



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Agriculture

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

(1) Date of adoption: March 1, 2000

(2) Purpose: The purpose is to detail rules for control, surveillance and eradication of an important swine disease and to protect animal and public health in Washington State.

(3) Citation of existing rules affected by this order: WAC 16-80, "Pseudorabies in Swine"

Repealed: WAC 16-80-050

Amended: WAC 16-80-005, 007, 010, 015, 020, 025, 030, 035, 040, 045 and 047

Suspended:

(4) Statutory authority for adoption: RCW 16.36.040

Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 00-03-068 on 1/19/00 (date).

Describe any changes other than editing from proposed to adopted version:

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:

Permanent Rules
or Expedited Repeal

- 31 days after filing
- Other (specify) ___*

Emergency Rules

- Immediately
- 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)

Jim Jesernig

Signature

Title
Director

Date

2/24/2000

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

MAR 1 2000

TIME 8:36 AM
00-06-066 PM

**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:

Federal statute:	New	Amended	Repealed
Federal rules or standards:	New	Amended	Repealed
Recently enacted state statutes:	New	Amended	Repealed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>11</u>	Repealed	<u>1</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	Amended	<u>11</u>	Repealed	<u>1</u>
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The number of sections adopted using:

Negotiated rule making:	New	Amended	Repealed
Pilot rule making:	New	Amended	Repealed
Other alternative rule making:	New	Amended	Repealed

AMENDATORY SECTION (Amending WSR 91-08-027, filed 3/29/91, effective 4/29/91)

WAC 16-80-005 Definitions. (~~For the purpose of this chapter.~~)

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

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

(3) "Approved pseudorabies vaccine" means only those biological products that are approved by and produced under license of the United States Department of Agriculture (USDA) for injection into swine for the purpose of enhancing their resistance to pseudorabies, are (~~a~~) specific gene deletion vaccines and are authorized for use in a specific herd by the state veterinarian.

(4) "Official identification" means a USDA issued backtag or (~~a metal~~) an eartag bearing state identification and a unique number.

(5) "Pseudorabies infected herd" means a herd of swine in which (~~the disease~~) pseudorabies has been diagnosed (~~positive~~) in one or more animals by the National Veterinary Service Laboratory (NVSL) or a state laboratory (~~which can conduct the serum neutralization~~) approved by USDA to conduct official pseudorabies tests.

(6) "Expose" means to (~~lay open~~) have contact with an animal (~~or group of animals to risk of infection by~~) infected with the pseudorabies virus.

(7) "Pseudorabies" means a contagious, infectious and communicable disease caused by a herpesvirus that affects swine and other animals.

(8) "Official pseudorabies test" means a test for the diagnosis of pseudorabies conducted in a USDA-approved laboratory. These tests include, but are not limited to, serum neutralization (SN), virus isolation, fluorescent antibody, latex agglutination, particle concentration fluorescence immunoassay (PCFIA) and enzyme-linked immunosorbent assay (ELISA).

AMENDATORY SECTION (Amending WSR 91-08-027, filed 3/29/91, effective 4/29/91)

WAC 16-80-007 Surveillance program. All swine blood submitted to the (~~federal state animal health~~) department's laboratory for brucellosis testing will be (~~also~~) tested for

pseudorabies by the latex agglutination test. Samples ((which are)) positive on the latex agglutination test will be further tested by the enzyme linked ((immunosorbant)) immunosorbent assay (ELISA) and serum neutralization (SN) tests. The ELISA or SN tests must show positive results before classifying the sample as positive. An epidemiological investigation will be initiated for each positive sample and an attempt will be made to trace such a sample to the herd of origin. Area testing will be done on all swine herds within a five mile radius of any infected premises. Trace forward and trace backward testing will be done in all herds which may have bought animals from or sold animals to the infected herd within a twenty-four month period prior to discovery of the infection.

AMENDATORY SECTION (Amending WSR 91-08-027, filed 3/29/91, effective 4/29/91)

WAC 16-80-010 Quarantine. All swine herds ((that are)) infected with or exposed to pseudorabies ((shall)) will be quarantined and officially tested for pseudorabies. If the owner of any such swine herd refuses to allow the department to test ((for the above disease)), the swine herd and the premises on which they are quarantined ((shall)) will remain quarantined until released under WAC 16-80-020, RCW 16.36.010 or ((RCW 16.36.030)) 16.36.020. No animal or products of such animals ((shall)) will be removed from the premises while they are under quarantine except as provided in RCW ((16.36.030)) 16.36.010 or 16.36.020.

AMENDATORY SECTION (Amending WSR 91-08-027, filed 3/29/91, effective 4/29/91)

WAC 16-80-015 Sale of quarantined animals. ((No person shall offer for sale any)) Swine from a pseudorabies quarantined herd cannot be offered for sale, except for ((other than)) immediate slaughter((: Provided, however, That)). Such swine ((shall)) can only be moved from the pseudorabies quarantined herd when accompanied by an official federal form ((number)) VS1-27 ((filled out)) completed and signed by a federal or state veterinarian.

AMENDATORY SECTION (Amending WSR 91-08-027, filed 3/29/91, effective 4/29/91)

WAC 16-80-020 Quarantine and release. Any herd of swine in which pseudorabies positive animals are found will be quarantined. The quarantine will be released when the entire quarantined herd has successfully completed Plan A (test and removal), Plan B (offspring segregation), ~~((or))~~ Plan C (depopulation - repopulation) ~~((as described in "Swine Pseudorabies Eradication Guidelines," prepared and published by the pseudorabies committee, Livestock Conservation Institute)), or any plan listed in Pseudorabies Eradication State-Federal-Industry Program Standards, APHIS Document 91-55-041, effective January 1, 1998.~~ Plan C will be the plan of choice if the state-wide herd infection rate is less than 0.1% of total number of state herds. The plan used will be determined by mutual agreement between the herd owner or ~~((their))~~ his or her veterinarian ~~((if so))~~ designated by the owner and the state veterinarian.

AMENDATORY SECTION (Amending WSR 91-08-027, filed 3/29/91, effective 4/29/91)

WAC 16-80-025 Disinfecting premises. All barns, feed troughs, water tanks, feeding platforms, farrowing houses, and dry lots where a pseudorabies infected herd has been held must be thoroughly cleaned and disinfected within fifteen days after all infected swine have been removed. Recommended disinfectants are: Orthophenolphenate compounds, phenolic compounds, 2% ~~((Na))~~ sodium hydroxide, ~~((TrinaPO4))~~ trisodium phosphate, chlorhexidine.

AMENDATORY SECTION (Amending WSR 91-08-027, filed 3/29/91, effective 4/29/91)

WAC 16-80-030 Disinfecting vehicles. ~~((+))~~ When a vehicle is used to transport pseudorabies infected animals or pseudorabies exposed animals from a pseudorabies quarantined herd, the vehicle ~~((shall))~~ must be cleaned and disinfected immediately following the unloading of the last animal of each ~~((such))~~ load. The destination of ~~((such))~~ infected or exposed swine ~~((shall))~~ must be equipped with department approved facilities to clean and disinfect vehicles.

~~((2) Upon completion))~~ Written approval will be issued after inspection of the cleaning and disinfection of the vehicle ~~((7 approval of the adequacy of the cleaning and disinfection shall be~~

~~obtained in writing~~). This approval must be obtained from a state or federal (~~animal health employee~~) veterinarian or registered veterinary technician or from (~~an authorized representative of~~) the director (~~of agriculture on a form approved by the director~~).

AMENDATORY SECTION (Amending WSR 91-08-027, filed 3/29/91, effective 4/29/91)

WAC 16-80-035 Indemnity for pseudorabies infected or exposed swine. (~~As provided under RCW 16.36.096,~~) The director (of agriculture) may order the slaughter or destruction of any swine affected with or exposed to pseudorabies. The state veterinarian must approve the disposal methods of those swine destroyed. Subject to the availability of sufficient funds, the director may pay an indemnity for any swine ordered slaughtered or destroyed. When the indemnity is approved, the amount that will be paid is one hundred dollars for any sow past fifty days pregnant or with suckling piglets, fifty dollars for boars and open sows or sows less than fifty days pregnant, and fifty dollars for breeding gilts over two hundred fifty pounds live weight. An indemnity of up to (~~fifty~~) seventy-five percent of appraised value of feeding stock will be paid when destroyed rather than slaughtered.

No indemnity will be paid if:

(1) The state-wide infection rate exceeds 0.1% of total swine herds in the state; or

(2) The swine belong to the federal government or any of its agencies, this state or any of its political subdivisions (~~thereof~~) or any municipal corporations; or

(3) The swine were brought into this state within six months of being ordered slaughtered or destroyed.

AMENDATORY SECTION (Amending WSR 91-08-027, filed 3/29/91, effective 4/29/91)

WAC 16-80-040 Vaccination. No pseudorabies vaccine may be used in the state (~~of Washington~~) except when the use of an approved pseudorabies vaccine is specifically authorized in writing by the state veterinarian for use in a pseudorabies infected herd under pseudorabies eradication Plan A (test and removal). Only gene deleted vaccines with a corresponding specific laboratory test will be authorized.

AMENDATORY SECT. (Amending WSR 91-08-02,, filed 3/29/91, effective 4/29/91)

WAC 16-80-045 Identification of swine. Boars and sows moving through livestock auction yards or collection facilities in intrastate commerce must be tagged with official identification. All swine moving in interstate commerce must be identified in compliance with federal regulation 2 CFR 71.19 a & b.

AMENDATORY SECTION (Amending WSR 91-08-027, filed 3/29/91, effective 4/29/91)

WAC 16-80-047 Mandatory reporting of suspected pseudorabies. Pseudorabies is a reportable disease under WAC 16-70-010 and must be reported to the department immediately by persons licensed to practice veterinary medicine in the state (~~(of Washington as required by WAC 16-70-010)~~). Additionally, laboratories and swine producers (~~(are hereby required to)~~) must report to the director (~~(of agriculture or his authorized representative the discovery of)~~) the existence or suspected existence of pseudorabies infection among (~~(domestic)~~) swine within the state. This report (~~(shall)~~) will be (~~(immediate)~~) immediately made by telephone or FAX on the day (~~(discovered)~~) infection is diagnosed or suspected. Veterinarians, laboratories and swine producers are to make this report to the office of the state veterinarian (~~(, telephone number (206) 753-5040, FAX (206) 753-3700)~~).

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-80-050 Criminal penalty--Civil injunction.