



RULE-MAKING ORDER

CR-103 (June 2004) (Implements RCW 34.05.360)

Agency: Department of Agriculture

- Permanent Rule
- Emergency Rule

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: The department is adopting amendments to chapter 16-610 WAC in response to a change in state law enacted by the 2006 legislature (ESB 6376). The adopted rules amend fees for livestock brand inspections so that they match those in statute, provide for the self-inspection of up to twenty-five head of cattle, and establish rules regarding open consignment horse sales.

Citation of existing rules affected by this order:

Repealed: 16-610-011, -090, -092, -094, -105, -110, -124

Amended: 16-610-005, -010, -012, -013, -015, -016, -018, -020, -025, -035, -045, -055, -060, -062, -065, -070, -075, -080, -085, -100, -115, -120, -122, -125, -130, -140, -145

Suspended:

Statutory authority for adoption: Chapters 16.57, 16.58, and 16.65 RCW

Other authority : Chapter 34.05 RCW

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 07-03-124 on January 22, 2007, WSR 07-07-086 on March 16, 2007, WSR 07-08-018 on March 26, 2007, and WSR 07-10-084 on May 1, 2007.

Describe any changes other than editing from proposed to adopted version: The title of the chapter has been changed to "Livestock Brand Inspection" and references to RFID tags have been removed from the fee schedule in 16-610-065.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
 Address: _____ fax () _____
 e-mail _____

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- 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.
- 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:

Date adopted: June 28, 2007

NAME (TYPE OR PRINT)

Valoria H. Loveland

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

DATE OF ADOPTION
 JUN 28 2007
 TIME 4:17
 WEB 07-14-057 0

(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:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	<u>1</u>	Repealed	_____

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

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	<u>26</u>	Repealed	<u>7</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	<u>27</u>	Repealed	<u>7</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	<u>27</u>	Repealed	<u>7</u>

Chapter 16-610 WAC

LIVESTOCK BRAND INSPECTION ((~~AND IDENTIFICATION~~))

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-005 ((~~What~~)) Definitions ((~~are important to this chapter?~~)). 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.

((~~"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.)~~

"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. ((^u))Farmers cooperative association(^u) 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.))~~

"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).

~~(("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)) an individual, youth organization, livestock breeders association, or 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.)~~ "USDA" means the United States Department of Agriculture.

LIVESTOCK IDENTIFICATION ADVISORY BOARD

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

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 appointed by the director and 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. 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.

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-012 (~~How long of term does a board member serve?~~) 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.

((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:))

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-013 ((~~How are board vacancies filled?~~)) Livestock identification advisory board--Vacancies. (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. 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.

GENERAL PROVISIONS

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-015 ((~~What specific livestock identification forms are required by the director?~~)) Certificate of permit. ((~~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))~~ (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 (~~official forms~~) 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(~~, which~~) that the director considers necessary.

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-016 ((How do I obtain a "certificate of permit" or a "self-inspection" certificate?)) Self-inspection certificate.

(1) A self-inspection certificate is used for cattle inspections 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) You may purchase these forms by contacting the department at(~~7~~) 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 of \$1.60 and the number of head involved in the transaction multiplied by the beef promotion fee.~~

(3) (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) Self-inspection is limited to transactions involving twenty-five head or less of cattle.

(c) The buyer must be given proof of ownership for all cattle

bearing brands not recorded to the seller.

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-018 (~~(What documents can I use to establish proof of ownership of my livestock?)~~) Proof of ownership documents. (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) For cattle only, 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 must be provided to the buyer.

(d) An official inspection certificate issued by another (~~((inspection))~~) state or province that maintains a livestock inspection program.

(e) Registration papers on purebred horses.

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

(g) For horses only, a bill of sale (~~((horses only))~~). 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) (~~((Health papers issued by a nonbrand state.))~~) 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.

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

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

WAC 16-610-020 (~~When are cattle required to be inspected for brands or other proof of ownership?~~) 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-state~~) 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 (~~any other~~) an agency (authorized) in (any other) another state or (any) Canadian province authorized by law to issue such a certificate.

(2) All cattle(~~7~~) entering or reentering (~~but before commingling with other cattle~~) any certified feed lot licensed under chapter 16.58 RCW(~~7~~) 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 certified by the director, or (~~any other~~) an agency (authorized) in (any other) another state or (any) 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, (~~subject to title passing, when an intended purchaser or private agent takes possession,~~) except for individual(~~7~~

~~(a)) private sales of unbranded female dairy breed cattle involving fifteen head or less(~~7~~ 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~~) beef promotion fees owed to the Washington state beef commission under chapter 16.67 RCW.

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-025 (~~When are horses required to be inspected for brands or other proof of ownership?~~) 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-state~~) 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) (~~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.~~) At any special sale where horses of more than one owner are offered for sale.

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-035 (~~What procedures apply to inspections of cattle and horses that are moving out-of-state?~~) 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-state~~) out of Washington state.

- (2) Exceptions:
 - (a) Cattle and horses may be moved (~~out-of-state~~) out of Washington 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~~) Washington state department of agriculture inspectors or an agent according to an agreement with the other state.
 - (b) Cattle and horses moving (~~out-of-state~~) out of Washington 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.

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-045 (~~((What procedures apply to inspection of))~~) Cattle inspections 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.

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-050 (~~((What))~~) Cattle inspections ((procedures apply to)) for private transactions((?)). (~~((+1))~~) Inspections of cattle required under WAC 16-610-020(3) may be conducted by:

~~((a))~~ (1) The director; or
~~((b))~~ (2) Veterinarians certified by the director; or
~~((c))~~ (3) The buyer and seller using a self-inspection certificate.

~~((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.))

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

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.

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-060 (~~((Does the director allow veterinarians to issue inspection certificates?))~~) 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 (~~((for livestock))~~).

(2) Veterinarians licensed and accredited in Washington state (~~((that))~~) 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 (~~((if))~~) 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 (~~((reasonable))~~) additional information as requested by 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))~~ of thirty-five dollars per applicant.

~~((+5))~~ (4) Certifications expire on the third December 31st following the date of issuance. For example, if (~~((your))~~) a certificate was issued on October 14, 2003, it would expire on December 31, 2005.

~~((+6))~~ (5) All veterinarians applying for certification must complete department-provided training. The department will provide(~~((7))~~) to each person (~~((certified,))~~) applying for 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 live animals;

(c) Completion of official documents; and

(d) Review of satisfactory ownership documents.

~~((7))~~ (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 ~~((director))~~ department by calling 360-902-1855 ~~((or by accessing the department's web site))~~.

~~((8))~~ (7) Inspections by certified veterinarians are conducted upon request and provided at the discretion of the veterinarian.

~~((9))~~ (8) Certified veterinarians must submit all required inspection fees to the director ~~((with))~~ and copies of each inspection certificate ~~((issued))~~ within thirty days of the date of issue.

((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.))

(9) The director may deny 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.

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-062 ~~((Can the director withdraw or deny a veterinarian's certification to issue inspection certificates?))~~

Veterinarian certification--Suspension and revocation. (1) The director may ~~((withdraw or deny))~~ suspend or revoke 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))~~ (a) Makes or acquiesces in false or inaccurate statements on livestock inspection certificates regarding:

~~((a))~~ (i) The date or location of the inspection;

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

~~((c))~~ (iii) The owner's name; or

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

~~((3))~~ (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.

F E E S

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

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 under RCW 16.57.220 but are reproduced in this section for ((your convenience-)) 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.

<u>((RCW Chapter:</u>	<u>Fees:</u>
<u>(1) Chapter 16.57 RCW Identification of livestock</u>	
<u>Base livestock inspection fee for cattle</u>	<u>(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.</u>
<u>Base livestock inspection fee for horses</u>	<u>(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.</u>
<u>Group livestock inspection fee for horses</u>	<u>(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:</u>
	<u>(i) The horses are owned by one individual; and</u>
	<u>(ii) The inspection is performed on one date and at one location; and</u>
	<u>(iii) Only one certificate is issued.</u>
<u>Minimum certificate fee</u>	<u>(d) A minimum certificate fee of \$5.00 for each certificate issued.</u>

((RCW Chapter:	Fees:
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;
	(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.))

Certificate	Fees:
<u>Inspection Certificate - Cattle</u>	<u>(1) The livestock inspection fee for cattle is \$1.60 per head or the time and mileage fee, whichever is greater, except:</u>

<u>Certificate</u>	<u>Fees:</u>
	<p>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 or another state or province.</p> <p>(a) This fee does not apply for inspection of cattle when documenting a change of ownership with a self-inspection certificate.</p> <p>(b) Proof of the recording status of out-of-state brands must be presented to the director at the time of inspection.</p> <p>(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.</p> <p>(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.</p> <p>(4) No inspection fee is charged for a dairy calf less than thirty days old that is delivered to a USDA inspected slaughter facility.</p>
<u>Inspection Certificate - Horse</u>	(5) The livestock inspection fee for horses is \$3.50 per head or the time and mileage rate, whichever is greater, except:
<u>Inspection Certificate - Groups of thirty or more horses</u>	<p>(6) 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:</p> <p>(a) The horses are owned by one individual; and</p> <p>(b) The inspection is performed on one date and at one location; and</p> <p>(c) Only one certificate is issued.</p>
<u>Inspection Certificate - Minimum fee</u>	(7) 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.
<u>Annual individual identification certificate for individual animals</u>	<p>(8)(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.</p> <p>(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:</p> <p>(i) The horses or cattle are owned by one individual;</p> <p>(ii) The inspection is performed on one date and at one location; and</p> <p>(iii) Only one certificate is issued.</p>

<u>Certificate</u>	<u>Fees:</u>
<u>Lifetime individual identification certificate</u>	<u>(9) 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.</u>

BRANDS

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-070 (~~(What is the schedule for renewing)~~) Renewal of recorded brands(~~(?)~~). (~~(Except as noted below,)~~) 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.

((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 16-610-075 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.

(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.

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

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 other requirements of this section as long as the brand is recorded with the director.

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-085 (~~((Can))~~) **Production brands** (~~((be used to identify dairy cattle?))~~). (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 ((either)) 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.

PENALTIES

NEW SECTION

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.

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 16.57.050	Using an unrecorded brand.
Each offense	\$37.00

Violation	Base Penalty
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

CUSTOM SLAUGHTERING

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-100 (~~What are custom slaughter beef tags?~~)

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 (~~they handle. These~~) 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.

(~~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 (~~slaughters~~) slaughterers. The fee for each set of four custom slaughter beef tags is one dollar and fifty cents.

(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.

CERTIFIED FEEDLOTS

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

~~WAC 16-610-115 ((What requirements must be met before a license to operate a certified feedlot is granted?))~~ 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 ~~((set))~~ found in ((RCW 16.57.220)) 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 ~~((noncertified))~~ feedlots without a certification.

PUBLIC LIVESTOCK MARKETS

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

~~WAC 16-610-120 ((Who is responsible for identifying cattle and horses consigned to a public livestock market?))~~ Public livestock markets--Identification requirements. (1) ~~((The licensee))~~ Any person licensed to operate a public livestock market is responsible for identifying ((each head of)) all cattle and horses consigned to ~~((a))~~ 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) Placing~~) a USDA-approved numbered back tag placed on each

animal(~~(7)~~) or

~~((b) Using))~~ some other ~~((director-approved method of identification to identify each animal))~~ 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 ~~((insure that))~~ allow for a complete inspection ((can be performed)).

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

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

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?)) 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 ~~((their))~~ 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) ~~((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.))~~ 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;

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

and

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

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

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 but not more than thirty-six 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.~~) 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-type~~) 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.

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

~~WAC 16-610-130 ((What regulations apply to the installation of scales in a))~~ 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 ((dead)) 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.

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-135 (~~What if a public livestock market fails~~) 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.

(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.

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

WAC 16-610-140 (~~Does the director approve special sales?~~) Approval of special sales and open consignment horse sales. (1) ~~((The director must approve all special sales and approval))~~ 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) ~~((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)) 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. (~~Special sale~~) Applications will not

be processed until the application fee is paid. There is no application fee for youth livestock organizations.

AMENDATORY SECTION (Amending WSR 04-01-171, filed 12/23/03, effective 1/23/04)

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

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-610-011	Who can serve on the livestock identification advisory board?
WAC 16-610-090	Can production brands be used to identify beef cattle?
WAC 16-610-092	What style of numbers must be used for production brands?
WAC 16-610-094	Are production brands recorded with the director?
WAC 16-610-105	Are certificates of permit required for custom slaughtered cattle?
WAC 16-610-110	Can a custom meat facility accept carcasses of cattle slaughtered by the cattle owner?
WAC 16-610-124	What if cattle and horses consigned to a public livestock market are not sold?