



# RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (12/31/00)

Agency: Department of Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Repeal

(1) Date of adoption: January 15, 2003

(2) Purpose: The department is adopting as an emergency rule a new section, WAC 16-54-155 Exotic Newcastle Disease (END) Emergency Quarantine, to prevent the introduction or spread of Exotic Newcastle Disease (END) in Washington State. The virus that causes the disease is highly contagious, and is readily spread by contact with infected birds or materials contaminated with the causative virus.

(3) Citation of existing rules affected by this order:

- Repealed:
- Amended:
- Suspended:

(4) Statutory authority for adoption: RCW 16.36

Other authority: RCW 34.05

### PERMANENT RULE ONLY

Adopted under notice filed as WSR \_\_\_\_\_ on \_\_\_\_\_ (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: A serious avian disease known as Exotic Newcastle Disease was first diagnosed in backyard poultry in Los Angeles County October 1, 2002. The disease was subsequently confirmed in birds in five commercial egg-laying facilities in Southern California since mid-December, 2002. Control efforts have not yet been successful in eliminating the disease in the quarantined area.

### 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</b>                          | <b>Emergency Rules</b>                          |
| <input type="checkbox"/> 31 days after filing   | <input checked="" 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)

Victoria Loveland

SIGNATURE

*Victoria Loveland*

TITLE

Director

DATE

1/15/03

### CODE REVISER USE ONLY

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

JAN 15 2003

373

TIME \_\_\_\_\_ AM

WSR 0303085 PWA

**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 <u>1</u>	Amended	Repealed
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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	Repealed
<b>Pilot rule making:</b>	New	Amended	Repealed
<b>Other alternative rule making:</b>	New	Amended	Repealed

## EMERGENCY RULE

### NEW SECTION

**WAC 16-54-155 EXOTIC NEWCASTLE DISEASE (END) EMERGENCY QUARANTINE.** This section applies to all avian species and commercial traffic originating from the END quarantine zone in California and to bird exhibits, shows, auctions, public displays and competitions held in Washington State.

- (1) **Areas under quarantine.** The areas under quarantine include all counties and portions of counties in California currently declared or in the future declared to be under quarantine for END by the state of California or the U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service. The area under quarantine in California as of January 15, 2003 includes Los Angeles County, Orange County, San Diego County, San Bernadino County, Riverside County, Imperial County and Ventura County.
- (2) **Items under restriction.** Birds, poultry, poultry products, poultry waste, vehicles, equipment and materials that could transmit END. Included in the restriction are vehicles that make deliveries of live birds into the quarantine zone and return into the state of Washington.
- (3) **No live or dead bird of any type, including poultry, poultry product, material or poultry waste, that could transmit END may be moved into Washington State from the area under quarantine. An exemption is made for eggs that have met the requirements of 9 CFR 82.8, including washing, sanitizing and packing in new material.**
- (4) **No equipment used for the processing of eggs or for the housing, feeding, watering, entertaining, or otherwise caring for birds of any type may be moved into Washington State from the area under quarantine unless accompanied by a certificate signed by an official of the USDA or the California Department of Food and Agriculture stating the equipment has been cleaned and disinfected according to a protocol established by the USDA.**
- (5) **The driver of a commercial vehicle originating from the area under quarantine who is transporting feed or eggs must provide proof, if asked by an agriculture inspector, of the cleaning and disinfection of the vehicle, trailer, and packing material performed immediately prior to the loading of the vehicle. This proof must be provided in writing and demonstrate that the cleaning and disinfection was performed according to the protocol established by the USDA.**
- (6) **A driver of a vehicle of any type transporting a bird must provide, if asked by any agriculture inspector, an original health certificate issued by an accredited veterinarian within thirty days prior to entry stating the birds are healthy and do not originate from a quarantined area. Photocopies of health certificates must have an original veterinarian signature. National Poultry Improvement Plan (NPIP) forms for movement of poultry may be used by members of NPIP with the certification that the shipment did not originate from a quarantined area.**
- (7) **A promoter of an event in Washington State, such as an exhibit, show, auction, competition, or other public display of birds of any type shall immediately inform the State Veterinarian by mail, facsimile, or electronic mail of a scheduled event. The notification shall include the contact name, mailing address, physical address of the event, and daytime telephone number.**
- (8) **A promoter of an event in Washington State, such as an exhibit, show, auction, competition, or other public display of birds of any type, shall inform the event exhibitors and vendors in writing of this WAC, the current quarantine for END, and the risk of introducing END into Washington State. The promoter also shall require each event exhibitor and vendor to attest in writing that they are not in violation of this WAC. The signed document shall be forwarded to the State Veterinarian within one week of the conclusion of the event.**