



# RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Rule Making

(1) Date of adoption: December 23, 2003

(2) Purpose: By this rule-making order, the department is repealing chapter 16-607 WAC Inspection and Identification of Livestock and replacing it with chapter 16-610 WAC Livestock Inspection and Identification. Chapter 16-610 WAC:

- Incorporates new rule requirements resulting from the enactment of chapter 326, Laws of 2003 (SSB 5891).
- Reflects the "clarity criteria" in Executive Order 97-02 by being written in a clear and readable style based upon clear rule writing principles.
- Updates references and reflects current industry terms and practices.

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

Repealed: See Attachment (3)  
 Amended: None  
 Suspended: None

(4) Statutory authority for adoption: Chapter 16.57 RCW; Chapter 16.58 RCW, Chapter 16.65 RCW and Chapter 34.05 RCW

Other Authority: None

### PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 03-21-170 on October 22, 2003.  
 Describe any changes other than editing from proposed to adopted version: None

### 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:

(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

- 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)

Valoria H. Loveland

Signature

Title

Director

Date

December 23, 2003

### CODE REVISER USE ONLY

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

DEC 23 2003

850

TIME 04:01 PM

WSR 03-21-170

(COMPLETE REVERSE SIDE)

**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	0	Amended	0	Repealed	0
<b>Federal rules or standards:</b>	New	0	Amended	0	Repealed	0
<b>Recently enacted state statutes:</b>	New	4	Amended	0	Repealed	4

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

	New	0	Amended	0	Repealed	0
--	-----	---	---------	---	----------	---

**The number of sections adopted in the agency's own initiative:**

	New	31	Amended	0	Repealed	23
--	-----	----	---------	---	----------	----

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

	New	35	Amended	0	Repealed	27
--	-----	----	---------	---	----------	----

**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	0	Amended	0	Repealed	0
<b>Pilot rule making:</b>	New	0	Amended	0	Repealed	0
<b>Other alternative rule making:</b>	New	35	Amended	0	Repealed	27

Chapter 16-610 WAC

LIVESTOCK INSPECTION AND IDENTIFICATION

NEW SECTION

WAC 16-610-005 What definitions are important to this chapter? "Association of livestock breeders" means any properly incorporated association whose membership is made up of livestock breeders.

"Brand" means a permanent firebrand, or any artificial mark, other than an individual identification symbol, that is approved by the director and is used with a brand or by itself.

"Livestock inspection" means examining livestock or livestock hides for brands or any other means of identifying livestock or livestock hides including the examination of any documents providing evidence of ownership.

"Certificate of permit" or "transportation permit" means a department form which, when completed by the livestock owner, or a person authorized to act as his/her agent, serves as a declaration of ownership. The form must not be used as a bill of sale for cattle. This form must accompany livestock:

- (1) In transit;
- (2) Consigned to a public livestock market, special sale, or livestock processing facility; or
- (3) Upon entry into a certified feedlot.

"Collection point" means a livestock inspection point, designated by the Washington state beef commission, for the purpose of collecting beef commission assessment payments directly from cattle producers and remitting those assessments to the Washington state beef commission.

"Department" means the Washington state department of agriculture.

"Director" means the director of the department or the director's designated representative.

"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.

"Individual identification symbol" means a department-approved permanent mark placed on the neck of a horse for the purpose of individually identifying and registering the horse.

"Inspection certificate" means a certificate issued by the

director or a veterinarian certified by the director that documents animal ownership based on a visual inspection of the animal. An inspection certificate includes an individual identification certificate.

**"Licensee"** means any person licensed to operate a market under chapter 16.65 RCW.

**"Livestock"** means all cattle, horses, burros, mules, sheep, swine, and goats of any species, breed or age.

**"Lot"** means a group of livestock owned by one owner.

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

**"Person"** means any natural person, individual, firm, partnership, corporation, company, society, or association, and every officer, agent or employee thereof. Depending upon the context in which it is used, "person" may have a singular or plural meaning.

**"Production brand"** means a number brand that is used only for production identification purposes.

**"Purchase invoice"** means the invoice issued by a public livestock market to the purchaser of livestock consigned to the market.

**"Self-inspection"** means an ownership verification inspection conducted solely by the buyer and seller of cattle, without the benefit of the director. Self-inspection is limited to fifteen head or less of cattle.

**"Self-inspection certificate"** means a department form that is used when cattle are inspected by their purchaser and seller. The purchaser and seller must sign the self-inspection certificate. The purpose of the self-inspection certificate is to document that self-inspection has occurred.

**"Special sale"** means a public sale conducted by a producer, youth organization, livestock breeders association, farmers cooperative association, etc., on a seasonal or occasional basis. A livestock market may also conduct a special sale on sale days not specifically assigned to it when its original application was filed with the director. "Special sale" does not mean a public sale by a group of individuals conducting private treaty sales of horses brought to a central location, provided that the:

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

(2) Buyer meets the inspection requirements contained in RCW

16.57.260.

## NEW SECTION

**WAC 16-610-010 What is the 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 composed of six members appointed by the director representing beef producers, public livestock market operators, horse owners, dairy farmers, cattle feeders and meat processors.
- (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.

#### NEW SECTION

**WAC 16-610-011 Who can serve on the livestock identification advisory board?** (1) Advisory board members must be:

- (a) Residents of the state of Washington; and
  - (b) Actively engaged in the industry they represent.
- (2) The director is an ex officio member of the advisory board.

#### NEW SECTION

**WAC 16-610-012 How long of term does a board member serve?**

- (1) Advisory board members serve 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.

**Note:** When the board first began operating, positions one and four served a one-year term; positions two and five served a two-year term; and positions three and six served a three-year term. The purpose of this "staggered start" was to provide the board with a continuity of membership by staggering vacancies on the board.

NEW SECTION

**WAC 16-610-013 How are board vacancies filled?** (1) To fill a vacancy resulting from an 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.

(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.

NEW SECTION

**WAC 16-610-015 What specific livestock identification forms are required by the director?** (1) Official livestock identification forms required by the director include the following:

- (a) Certificate of permit (WSDA form #7020);
  - (b) Livestock inspection certificate; and
  - (c) Self-inspection certificate (WSDA form #7059 or #7065).
- (2) The official forms must include:
- (a) Owner's name and address;
  - (b) Breed;
  - (c) Sex;
  - (d) Brand or other methods of livestock identification; and
  - (e) Any other information, which the director considers

necessary.

NEW SECTION

**WAC 16-610-016 How do I obtain a "certificate of permit" or a "self-inspection" certificate?** (1) You may purchase these forms by contacting the department at: 360-902-1855.

(2)(a) The purchase price of a certificate of permit is one dollar for a book of twenty-five.

(b) The purchase price of a self-inspection certificate is equal to the sum of the number of head involved in the transaction multiplied by the current inspection fee and the number of head involved in the transaction multiplied by the beef promotion fee.

NEW SECTION

**WAC 16-610-018 What documents can I use to establish proof of ownership of my livestock?** (1) Your proof of ownership for cattle and horses may be established 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) A self-inspection certificate (cattle only) signed by both the seller and the buyer. Additional proof of ownership must be provided to the buyer for all livestock bearing brands not recorded to the seller.

(d) An official inspection certificate issued by another inspection state or province.

(e) Registration papers on purebred horses.

(f) Registration papers on purebred cattle provided the brand is not recorded in this state.

(g) Bill of sale (horses only).

(h) Health papers issued by a nonbrand state. Vaccination/test tags must be verifiable and match the document.

(i) A statement declaring that the animal was raised and not purchased.

(2) The director will only accept original, official duplicate certificates, or certified copies. The director will not accept carbon copies, faxed copies or photocopies. The name of the livestock owner must appear on the document that is submitted.

NEW SECTION

**WAC 16-610-020 When are cattle required to be inspected 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-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 any other agency authorized in any other state or any Canadian province by law to issue such a certificate.

(2) All cattle, entering or reentering (but before commingling with other cattle) any certified feed lot licensed under chapter

16.58 RCW, must be inspected for brands or other proof of ownership unless the cattle are accompanied by an inspection certificate issued by the director or a veterinarian certified by the director or any other agency authorized in any other state or any Canadian province by law to issue such a certificate.

(3) At any point of private sale, trade, gifting, barter or any other action that constitutes a change of ownership, subject to title passing, when an intended purchaser or private agent takes possession, except for individual:

(a) Private sales of unbranded female dairy breed cattle involving fifteen head or less; or

(b) Sales of unbranded dairy breed calves under thirty days of age provided the seller holds a Grade A dairy permit issued by the director.

(4) Exemptions from mandatory inspections do not exempt cattle sellers from paying assessments they owe the Washington state beef commission under chapter 16.67 RCW.

#### NEW SECTION

**WAC 16-610-025 When are horses required to be inspected 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-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) When offered for sale at any special sale where horses of more than one owner are offered for sale on an occasional and seasonal basis by public auction.

#### NEW SECTION

**WAC 16-610-035 What procedures apply to inspections of cattle and horses that are moving out-of-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-state.

(2)(a) Cattle and horses may be moved out-of-state without inspection when they are destined for a public livestock market or a livestock processing plant in another state where brand inspection is performed by the director or an agent according to an



agreement with the other state.

(b) Cattle and horses moving out-of-state to public livestock markets or livestock processing plants described in subsection (2)(a) of this section 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.

#### NEW SECTION

**WAC 16-610-045 What procedures apply to inspection of cattle at certified feedlots 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.

#### NEW SECTION

**WAC 16-610-050 What cattle inspection procedures apply to private transactions?** (1) Inspections of cattle required under WAC 16-610-020(3) may be conducted by:

- (a) The director; or
- (b) Veterinarians certified by the director; or
- (c) The buyer and seller.

(2) Inspections of cattle required under WAC 16-610-020(3) that are conducted by the buyer and seller must be documented using a self-inspection certificate. Self-inspection is limited to transactions involving fifteen head or less of cattle.

(a) Self-inspection certificates must be completed and signed by the buyer and seller. The original completed copy of the certificate must be given to the buyer and must accompany the cattle. The seller must also retain a copy of the completed certificate.

(b) The buyer must be given proof of ownership for all cattle bearing brands not recorded to the seller.

(c) The cost of self-inspection certificates includes the current inspection fee and the current assessment for the National Beef Promotion and Research Act.

(d) The director will remit all assessments collected from self-inspections to the Washington state beef commission.

NEW SECTION

**WAC 16-610-055 Does the director review ownership disputes?**

The director may review or investigate any verified complaint involving disputed ownership that is filed with the director.

NEW SECTION

**WAC 16-610-060 Does the director allow veterinarians to issue inspection certificates?**

(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 inspection certificates for livestock.

(2) Veterinarians licensed and accredited in Washington state that 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 if the applicant is requesting certification to issue inspection certificates for cattle, horses or both;

(f) The signature of the applicant; and

(g) Any other reasonable information the director needs to achieve the purpose of this chapter.

(3) All applications must be accompanied by a check or money order for the amount of the certification fee.

(4) The certification fee is thirty-five dollars per applicant.

(5) Certifications expire on the third December 31st following the date of issuance. For example, if your certificate was issued on October 14, 2003, it would expire on December 31, 2005.

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

(a) Reading of printed brands;

(b) Reading of brands or other marks on live animals;

(c) Completion of official documents; and

(d) Review of satisfactory ownership documents.

(7) The director will maintain a list of veterinarians

certified to perform livestock inspection. Interested parties may request a copy of the list from the director by calling 360-902-1855 or by accessing the department's website.

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

(9) Certified veterinarians must submit all required inspection fees to the director with copies of each certificate issued.

**Note:** Certified veterinarians may charge an additional fee that is separate from the fees collected under RCW 16.57.220 and WAC 16-610-065.

#### NEW SECTION

**WAC 16-610-062 Can the director withdraw or deny a veterinarian's certification to issue inspection certificates?** The director may withdraw or deny a veterinarian's certification to issue inspection certificates if the veterinarian knowingly:

(1) Makes false or inaccurate statements on an application regarding their qualifications.

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

(a) The date or location of the inspection;

(b) The marks or brands on the livestock inspected;

(c) The owner's name; or

(d) Any other statement material to the livestock inspected.

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

#### NEW SECTION

**WAC 16-610-065 What livestock identification fees are charged by the director?** All livestock identification inspection fees charged by the director are specified in statute but are reproduced in this section for your convenience:

<b>RCW Chapter:</b>	<b>Fees:</b>
(1) Chapter 16.57 RCW Identification of livestock	

RCW Chapter:	Fees:
Base livestock inspection fee for cattle	(a) A livestock inspection fee for cattle of \$0.85 per head or \$15.00 per hour and the current mileage rate set by the office of financial management (OFM), whichever is greater.
Base livestock inspection fee for horses	(b) A livestock inspection fee of horses is \$3.50 per head or \$15.00 per hour and the current OFM mileage rate, whichever is greater.
Group livestock inspection fee for horses	(c) A livestock inspection fee for groups of thirty or more horses is \$2.00 per head or \$15.00 per hour and the current OFM mileage rate, whichever is greater, provided:
	(i) The horses are owned by one individual; and
	(ii) The inspection is performed on one date and at one location; and
	(iii) Only one certificate is issued.
Minimum certificate fee	(d) A minimum certificate fee of \$5.00 for each certificate issued.
Annual livestock inspection fee	(e) A livestock inspection fee for cattle and horses of \$20.00 per head for an individual identification certificate (annual) or \$15.00 per hour and the current OFM mileage rate, whichever is greater.
Annual group livestock inspection fee	(f) A livestock inspection fee for an individual identification certificate (annual) for groups of thirty or more horses or cattle of \$5.00 per head or \$15.00 per hour and the current OFM mileage rate, whichever is greater, provided:
	(i) The horses or cattle are owned by one individual;

RCW Chapter:	Fees:
	(ii) The inspection is performed on one date and at one location; and
	(iii) Only one certificate is issued.
Lifetime livestock inspection fee	(g) A livestock inspection fee for horses and cattle of \$60.00 per head for an individual identification certificate (lifetime) or \$15.00 per hour and the current OFM mileage rate, whichever is greater.
(2) Chapter 16.58 RCW Identification of cattle through licensing of certified feedlots	A livestock inspection fee for cattle of \$0.85 per head or \$15.00 per hour and the current OFM mileage rate, whichever is greater.
(3) Chapter 16.65 RCW Public livestock markets	(a) A livestock inspection fee for cattle of \$0.85 per head.
	(b) A livestock inspection fee for horses of \$3.50 per head.

NEW SECTION

**WAC 16-610-070 What is the schedule for renewing recorded brands?** Except as noted below, brand recordings are renewed for a period of four years. Owners of recorded brands, upon notification by the director, must file for renewal by December 31st of the year in which a recording expires.

**Note:** To establish a staggered renewal schedule the director may renew, for a two-year period, approximately half of the brand recordings that expire on December 31st. When these recordings expire at the end of the two-year period, they will then be renewed for a four-year period.

NEW SECTION

**WAC 16-610-080 Does the director allow livestock identification by freeze branding?** Freeze branding techniques to identify livestock may be used to comply with the requirements of chapters 16.57 RCW and 16-610 WAC, provided the brand is recorded

with the director.

NEW SECTION

**WAC 16-610-085 Can production brands be used to identify 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 either on the neck or between the hock and the stifle of a hind leg.

NEW SECTION

**WAC 16-610-090 Can production brands be used to identify beef cattle?** (1) Owners may use a production brand to identify beef cattle but only when the cattle also bear a brand, which is currently recorded, to the owner of the animal.

(2) On beef cattle, production brands must be located high on either the left or right shoulder, or both.

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

NEW SECTION

**WAC 16-610-092 What style of numbers must be used for production brands?** Only Arabic numbers can be used for production brands.

NEW SECTION

**WAC 16-610-094 Are production brands recorded with the director?** (1) Before a production brand can be legally used in Washington state, it must be recorded with the director:

- (a) According to the provisions of chapter 16.57 RCW; and
- (b) 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:

(a) Recognized for ownership purposes;

(b) Recorded for ownership purposes; or

(c) Accepted for livestock inspection purposes.

#### NEW SECTION

**WAC 16-610-100 What are custom slaughter beef tags?** (1) 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 they handle. These tags must remain attached to the quarters until the quarters are cut and wrapped.

(2) The purpose of attaching the beef tag to the carcass is to identify the owner of the carcass while the carcass is being processed.

(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.

#### NEW SECTION

**WAC 16-610-105 Are certificates of permit required for custom slaughtered cattle?** Any person presenting cattle for slaughter to a licensed custom slaughterer must give the custom slaughterer a completed certificate of permit. This form (WSDA form #7020) documents the ownership of the animal at the time of slaughter.

#### NEW SECTION

**WAC 16-610-110 Can a custom meat facility accept carcasses of cattle slaughtered by the cattle owner?** (1) 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.

(2) 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.

NEW SECTION

**WAC 16-610-115 What requirements must be met before a license to operate a certified feedlot is granted?** (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 fee for this inspection is set in RCW 16.57.220.

(2) If a certified feedlot license is not renewed, all cattle in the feedlot inventory are subject to the inspection requirements for noncertified feedlots.

NEW SECTION

**WAC 16-610-120 Who is responsible for identifying cattle and horses consigned to a public livestock market?** (1) The licensee is responsible for identifying each head of cattle and horses consigned to a public livestock market.

(2) Identification may occur either before or at the time the animals are inspected.

(3) Acceptable methods of identification are:

(a) Placing a numbered tag on each animal; or

(b) Using some other director-approved method of identification to identify each animal.

(4) The licensee is responsible for moving, confining, and/or restraining livestock as needed to insure that a complete inspection can be performed.

(5) The director may exempt certain lots of one-brand or no-brand cattle from the individual identification requirements of this section provided 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.



NEW SECTION

**WAC 16-610-122** What requirements must be satisfied before cattle and horses consigned or purchased at a public livestock market can be removed from that facility? (1) Before allowing the removal of any cattle or horses from any public livestock market, a licensee or their agent or employee must:

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

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

(2) If stamped by the director, the purchase invoice, with specific livestock identification information drawn and written on it can serve as an inspection clearance document provided the animals listed are unbranded and will not be shipped to an out-of-state destination. It is the director's responsibility to:

(a) Add the livestock identification information to the purchase invoices; and

(b) Ensure its accuracy.

(3) At the request of the purchaser, a livestock inspection certificate will be issued in lieu of a stamped purchase invoice at no additional cost.

NEW SECTION

**WAC 16-610-124** What if cattle and horses consigned to a public livestock market are not sold? Cattle and horses that have been offered for sale, but did not sell, will not be assessed an additional inspection fee upon reconsignment provided:

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

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

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

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

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

NEW SECTION

**WAC 16-610-125** What requirements apply to 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 inches in height, but no 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) For support and to ensure that the cables are maintained in a tight condition, the cables must be attached to a vertical post every sixteen feet that is alternated with a pipe or stay every eight feet.

(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-type 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.

#### NEW SECTION

**WAC 16-610-130 What regulations apply to the installation of scales in a public livestock market?** (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 dead 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.

#### NEW SECTION

**WAC 16-610-135 What if a public livestock market fails 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.

(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.

#### NEW SECTION

##### **WAC 16-610-140 Does the director approve special sales? (1)**

The director must approve all special sales and approval is at the discretion of the director.

(2) Application for approval of a special sale must be made at least fifteen days in advance of the proposed sale. The application 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 the contact number of the veterinarian who will be providing animal health services; and

(g) Signature of the applicant.

**Note:** Use WSDA form #7046 (Application: Special livestock sale permit) to apply for the director's approval of a special sale.

(3) The director charges a special sale application fee, which is specified in RCW 16.65.420. Special sale applications will not be processed until the application fee is paid.

#### NEW SECTION

**WAC 16-610-145 What is the relationship between membership in an association and a special sale?** 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.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-607-005	Definitions.
WAC 16-607-010	The livestock identification advisory board.
WAC 16-607-015	Official forms.
WAC 16-607-020	Point of inspection--Cattle.
WAC 16-607-025	Point of inspection--Horses.
WAC 16-607-035	Out-of-state inspection procedure.
WAC 16-607-045	Livestock inspection procedures-- Certified feed lots, slaughterplants, beef commission assessment collecting points.
WAC 16-607-050	Livestock inspection procedures-- Private treaty sales.
WAC 16-607-055	Review of complaints and procedures.
WAC 16-607-060	Certification of veterinarians to issue inspection certificates.
WAC 16-607-065	Inspection fees.
WAC 16-607-070	Renewal of registered brands.
WAC 16-607-075	Recording fees.
WAC 16-607-080	Identification by freeze branding.
WAC 16-607-085	Use of production brands for dairy cattle.
WAC 16-607-090	Use of production brands for beef cattle.
WAC 16-607-095	Production record brands to consist of Arabic numbers only--Exception.
WAC 16-607-100	Custom slaughter beef tag.
WAC 16-607-105	Certificate of permit required for custom slaughtered cattle.
WAC 16-607-110	Livestock identification on slaughtered cattle by owner.
WAC 16-607-115	Certified feed lot licensing.
WAC 16-607-120	Livestock inspection procedures-- Public livestock markets.
WAC 16-607-125	Public livestock market livestock inspection facilities.
WAC 16-607-130	Public livestock market scale installation regulations.
WAC 16-607-135	Sale day.
WAC 16-607-140	Special sale approval.
WAC 16-607-145	Association membership.