions:

(1) There shall be no contact between animals not also similarly restricted.

(2) No cattle shall be removed from the restricted feedlot except to a federally inspected slaughter plant, a slaughter plant of like status, or a restricted feedlot of like status.

(3) The restricted feedlot will be maintained in a condition that follows common industry practices to mitigate disease risk.

(4) The owner or manager of a restricted feedlot will notify the department immediately of any outbreak of any infectious or contagious disease.

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

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

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

(8) The state veterinarian has the authority to enter the restricted feedlot at any reasonable time to conduct tests, examinations, and inspections.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. WSR 10-20-091, § 16-30-030, filed 9/30/10, effective 10/31/10; WSR 09-03-018, § 16-30-030, filed 1/9/09, effective 2/9/09; WSR 08-01-095, § 16-30-030, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040 and 16.36.050. WSR 89-06-014 (Order 1995), § 16-30-030, filed 2/23/89; WSR 88-05-003 (Order

1964), § 16-30-030, filed 2/5/88. Statutory Authority: Chapter 16.36 RCW. WSR 83-07-028 (Order 1790), § 16-30-030, filed 3/14/83; Order 955, Regulation 3, filed 8/31/64; Order 851, Regulation 3, effective 7/19/61, but corrected for clerical error by filing dated 7/20/61.]

WAC 16-30-035 Types of restricted holding facilities.

(1) Restricted holding facilities are isolated areas approved and licensed by the director, as advised by the state veterinarian. Fees associated with restricted holding facilities are referenced under chapter 16-91 WAC.

(2) There are three categories of restricted holding facilities.

(a) A category 1 restricted holding facility is a facility where imported animals are held in quarantine until they meet animal health import requirements.

(b) A category 2 restricted holding facility is a dry feed yard with no provision for grazing where cattle that have been imported into the state and are destined for slaughter only are confined for feeding. Cattle in a category 2 restricted holding facility must remain in slaughter channels and move only to a federally inspected slaughter plant or other restricted facilities of like status.

(c) A category 3 restricted holding facility is a holding facility for permanently quarantined animals.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. WSR 10-20-091, § 16-30-035, filed 9/30/10, effective 10/31/10; WSR 08-01-095, § 16-30-035, filed 12/17/07, effective 1/17/08.]

WAC 16-30-038 Conditions of permit to operate restricted holding facilities. (1) The following requirements are applicable to all categories of restricted holding facilities:

(a) The restricted holding facility area shall house restricted animals separate and apart from all other nonrestricted animals. There may be no contact between animals not also similarly restricted and no commingling between separate shipments of animals.

(b) The restricted holding facility will be maintained in a sanitary condition to mitigate disease risk.

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

(d) Milk from restricted animals may not be used for human consumption.

(e) 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.

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

(g) Accurate records will be kept for six years to account for all animals 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.

(h) The state veterinarian has the authority to enter the restricted holding facility at any reasonable time to conduct tests, examinations, and inspections.

(2) **Additional requirements for a category 1 restricted holding facility.** In addition to the requirements of subsection (1) of this section for all types of restricted hold-

ing facilities, the operator of a category 1 restricted holding facility must abide by the following conditions:

(a) All animals entering a category 1 restricted holding facility must have official individual identification listed on the certificate of veterinary inspection.

(b) No animals may be removed from the category 1 restricted holding facility until they meet state and federal import regulations.

(c) Animals may be removed from the restricted holding facility without meeting state and federal import regulations if they are sent to a federally inspected slaughter establishment and have not commingled with any other animals not also similarly restricted. Animals that have commingled with others not also similarly restricted will be quarantined and must be tested negative for disease as determined by the state veterinarian within thirty days before being released from the holding facility.

(3) **Additional requirements for a category 2 restricted holding facility.** In addition to the requirements of subsection (1) of this section for all types of restricted holding facilities, the operator of a category 2 restricted holding facility must abide by the following conditions:

(a) There may be no contact between cattle not also similarly restricted.

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

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

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

(e) Cattle in the restricted holding facility must not share water or feeding facilities accessible to other areas.

(f) The state veterinarian will conduct at least two and up to four random, unannounced audits during each licensing period. The audits will consist of a physical inspection. The licensee is also required to periodically confirm with the department cattle shipments identified on state import permits as destined to the restricted holding facility by telephone or e-mail. The rate for audits is established in WAC 16-91-040, but the total amount charged per licensed restricted holding facility shall not exceed one thousand five hundred dollars in a calendar year.

(g) (f) of this subsection shall not limit the number of inspections necessary to investigate potential violations or limit the number of inspections or total amount charged to ensure compliance after a violation is found. Category 2 restricted holding facilities that have been found to be in violation of animal health or import regulations may be charged for audits and inspections in excess of the one thousand five hundred dollar limit in (f) of this subsection. This section shall not limit the department from charging the time and mileage fee for inspecting livestock and related records during an investigation of a proven violation of section 3, chapter 66, Laws of 2010.

(4) **Additional requirements for category 3 restricted holding facilities.** In addition to the requirements of subsection (1) of this section for all types of restricted holding facilities, the operator of a category 3 restricted holding facility must abide by the following conditions:

(a) The operator of a category 3 restricted holding facility must abide by quarantine conditions set forth by the state veterinarian.

(b) Accurate records will be kept accounting for all animals entering the category 3 restricted holding facility for the length of the quarantine.

(c) An animal in a category 3 restricted holding facility may be legally removed from the facility only upon the animal's death or if the animal is moved from the location by permit from the state veterinarian's office on a United States Department of Agriculture VS form 1-27 for the movement of restricted or quarantined animals to another category 3 restricted holding facility.

(d) If an animal dies or is moribund in a category 3 restricted holding facility, the operator of the holding facility will immediately notify the state veterinarian of the animal's condition. The state veterinarian may require inspection and testing of the animal before disposal.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. WSR 10-20-091, § 16-30-038, filed 9/30/10, effective 10/31/10; WSR 08-01-095, § 16-30-038, filed 12/17/07, effective 1/17/08.]

WAC 16-30-039 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.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. WSR 10-20-091, § 16-30-039, filed 9/30/10, effective 10/31/10; WSR 08-01-095, § 16-30-039, filed 12/17/07, effective 1/17/08.]

WAC 16-30-040 Expiration and revocation of restricted feedlot and restricted holding facility permits.

(1) All permits for restricted feedlots and holding facilities expire on the 30th day of June of the year following the date of issue. 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 or a restricted holding facility 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.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. WSR 10-20-091, § 16-30-040, filed 9/30/10, effective 10/31/10; WSR 08-01-095, § 16-30-040, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040 and 16.36.050. WSR 88-05-003 (Order 1964), § 16-30-040, filed 2/5/88; Order 955, Regulation 4, filed 8/31/64; Order 851, Regulation 4, effective 7/19/61.]