

Chapter 16-610 WAC

LIVESTOCK BRAND INSPECTION

(Formerly chapter 16-607 WAC)

WAC			
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WAC 16-610-005 Definitions. In addition to the definitions found in RCW 16.57.010, 16.58.020, and 16.65.010, the following definitions apply to this chapter:

"Association of livestock breeders" means any properly incorporated association whose membership is made up of livestock breeders.

"Beef commission assessment point" means a person or business, as designated by the Washington state beef commission, required to collect and submit the mandatory per-head beef promotional fees directly to the commission when the sale of cattle occurs.

"Beef promotion fee" means the mandatory state and/or federal beef commission assessment fee under RCW 16.67.120 and 16.67.122 that is collected on each head of cattle at the time of sale.

"Farmers cooperative association" means any cooperative association of livestock producers. Farmers cooperative association does not include livestock youth organizations such as 4-H, FFA, or other junior livestock groups.

"Livestock heritage brand" means a designation given to a brand that has been deactivated by the recorded owner. A heritage brand may not be applied to livestock.

"Market" means a public livestock market as defined in RCW 16.65.010(1).

"Special sale" means a public sale conducted by an individual, youth organization, livestock breeders association, or farmers cooperative association on a seasonal or occasional basis.

"USDA" means the United States Department of Agriculture.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. WSR 07-14-057, § 16-610-005, filed 6/28/07, effective 7/29/07; WSR 04-01-171, § 16-610-005, filed 12/23/03, effective 1/23/04.]

LIVESTOCK IDENTIFICATION ADVISORY BOARD

WAC 16-610-010 Livestock identification advisory board. (1) The livestock identification advisory board is established in RCW 16.57.015 for the purpose of advising the director regarding:

(a) Livestock identification programs administered under chapter 16.57 RCW and these rules;

(b) Inspection fees; and

(c) Related licensing fees.

(2) The board is appointed by the director and is composed of six members representing beef producers, public livestock market operators, horse owners, dairy farmers, cattle feeders, and meat processors. The director is an ex officio member of the advisory board.

(3) The board must elect a member to serve as board chair. The board chair, or the chair's designee, is responsible for organizing and conducting board meetings.

(4) The board must meet with the director at least once a year to offer its advice. Additional meetings may be held at the request of the director or a majority of the board's membership.

(5) Livestock identification advisory board members must be residents of the state of Washington and actively engaged in the industry they represent.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. WSR 07-14-057, § 16-610-010, filed 6/28/07, effective 7/29/07; WSR 04-01-171, § 16-610-010, filed 12/23/03, effective 1/23/04.]

WAC 16-610-012 Livestock identification advisory board—Length of term. (1) Advisory board members serve staggered three-year terms. Terms begin on July 1 and end on June 30.

(2) Positions are numbered one through six as follows:

(a) Position one - Beef producers;

(b) Position two - Public livestock market operators;

(c) Position three - Horse owners;

(d) Position four - Dairy farmers;

(e) Position five - Cattle feeders; and

(f) Position six - Meat processors.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. WSR 07-14-057, § 16-610-012, filed 6/28/07, effective 7/29/07; WSR 04-01-171, § 16-610-012, filed 12/23/03, effective 1/23/04.]

WAC 16-610-013 Livestock identification advisory board—Vacancies. (1) To fill a vacancy resulting from an

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expired term, the director must solicit nominations from affected statewide industry groups. Nominations from industry groups must be submitted to the director before May 1 of the year in which the term expires. If a nomination is not received for a vacant position, the director may appoint a qualified person to fill that position.

(2) The director may fill, for the unexpired portion of a term, vacancies that occur before a term expires. When such vacancies occur, advisory board members and the presidents of affected statewide industry groups may submit names to the director for consideration.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. WSR 07-14-057, § 16-610-013, filed 6/28/07, effective 7/29/07; WSR 04-01-171, § 16-610-013, filed 12/23/03, effective 1/23/04.]

GENERAL PROVISIONS

WAC 16-610-015 Certificate of permit. (1) A certificate of permit (WSDA form #7020), commonly known as a "transportation permit" or a "haul slip," must accompany livestock:

(a) In transit (cattle);

(b) Consigned to a public livestock market, special sale, or livestock processing facility; or

(c) Upon entry into a certified feedlot (cattle).

(2) The certificate of permit may not be used as a bill of sale for cattle.

(3) A certificate of permit may be purchased by contacting the department at 360-902-1855. The price is \$1.00 for a book of twenty-five.

(4) The certificate of permit must include:

(a) Owner's name and address;

(b) Livestock breed;

(c) Sex of the animal;

(d) Brand or other methods of livestock identification; and

(e) Any other information that the director considers necessary.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. WSR 07-14-057, § 16-610-015, filed 6/28/07, effective 7/29/07; WSR 04-01-171, § 16-610-015, filed 12/23/03, effective 1/23/04.]

WAC 16-610-016 Self-inspection certificates issued prior to June 10, 2010. (1) A self-inspection certificate was used for cattle inspections involving twenty-five head or less at the point of private sale, trade, gifting, barter, or any other action not in connection with a public livestock market that constitutes a change of ownership.

(2) Self-inspection certificates completed after June 10, 2010, are not satisfactory proof of ownership for cattle. Self-inspection certificates completed prior to June 10, 2010, will be accepted as satisfactory proof of ownership of cattle if:

(a) The self-inspection certificate was completed and signed by the buyer and seller. The original completed copy of the certificate must accompany the cattle.

(b) The buyer must provide, at the time of reinspection, additional proof of ownership documentation for all cattle bearing brands not recorded to the seller listed on the self-inspection certificate.

[Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW. WSR 10-21-016, § 16-610-016, filed 10/7/10, effective 11/7/10; WSR 07-14-057,

§ 16-610-016, filed 6/28/07, effective 7/29/07; WSR 04-01-171, § 16-610-016, filed 12/23/03, effective 1/23/04.]

WAC 16-610-018 Proof of ownership documents. (1) Proof of ownership for cattle and horses may be established at the time of a livestock inspection by presenting one of the following documents:

- (a) An official livestock inspection certificate issued by the director.
- (b) A duplicate certificate or certified copy of an original inspection document issued by the director.
- (c) For cattle only, a self-inspection certificate completed prior to June 10, 2010, and any other information required in WAC 16-610-016.
- (d) An official inspection certificate issued by another state or province that maintains a livestock inspection program.
- (e) Registration papers on purebred horses.
- (f) Registration papers on purebred cattle if the brand is not recorded in this state.
- (g) For horses only, a bill of sale. Department form #7092 Equine Bill of Sale may be used and may be purchased by contacting the department at 360-902-1855. The purchase price of an Equine Bill of Sale is \$1.00 for a book of twenty-five.
- (h) A certificate of veterinary inspection issued by a state that does not maintain a livestock inspection program. Vaccination/test tags and the animal description must be verifiable and match the document.

(2) Only original inspection certificates, official duplicate certificates, or certified copies of inspection certificates are acceptable. The name of the livestock owner must appear on the document that is submitted. Carbon copies, faxed copies or photocopies will not be accepted except for registration papers on purebred livestock.

[Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW. WSR 10-21-016, § 16-610-018, filed 10/7/10, effective 11/7/10; WSR 07-14-057, § 16-610-018, filed 6/28/07, effective 7/29/07; WSR 04-01-171, § 16-610-018, filed 12/23/03, effective 1/23/04.]

WAC 16-610-020 Cattle inspections for brands or other proof of ownership. (1) All cattle must be inspected for brands or other proof of ownership:

- (a) Before being moved out of Washington state, unless the provisions of WAC 16-610-035(2) apply.
- (b) When offered for sale at any public livestock market or special sale approved by the director.
- (c) Upon delivery to any cattle processing plant where the United States Department of Agriculture maintains a meat inspection program, unless the cattle:
 - (i) Originate from a certified feedlot; or
 - (ii) Are accompanied by an inspection certificate issued by the director, or a veterinarian certified by the director, or an agency in another state or Canadian province authorized by law to issue such a certificate.

(2) All cattle entering or reentering any certified feedlot licensed under chapter 16.58 RCW must be inspected for brands or other proof of ownership before commingling with other cattle unless the cattle are accompanied by an inspection certificate issued by the director, or a veterinarian certi-

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fied by the director, or an agency in another state or Canadian province authorized by law to issue such a certificate.

(3) All cattle must be inspected for brands or other proof of ownership at any point of private sale, trade, gifting, barter, or any other action that constitutes a change of ownership. For transactions involving cattle not being moved or transported out of Washington state:

(a) Cattle must be presented for an inspection within fifteen days from the date of the initial transaction and accompanied by a certificate of permit. It shall be the responsibility of the seller to notify the department immediately that a sale has occurred. It shall be the responsibility of the buyer to present the animals for inspection.

(b) Cattle sold for 4-H and FFA youth projects are exempt from the fifteen day inspection requirement and can be inspected, if not prior, when consigned to a terminal show.

(c) Until the earlier of January 1, 2016, or the date of notice that an electronic livestock movement reporting system is available for use, individual private sales of unbranded female dairy breed cattle involving fifteen head or less are exempt from the inspection requirement.

(4) Exemptions from mandatory inspections do not exempt cattle owners or sellers from paying beef promotion fees owed to the Washington state beef commission under chapter 16.67 RCW or the animal disease traceability fee owed to the department under chapter 16.36 RCW.

[Statutory Authority: RCW 16.57.350 and chapter 34.05 RCW. WSR 15-02-026, § 16-610-020, filed 12/30/14, effective 7/1/15. Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW. WSR 10-21-016, § 16-610-020, filed 10/7/10, effective 11/7/10; WSR 07-14-057, § 16-610-020, filed 6/28/07, effective 7/29/07; WSR 04-01-171, § 16-610-020, filed 12/23/03, effective 1/23/04.]

WAC 16-610-025 Horse inspections for brands or other proof of ownership. All horses must be inspected for brands or other proof of ownership:

(1) Before being moved out of Washington state, unless the provisions of WAC 16-610-035 apply.

(2) When offered for sale at any public livestock market or special sale approved by the director.

(3) When offered for sale at any special open consignment horse sale as defined in RCW 16.65.010.

(4) At any special sale where horses of more than one owner are offered for sale.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. WSR 07-14-057, § 16-610-025, filed 6/28/07, effective 7/29/07; WSR 04-01-171, § 16-610-025, filed 12/23/03, effective 1/23/04.]

WAC 16-610-035 Inspections for cattle and horses moving out of Washington state. (1) Except as provided in subsection (2) of this section, all cattle and horses must be inspected by the director or a certified veterinarian for brands or other proof of ownership before being moved out of Washington state.

(2) Exceptions:

(a) Cattle and horses may be moved out of Washington state without inspection when they are destined for a public livestock market in another state where brand inspection is performed by Washington state department of agriculture inspectors or an agent according to an agreement with the other state.

(b) Cattle and horses moving out of Washington state to public livestock markets must be accompanied by a certificate of permit showing that the livestock are destined for and are being transported directly to the designated out-of-state inspection point. The certificate of permit is not valid for transportation to any point other than the designated inspection point.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. WSR 07-14-057, § 16-610-035, filed 6/28/07, effective 7/29/07; WSR 04-01-171, § 16-610-035, filed 12/23/03, effective 1/23/04.]

WAC 16-610-045 Cattle inspections at certified feed-lots and slaughter plants. Inspections of cattle required under WAC 16-610-020 (1)(c) or 16-610-020(2) and at any other beef commission assessment collection point must be conducted by the director.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. WSR 07-14-057, § 16-610-045, filed 6/28/07, effective 7/29/07; WSR 04-01-171, § 16-610-045, filed 12/23/03, effective 1/23/04.]

WAC 16-610-050 Cattle inspections for private transactions. Inspections of cattle required under WAC 16-610-020(3) may be conducted by:

- (1) The director; or
- (2) Veterinarians certified by the director.

[Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW. WSR 10-21-016, § 16-610-050, filed 10/7/10, effective 11/7/10; 07-14-057, § 16-610-050, filed 6/28/07, effective 7/29/07; WSR 04-01-171, § 16-610-050, filed 12/23/03, effective 1/23/04.]

WAC 16-610-053 Physical address requirements. (1) Livestock inspection certificates, certificate of permits, and equine bill of sales shall contain a destination physical address except where specifically exempted in this section. For purposes of this section, a physical address is the actual street location of the destination.

(2) All cattle and horses must be transported and delivered directly to the physical address noted on a livestock inspection certificate, certificate of permit, and/or equine bill of sale. Cattle and horses shall not be diverted to any other physical address or location except for:

- (a) A temporary destination due to a medical emergency where the immediate health of the animal is in jeopardy; or
- (b) A category two restricted holding facility as defined in chapter 16-30 WAC if the cattle will be transported and delivered to a lot of like status.

(3) If the destination physical address cannot be determined due to no physical address assigned by the appropriate county jurisdiction or local emergency services, the following can be used:

- (a) Descriptive driving directions to the physical location of where the cattle or horse(s) is being transported and delivered to; or
- (b) The global positioning system (GPS) coordinates of the physical location of where the cattle or horse(s) is being transported and delivered to. GPS coordinates must contain two latitude or three longitude digits to the left of the decimal point and six digits to the right of the decimal point.

(4) Failing to provide the required destination physical address or acceptable alternative as defined in subsection (3) of this section or diverting cattle and horses from the destina-

tion physical address may result in a civil infraction per WAC 16-610-095.

[Statutory Authority: Chapters 16.57 and 34.05 RCW. WSR 12-02-068, § 16-610-053, filed 1/3/12, effective 2/3/12.]

WAC 16-610-055 Ownership disputes. The director may review or investigate any verified complaint involving disputed ownership that is filed with the director.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. WSR 07-14-057, § 16-610-055, filed 6/28/07, effective 7/29/07; WSR 04-01-171, § 16-610-055, filed 12/23/03, effective 1/23/04.]

VETERINARIAN CERTIFICATION

WAC 16-610-060 Veterinarian certification. (1) The director may certify veterinarians, who are licensed and accredited in Washington state and who comply with the requirements of this section, to issue livestock inspection certificates.

(2) Veterinarians licensed and accredited in Washington state who wish to issue inspection certificates for livestock must apply for certification on the department's application form (WSDA form #7028). The application must include the following:

- (a) The full name and principal business address of the individual applying for certification;
- (b) The applicant's Washington state veterinary license number;
- (c) The geographic area in which the applicant will issue inspection certificates for livestock;
- (d) A statement describing the applicant's experience with large animals, especially cattle and horses;
- (e) A brief statement indicating that the applicant is requesting certification to issue inspection certificates for cattle, horses or both;
- (f) The signature of the applicant; and
- (g) Any other additional information as requested by the director.

(3) All applications must be accompanied by a check or money order for the amount of the certification fee of thirty-five dollars per applicant.

(4) Certifications expire on the third December 31st following the date of issuance. For example, if a certificate was issued on October 14, 2003, it would expire on December 31, 2005. All applications for renewal of certification must be submitted on AGR Form 930-7089 and accompanied by a check or money order for the amount of the certification fee of thirty-five dollars per applicant.

(5) All veterinarians applying for certification or renewal of certification must successfully complete department-provided training. The department will provide to each person applying for certification or renewal of certification a copy of the most current brand book and any supplements issued to date. Training will include, but will not be limited to, the:

- (a) Reading of printed brands;
 - (b) Reading of brands or other marks on animals;
 - (c) Completion of official documents; and
 - (d) Review of satisfactory ownership documents.
- (6) The director will maintain a list of veterinarians certified to perform livestock inspections. Interested parties may

request a copy of the list from the department by calling 360-902-1855.

(7) Inspections by certified veterinarians are conducted upon request and provided at the discretion of the veterinarian.

(8) Certified veterinarians must submit all required inspection fees to the director and copies of each inspection certificate within thirty days of the date of issue.

(9) The director may deny certification or renewal of certification to issue inspection certificates if the veterinarian fails to meet the requirements of this section or knowingly makes false or inaccurate statements regarding his or her qualifications on the certification application.

[Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW. WSR 10-21-016, § 16-610-060, filed 10/7/10, effective 11/7/10; WSR 07-14-057, § 16-610-060, filed 6/28/07, effective 7/29/07; WSR 04-01-171, § 16-610-060, filed 12/23/03, effective 1/23/04.]

WAC 16-610-062 Veterinarian certification—Suspension and revocation. (1) The director may suspend or revoke a veterinarian's certification to issue inspection certificates if the veterinarian knowingly:

(a) Makes or acquiesces in false or inaccurate statements on livestock inspection certificates regarding:

- (i) The date or location of the inspection;
- (ii) The marks or brands on the livestock inspected;
- (iii) The owner's name; or
- (iv) Any other statement about the livestock inspected.

(b) Fails to properly verify the ownership status of the animal before issuing an inspection certificate.

(c) Issues an inspection certificate without actually conducting an inspection of the livestock.

(d) Fails to submit inspection fees and certificates issued to the director within thirty days from the date of issue.

(2) Actions under this section will be taken in accordance with chapter 34.05 RCW.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. WSR 07-14-057, § 16-610-062, filed 6/28/07, effective 7/29/07; WSR 04-01-171, § 16-610-062, filed 12/23/03, effective 1/23/04.]

FEES

WAC 16-610-065 Livestock identification fees. All livestock identification inspection fees charged by the director are specified in statute under RCW 16.57.220 but are reproduced in this section for ease of reference.

For purposes of this section, the time and mileage fee means seventeen dollars per hour and the current mileage rate set by the office of financial management.

Certificate	Fees:
Inspection Certificate - Cattle	(1) The livestock inspection fee for cattle is \$1.60 per head or the time and mileage fee, whichever is greater, except: The fee for livestock inspection for cattle is \$1.10 per head or the time and mileage fee, whichever is greater, when cattle are identified with a valid brand recorded to the owner of the cattle in Washington.

Certificate	Fees:
	The time and mileage fee may be waived for private treaty transactions of ten head or less of cattle bearing the seller's Washington recorded brand and special sales of 4-H, FFA, and junior/youth groups. The time and mileage waiver: (a) Will be limited to twelve waivers within a calendar year; and (b) Does not apply to multiple sales to the same buyer within a thirty-day period. (2) The livestock inspection fee for cattle is \$4.00 per head for cattle delivered to a USDA inspected slaughter facility with a daily capacity of no more than five hundred head of cattle. (3) No inspection fee is charged for a calf that is inspected prior to moving out-of-state under an official temporary grazing permit if the calf is part of a cow-calf unit and the calf is identified with the owner's Washington state-recorded brand.
Inspection Certificate - Horse	(4) The livestock inspection fee for horses is \$3.50 per head or the time and mileage rate, whichever is greater, except:
Inspection Certificate - Groups of thirty or more horses	(5) The livestock inspection fee for groups of thirty or more horses is \$2.00 per head or the time and mileage fee, whichever is greater, if: (a) The horses are owned by one individual; and (b) The inspection is performed on one date and at one location; and (c) Only one certificate is issued.
Inspection Certificate - Minimum fee	(6) The minimum fee for a livestock inspection is \$5.00 . The minimum fee does not apply to livestock consigned to and inspected at a public livestock market, special sale, or a cattle processing plant.
Annual individual identification certificate for individual animals	(7)(a) The livestock inspection fee for an annual individual identification certificate for cattle and horses is \$20.00 per head or the time and mileage fee, whichever is greater. (b) The livestock inspection fee for an annual individual identification certificate for groups of thirty or more horses or cattle is \$5.00 per head or the time and mileage fee, whichever is greater, if:

Certificate	Fees:
	(i) The horses or cattle are owned by one individual; (ii) The inspection is performed on one date and at one location; and (iii) Only one certificate is issued.
Lifetime individual identification certificate	(8) A livestock inspection fee for a lifetime individual identification certificate for horses and cattle is \$60.00 per head or the time and mileage fee, whichever is greater.

[Statutory Authority: Chapters 16.57 and 34.05 RCW. WSR 12-21-013, § 16-610-065, filed 10/5/12, effective 11/5/12. Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW. WSR 10-21-016, § 16-610-065, filed 10/7/10, effective 11/7/10; WSR 07-14-057, § 16-610-065, filed 6/28/07, effective 7/29/07; WSR 04-01-171, § 16-610-065, filed 12/23/03, effective 1/23/04.]

WAC 16-610-066 Replacement copies of brand inspection documents. (1) Individuals can request replacement copies of inspection documents issued by the director which are held by the department.

(2) All requests for replacement copies will be submitted on AGR Form 930-7093 to the department.

(3) A twenty-five dollar fee will be charged per document for replacement copies and must accompany the form.

(4) Replacement copies will only be issued to a requestor whose name appears as the buyer, seller, or owner on the document being requested.

[Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW. WSR 10-21-016, § 16-610-066, filed 10/7/10, effective 11/7/10.]

BRANDS

WAC 16-610-070 Renewal of recorded brands. Brand recordings are renewed for a period of four years, and the director may establish a staggered renewal schedule. Owners of recorded brands, upon notification by the director, must file for renewal by December 31st of the year in which a recording expires.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. WSR 07-14-057, § 16-610-070, filed 6/28/07, effective 7/29/07; WSR 04-01-171, § 16-610-070, filed 12/23/03, effective 1/23/04.]

WAC 16-610-075 Livestock heritage brands. (1) A brand may be recorded as a livestock heritage brand upon initial application.

(2) The owner of a recorded brand may record the brand as a livestock heritage brand during any designated renewal period.

(a) The fee to record a livestock heritage brand is six hundred dollars.

(b) A livestock heritage brand is recorded for a period of twenty years.

(c) Livestock heritage brands are listed in a separate section of the WSDA brand book.

(d) A livestock heritage brand is considered inactive and may not be applied to livestock.

(3) The owner of a livestock heritage brand may reactivate the brand at any time upon written notification to the director.

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(a) The owner of a reactivated livestock heritage brand shall not be required to submit renewal fees during the remainder of the original twenty-year period as long as the recorded ownership of the brand does not change.

(b) If the owner of the reactivated brand changes the ownership status (adds, deletes, or transfers ownership to another), the brand will automatically be due for renewal at the end of the current four-year recording period.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. WSR 07-14-057, § 16-610-075, filed 6/28/07, effective 7/29/07.]

WAC 16-610-080 Freeze branding. Freeze branding techniques to identify livestock may be used to comply with the requirements of chapters 16.57 RCW and the other requirements of this section as long as the brand is recorded with the director.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. WSR 07-14-057, § 16-610-080, filed 6/28/07, effective 7/29/07; WSR 04-01-171, § 16-610-080, filed 12/23/03, effective 1/23/04.]

WAC 16-610-085 Production brands. (1) Before a production brand may be used in Washington state, it must be recorded with the director according to the provisions of chapter 16.57 RCW and in the same manner as an ownership brand.

(2) Forms to record a brand may be obtained from the director.

(3) The director will not charge a fee to record a production brand if the person recording the brand has already paid to record an ownership brand.

(4) Production brands are not recognized for ownership purposes, recorded for ownership purposes, or accepted for livestock inspection purposes.

(5) Dairy cattle: Owners may use any digit or combination of digits as a production brand to identify their dairy cattle as long as the brand is located on the neck or between the hock and the stifle of a hind leg.

(6) Beef cattle: Owners may use a production brand to identify beef cattle but only when the cattle also bear a brand that is currently recorded to the owner of the animal.

(a) On beef cattle, production brands may be located on either side of the animal on the shoulder or hip.

(b) Any numeral digit or combination of digits may be used for a beef cattle production brand as long as they do not conflict with currently recorded ownership brands.

(7) Only Arabic numerals can be used for production brands.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. WSR 07-14-057, § 16-610-085, filed 6/28/07, effective 7/29/07; WSR 04-01-171, § 16-610-085, filed 12/23/03, effective 1/23/04.]

PENALTIES

WAC 16-610-095 Penalty schedule for notices of infraction. (1) If any person fails to comply with the requirements of chapters 16-610 WAC and 16.57 RCW (Identification of livestock), the director may issue that person a notice of infraction and may assess a penalty.

(2) The following infractions have the base penalty listed, not including statutory assessments.

(12/30/14)

Livestock Identification Program
Civil Infraction Schedule for Violations of Chapter 16.57
RCW

Violation	Base Penalty
RCW 16.57.260	Removal of cattle and horses from Washington state without an inspection certificate.
First offense	\$100.00
2nd offense within three years	\$150.00
3rd offense within three years	\$250.00
RCW 16.57.267	Failing to present an animal for mandatory inspection.
First offense	\$100.00
2nd offense within three years	\$150.00
3rd offense within three years	\$250.00
RCW 16.57.270	Refusing to assist in establishing ownership and identity.
First offense	\$100.00
2nd offense within three years	\$150.00
3rd offense within three years	\$250.00
RCW 16.57.350	Interfering with the director in the performance of livestock identification duties.
First offense	\$100.00
2nd offense within three years	\$150.00
3rd offense within three years	\$250.00
RCW 16.57.440	Transporting or delivering cattle or horses to any destination other than the designated physical address.
First offense	\$100.00
2nd offense within three years	\$150.00
3rd offense within three years	\$250.00
RCW 16.57.050	Using an unrecorded brand.
Each offense	\$37.00
RCW 16.57.160	Failing to designate a physical address

Violation	Base Penalty
Each offense	\$37.00
RCW 16.57.243	Moving cattle without proof of ownership.
Each offense	\$37.00
RCW 16.57.275	Transporting a carcass without proof of ownership.
Each offense	\$37.00
RCW 16.57.277	Failing to attach custom slaughter tags.
Each offense	\$37.00
RCW 16.57.410	Acting as a registering agency without a permit.
Each offense	\$37.00

[Statutory Authority: Chapters 16.57 and 34.05 RCW. WSR 12-02-068, § 16-610-095, filed 1/3/12, effective 2/3/12. Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. WSR 07-14-057, § 16-610-095, filed 6/28/07, effective 7/29/07.]

CUSTOM SLAUGHTERING

WAC 16-610-100 Identification of custom slaughtered animals. (1) Any person presenting cattle for slaughter to a licensed custom slaughterer must give the custom slaughterer a completed certificate of permit. The certificate of permit documents the ownership of the animal at the time of slaughter.

(2) Any person licensed as a custom slaughterer must complete and attach a custom slaughter beef tag to each of the four quarters of all slaughtered cattle that are handled. In order to identify the owner of the carcass, these tags must remain attached to the quarters until the carcass is processed and the quarters are cut and wrapped.

(3) Only the department may provide custom slaughter beef tags to custom slaughterers. The fee for each set of four custom slaughter beef tags is one dollar and fifty cents plus the animal disease traceability fee owed to the department under chapter 16.36 RCW.

(4)(a) Custom meat facilities may accept carcasses of cattle slaughtered by the cattle owner only if a certificate of permit, signed by the owner, accompanies the carcass.

(b) Without a certificate of permit signed by the owner, custom meat facilities can only accept carcasses from mobile or fixed location custom farm slaughterers or officially inspected slaughter plants.

[Statutory Authority: RCW 16.57.350 and chapter 34.05 RCW. WSR 15-02-026, § 16-610-100, filed 12/30/14, effective 7/1/15. Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. WSR 07-14-057, § 16-610-100, filed 6/28/07, effective 7/29/07; WSR 04-01-171, § 16-610-100, filed 12/23/03, effective 1/23/04.]

CERTIFIED FEEDLOTS

WAC 16-610-115 Certified feedlots—Application inspection. (1)(a) Before issuing an initial certified feedlot license, the director will conduct an inspection of all cattle in the feedlot inventory and their corresponding ownership documents.

(b) The applicable fee for this inspection of cattle is found in WAC 16-610-065.

(2) If a certified feedlot license is not renewed, all cattle in the feedlot inventory are subject to the inspection requirements for feedlots without a certification.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. WSR 07-14-057, § 16-610-115, filed 6/28/07, effective 7/29/07; WSR 04-01-171, § 16-610-115, filed 12/23/03, effective 1/23/04.]

PUBLIC LIVESTOCK MARKETS

WAC 16-610-120 Public livestock markets—Identification requirements. (1) Any person licensed to operate a public livestock market is responsible for identifying all cattle and horses consigned to the public livestock market.

(2) Identification must be done under the supervision of the director and may occur either before or at the time the animals are inspected.

(3) Acceptable methods of identification are a USDA-approved numbered back tag placed on each animal or some other method of identification that is approved by USDA. Tags must be placed in numerical order.

(4) The licensee is responsible for moving, confining, and/or restraining livestock as needed to allow for a complete inspection.

(5) The director may exempt certain groups of one-brand or no-brand cattle under the same ownership from the individual identification requirements of this section if the integrity of the inspection process can be maintained.

(6) It is the responsibility of the licensee or consignor to present livestock to the director so an inspection can be performed.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. WSR 07-14-057, § 16-610-120, filed 6/28/07, effective 7/29/07; WSR 04-01-171, § 16-610-120, filed 12/23/03, effective 1/23/04.]

WAC 16-610-122 Release of cattle and horses from public livestock markets. (1) Before allowing the removal of any cattle or horses from any public livestock market, a licensee or the licensee's agent or employee must:

(a) Obtain a livestock inspection clearance from the director for the cattle or horses being removed; and

(b) Issue a release to the person wishing to remove the cattle or horses.

(2) Cattle and horses that have been offered for sale at a public livestock market but did not sell, will not be assessed an additional inspection fee upon reconsignment if:

(a) The reconsignment occurs within eight days of the original sale;

(b) The animals are reconsigned to the original sale facility;

(c) The animals have not been removed from the original sale facility before reconsignment;

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(d) The animals have not been commingled with other animals; and

(e) No animals have been added or removed from the group.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. WSR 07-14-057, § 16-610-122, filed 6/28/07, effective 7/29/07; WSR 04-01-171, § 16-610-122, filed 12/23/03, effective 1/23/04.]

WAC 16-610-125 Public livestock market livestock inspection facilities. The director must approve all livestock inspection facilities at public livestock markets. For the director's approval, inspection facilities must:

(1) Include a chute that is constructed according to the following specifications:

(a) Constructed with a solid base on each side of sufficient strength to contain cattle and horses. The base must be at least twenty-four but not more than thirty-six inches in height.

(b) Above the base on each side, the chute must have wire cables extended along its entire length. The cables must be separated by six-inch intervals and must extend vertically to a height of at least six feet.

(c) The cables must be attached every sixteen feet to a vertical post that is alternated with a pipe or stay every eight feet to provide support and to keep the cables tight.

(d) The chute must be well lit by shop, spot, or floodlights. These lights must be located on both sides of the chute at a height of five feet above the highest cable. Beginning at the head of the chute, this lighting must extend along three-fourths of the length of the chute.

(2) Electrical outlets must be available at all chutes so clippers can be conveniently used.

(3) Inspection areas must be well covered by adequate roofing and kept free of any water leaks or water build-up of any kind.

(4) Inspection areas must incorporate a work area for livestock inspectors on each side of the chute. The work area must:

(a) Provide an inspector with at least thirty inches of workspace along the entire length of the chute; and

(b) Be enclosed by fencing or some other permanent structure that protects inspectors while cattle and horses are unloaded and moved along the chute.

(5) Inspection areas must include an office. The office must:

(a) Be constructed according to dimensions of at least eight feet by ten feet;

(b) Contain adequate heating; and

(c) Be equipped with a counter built at a standing work level height and with a width of approximately eighteen inches.

(6) The licensee shall provide sufficient indoor office space as needed in order for the director to process and distribute inspection documents to the buyer.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. WSR 07-14-057, § 16-610-125, filed 6/28/07, effective 7/29/07; WSR 04-01-171, § 16-610-125, filed 12/23/03, effective 1/23/04.]

WAC 16-610-130 Public livestock market scales. (1) To ensure that scales can be tested with relative ease and convenience:

(a) All scales that are inaccessible to a test truck must be accessible by a convenient, unobstructed, hard-surfaced approach ramp or walkway that connects with the scale deck at the scale deck level; and

(b) All doors and passageways leading to the scale must have a minimum width of six feet.

(2) Preferably, scale decks should be constructed using reinforced concrete with "Z" bar coping. If cleats are used that are more than three-fourths inch in thickness, they must be:

(a) Hinged; or

(b) Readily removable; or

(c) Accompanied by a satisfactory covering to allow for proper testing.

(3) All stock racks must be securely fastened to the scale deck. There must be a minimum clearance of three inches between the rack and the surrounding stationary construction.

(4) Adequate space and visibility must be provided around scales so that interested parties may observe the weighing operation.

(5) All dial scales used by the licensee must be:

(a) Readily visible to all interested parties; and

(b) Equipped with a mechanical weight recorder.

(6) All beam scales used by the licensee must be equipped with a balance indicator, a weigh beam, and a mechanical weight recorder. The balance indicator, weigh beam, and mechanical weight recorder must be readily visible to all interested parties.

(7)(a) The pit and foundation beneath the scale deck must be constructed in a singular, uniform and massively solid way.

(b) Coping iron is required on all corners adjacent to the deck.

(c) The pit must be six feet in depth, dry and readily accessible for inspection. When conditions are sufficiently adverse, the director may allow exceptions to this six-foot depth requirement. However, a minimum of two feet clearance between the lowest scale lever and the pit floor must always be provided.

(d) To insure safe and accurate inspections, sufficient electrical lighting must be provided in the inspection facility, especially around the chute and scales and in the pit beneath the scale deck.

(8) The recording element must be adequately housed for protection against wind and weather.

(9) Scales are not required at markets only licensed to handle horses and mules unless these animals are sold by weight. When these animals are sold by weight, the scale requirements of this section apply.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. WSR 07-14-057, § 16-610-130, filed 6/28/07, effective 7/29/07; WSR 04-01-171, § 16-610-130, filed 12/23/03, effective 1/23/04.]

WAC 16-610-135 Failure to conduct a sale on an allocated sale day. (1) If a licensed operator of a public livestock market fails more than six times in a twelve-month period to conduct a sale on a sale day that has been allocated to the licensee by the director, the allocation of that sale day is subject to change or revocation by the director.

(12/30/14)

(2) Any change or revocation of an allocated sale day must be considered in an administrative hearing conducted according to the provisions of chapter 34.05 RCW.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. WSR 07-14-057, § 16-610-135, filed 6/28/07, effective 7/29/07; WSR 04-01-171, § 16-610-135, filed 12/23/03, effective 1/23/04.]

WAC 16-610-140 Approval of special sales and open consignment horse sales. (1) An individual, farmers cooperative association, association of livestock breeders, or youth livestock organization such as 4-H, FFA, or other junior livestock group may submit an application to the director for a special sale or open consignment horse sale. Approval of applications for a special sale or open consignment horse sale is at the discretion of the director.

(2) A livestock market may submit an application to the director for a special sale or open consignment horse sale on a day not specifically assigned to it. Approval of special sales and open consignment horse sales on unassigned days is at the discretion of the director.

(3) Special sales and open consignment horse sales are limited to three sales per month per applicant in any location, as long as all requirements are met and the proper permits and license have been obtained.

(4) "Special sale" does not mean a public sale by a group of individuals conducting private treaty sales of horses brought to a central location if:

(a) Funds are not handled by a third party; and

(b) The buyer meets the inspection requirements contained in RCW 16.57.260.

(5) Application for approval of a special sale or open consignment horse sale must be made at least fifteen days in advance of the proposed sale.

(6) The application for a special sale or open consignment horse sale must be made on forms provided by the director and must contain the following:

(a) Name, address, and contact number of the applicant;

(b) Type of applicant: Producer, livestock market, or association;

(c) Name of sale and/or event;

(d) Type and number of livestock expected to be sold;

(e) Date, time, and location of the sale;

(f) Name and contact number of the veterinarian who will be providing animal health services; and

(g) The signature of the applicant.

(7) In addition to the requirements in subsections (5) and (6) of this section, the application for an open consignment horse sale must also provide the director with the following:

(a) A detailed statement showing all of the assets and liabilities of the applicant;

(b) A schedule of rates and charges that the applicant will impose on the seller or consignor, including the entry fee, commission, pass out (no sale) fees, stabling, etc.;

(c) Verification of custodial account, as per RCW 16.65.140;

(d) Written evidence of valid bond, as per RCW 16.65.-232; and

(e) The projected approximate value of the horses to be handled.

(8) The director charges a special sale application fee of fifty dollars, which is specified in RCW 16.65.420, and an open consignment horse sale license fee of one hundred dollars, as specified in RCW 16.65.042. Applications will not be processed until the application fee is paid. There is no application fee for youth livestock organizations.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. WSR 07-14-057, § 16-610-140, filed 6/28/07, effective 7/29/07; WSR 04-01-171, § 16-610-140, filed 12/23/03, effective 1/23/04.]

WAC 16-610-145 Requirements for farmers cooperative associations and associations of livestock breeders holding special sales. To assure that any special sale proposed by a farmers cooperative association or association of livestock breeders is limited to the sale of their own livestock, the association may be required to provide verification to the director that any person offering livestock for sale at the special sale was a member of the association at the time of the filing of any consignment application, contract or commitment.

[Statutory Authority: Chapters 16.57, 16.58, 16.65 and 34.05 RCW. WSR 07-14-057, § 16-610-145, filed 6/28/07, effective 7/29/07; WSR 04-01-171, § 16-610-145, filed 12/23/03, effective 1/23/04.]