



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Department of Agriculture	<input checked="" type="checkbox"/> Permanent Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Expedited Adoption <input type="checkbox"/> Expedited Repeal
(1) Date of adoption: April 15, 1999	

(2) Purpose: Chapter 16-59, "Importation of Poultry and Hatching Eggs" details rules for control, surveillance and eradication of important poultry diseases and to protect animal and public health. A minor technical change—16-59-001 will be repealed and new, proposed language for definitions will be incorporated under a new section number. This change is necessary to maintain continuity and tracking of section numbers for historical purposes. There is no difference between the adopted rules and the text of the proposed rules as published in the register.

(3) Citation of existing rules affected by this order: WAC 16-59, "Importation of Poultry and Hatching Eggs"
 Repealed: 16-59-001 and 16-59-070
 Amended: 16-59-010, 16-59-020, 16-59-030, 16-59-060
 Suspended: None

(4) Statutory authority for adoption: RCW 16.36.040
 Other Authority: None

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)
 Adopted under notice filed as WSR 99-03-085 on 1-20-99.
 Describe any changes other than editing from proposed to adopted version: See Item 2 above.

EMERGENCY RULE ONLY
 Under RCW 34.05.350 the agency for good cause finds:
 (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
 (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

 Reasons for this finding:

EXPEDITED REPEAL ONLY
 Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date)

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:
 Yes No If Yes, explain:

(6) Effective date of rule:
Permanent Rules or Expedited Repeal
 31 days after filing
 Other (specify) _____*
Emergency Rules
 Immediately
 Later (specify) _____
 *(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print) _____
 Signature *James M. Jesernig*
 Title _____ Date April 15, 1999

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON

APR 15 1999

TIME 9:41 AM
 WSR 99-09-024 PM

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	-----	Amended	-----	Repealed	-----
Federal rules or standards:	New	-----	Amended	-----	Repealed	-----
Recently enacted state statutes:	New	-----	Amended	-----	Repealed	-----

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

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

New	<u>1</u>	Amended	<u>4</u>	Repealed	<u>2</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	-----	Amended	-----	Repealed	-----
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The number of sections adopted using:

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

Chapter 16-59 WAC

IMPORTATION AND MOVEMENT OF POULTRY AND HATCHING EGGS

NEW SECTION

- WAC 16-59-005 Definitions.** (1) "Baby poultry" means newly hatched poultry that have not been fed or watered.
- (2) "Department" means the department of agriculture of the state of Washington.
- (3) "Director" means the director of agriculture of the state of Washington or his or her authorized representative.
- (4) "Game birds" means domesticated fowl such as pheasants, partridge, quail, grouse and guineas, but not doves and pigeons.
- (5) "Hatching eggs" means fertile eggs that have the potential to hatch baby poultry.
- (6) "Infectious coryza" means a respiratory disease of poultry caused by haemophilus paragallinarum (gallinarum).
- (7) "Infectious laryngotracheitis" means a highly contagious respiratory disease of poultry caused by a herpesvirus.
- (8) "NPIP" means USDA National Poultry Improvement Plan, a cooperative industry-state-federal program to eliminate egg-transmitted and hatchery-disseminated diseases. Title 9, Code of Federal Regulations, Part 145, are the plan standards and contain the requirements for this voluntary program.
- (9) "Official health certificate" means a legible certificate of veterinary inspection on an official form of the state of origin or of the USDA Animal and Plant Health Inspection Service (APHIS) executed by a licensed and accredited veterinarian or a veterinarian approved by the proper official of USDA APHIS.
- (10) "Ornithosis" means a disease of poultry caused by Chlamydia psittaci, transmissible to other animals and humans and synonymous with the term psittacosis.
- (11) "Person" means a person, persons, firm or corporation.
- (12) "Poultry" means chickens, turkeys, ratites, waterfowl, game birds, pigeons, doves and other domestic fowl designated by statute. "Poultry" does not mean free ranging birds defined as wildlife in Title 77 RCW.
- (13) "Pullorum" means a disease of poultry caused by Salmonella pullorum.
- (14) "Typhoid" means a disease of poultry caused by Salmonella gallinarum.

WAC 16-59-010 Health certificates. (1) ~~((It shall be unlawful for any person, firm or corporation to import any poultry or hatching eggs into this state unless in compliance with the requirements set forth hereafter in this rule and in accordance with Washington import rules (chapter 16-54 WAC) and Title 9, Code of Federal Regulations. Shipment to be accompanied by an official health certificate or certificate of veterinary inspection (except shipments for immediate slaughter, hatching eggs and unfed poultry) on which vaccinations are shown when applicable giving dates, method and type of vaccine used in addition to requirements of Washington import rules.))~~ Shipments of poultry and hatching eggs must comply with requirements in this chapter and Washington animal importation rules (chapter 16-54 WAC) to be imported into this state. An official health certificate must accompany the shipment. In lieu of an official health certificate, an official NPIP form is acceptable. An official health certificate is not required for shipments sent to immediate slaughter or for hatching eggs or baby poultry from NPIP participants.

(2) A permit is required for ~~((import))~~ importation of ratites ~~((and))~~. The permit number is issued by the state veterinarian and must be entered on the official health certificate ~~((of veterinary inspection or health certificate))~~. Each ratite imported must be permanently identified with a permanent leg band, microchip, or tattoo showing an individual number. The type of identification (including type of microchip if used) must be listed on the official health certificate ~~((of veterinary inspection or health certificate))~~. ~~((Health requirements for ratites also appears in chapter 16-54 WAC.~~

~~+2))~~ (3) Chickens, ratites, waterfowl, game birds, pigeons, doves and other domestic fowl must originate from a producer participating in the pullorum-typhoid control phase of NPIP or test serologically negative for pullorum-typhoid within the past thirty days. In the case of eggs and baby poultry, the breeder flock must be an NPIP participant or must have tested negative to pullorum-typhoid within the past thirty days. Turkeys must originate from a producer participating in the pullorum-typhoid and Mycoplasmosis control phases of NPIP or test serologically negative for pullorum-typhoid and Mycoplasmosis within the past thirty days. In the case of eggs and newly hatched turkeys, the breeder flock must be an NPIP participant or must have tested negative to pullorum-typhoid and Mycoplasmosis within the past thirty days.

(4) Poultry for immediate slaughter may enter and move within the state of Washington directly to slaughter plants ~~((under federal, state, county or municipal supervision providing))~~. The accompanying ~~((certificate or waybill is so marked with))~~ shipping document must indicate the following information:

- (a) The plant of destination;
- (b) That the birds are consigned for ~~((immediate))~~ slaughter and ~~((shall))~~ will be slaughtered ~~((forthwith))~~ immediately after

arrival at the plant;

(c) The shipper's name and address; and

(d) The number and type of birds in the shipment.

~~((3) For the purpose of this order the term "poultry" is considered to include all chickens, turkeys, ratites and other domestic fowl.))~~

AMENDATORY SECTION (Amending Order 997, Regulation 2, filed 1/21/66)

WAC 16-59-020 Wrongful sale. It ~~((shall be))~~ is unlawful for any person~~((,))~~ to ~~((give, barter,))~~ exchange, sell, ~~((offer for sale))~~ or otherwise distribute poultry~~((, including baby chicks and/or poults))~~ or hatching eggs ~~((in the state of Washington that are))~~ affected with or ~~((originate))~~ originating from flocks affected with pullorum-typhoid or other contagious, infectious or communicable disease mentioned in this ~~((order except upon))~~ chapter. The state veterinarian may make an exception and issue a permit ((issued by the Washington state department of agriculture)) for importation or movement when satisfied such movement will not affect the health of flocks in the state.

AMENDATORY SECTION (Amending WSR 94-23-122, filed 11/22/94, effective 12/23/94)

WAC 16-59-030 Testing of breeding stock. (1) **Pullorum-typhoid:** All poultry and hatching eggs~~((, baby chicks and/or poults, and growing stock (started pullets))~~ in interstate movement ~~((shall have originated))~~ must originate from parent or grandparent stock which are~~((were))~~ registered as participating flocks under ~~((the National Poultry Improvement Plan (-))~~ NPIP~~((+))~~ or equivalent state program ~~((and))~~. The poultry and hatching eggs must be classified as ((Salmonella)) pullorum-typhoid free or ((are)) must be tested negative for ((Salmonella)) pullorum-typhoid within thirty days of movement. Acceptable tests are ((serum)) standard tube agglutination, ((serum or whole blood plate agglutination with pullorum antigen or)) microagglutination, enzyme-linked immuno-sorbent assay (ELISA) or rapid serum test. The stained antigen, rapid whole blood test can be used for all poultry except turkeys. The state veterinarian may allow cloacal swab or environmental testing ((for salmonella)) in lieu of blood testing ((as appropriate)) for certain species of ratites. Any person who sells poultry or hatching eggs as ((Salmonella)) pullorum-typhoid free must qualify ((such)) under the provisions of

~~this rule ((:— Provided, however, That eggs for table consumption and stock for immediate slaughter, or shipments consigned to a diagnostic laboratory or research institute approved by Washington state department of agriculture, shall be)). Exempt from pullorum-typhoid requirements ((contained in this order)) are:~~

- ~~(a) Eggs for table consumption;~~
- ~~(b) Poultry for immediate slaughter; and~~
- ~~(c) Shipments consigned to a diagnostic laboratory or research institute approved by the department.~~

(2) Infectious laryngotracheitis; infectious coryza: ~~((No poultry shall be transported, shipped or otherwise introduced into the state that have been naturally infected with or exposed to poultry naturally infected with field strains of infectious laryngotracheitis or infectious coryza or vaccinated with virulent laryngotracheitis or infectious coryza vaccines, except upon a permit from the director of agriculture and subject to quarantine at destination.— Such))~~ Poultry cannot be imported if naturally infected or exposed to natural infection with infectious laryngotracheitis or infectious coryza. Such poultry can be imported under permit from the state veterinarian. The shipment can only be moved into the state when accompanied by an official federal form VS1-27 completed and signed by a federal or state veterinarian. The shipment will be quarantined once it reaches its Washington destination. A permit((s)) will be granted ((only)) when available ((authentic)) information indicates that the poultry to be transported will not present a disease hazard to state of Washington flocks((:— Provided, however, That eggs for table consumption from flocks naturally infected with field strains of infectious laryngotracheitis or infectious coryza or vaccinated with virulent laryngotracheitis or infectious coryza vaccines, when washed and sanitized by methods required by the state veterinarian after consultation with Washington state poultry pathologists, stock for immediate slaughter or stock consigned to a diagnostic or research laboratory approved by Washington state department of agriculture shall be exempt)). Exempted from the infectious laryngotracheitis ((or)) and infectious coryza requirements ((contained in this order: Provided further, That)) are:

- (a) Poultry for immediate slaughter;
- (b) Poultry consigned to a diagnostic laboratory or research institute approved by the department; and
- (c) Eggs for table consumption from flocks naturally infected or vaccinated with virulent vaccines. To meet this exemption, eggs for table consumption must be washed and sanitized by methods required by the state veterinarian after consultation with Washington state poultry pathologists. Crates, equipment, and packaging material used for ((such)) transportation ((are)) must be cleaned and ((sterilized)) disinfected to the department's satisfaction ((of Washington state department of agriculture authorities)) or must be burned before leaving the slaughter, diagnostic, or egg processing premises. If crates, equipment and packaging material cannot be burned, they must be disposed of by a method in compliance with local air quality standards that still

provide for destination of pathogens.

(3) **Ornithosis:** Poultry and eggs ((from flocks in which)) are not to be imported into or moved intrastate in Washington if ornithosis is suspected or has been diagnosed ((shall not be imported into or moved intrastate in the state of Washington except on written permit from the Washington state department of agriculture)). The state veterinarian may make an exception and issue a permit for importation or movement after proper treatment with a recommended antibiotic and observation of the appropriate withdrawal time.

AMENDATORY SECTION (Amending Order 997, Regulation 6, filed 1/21/66)

WAC 16-59-060 Shipping equipment. (1) All poultry ((to)) must be moved only in clean containers. All crates or other containers used to transport ((or otherwise convey)) live poultry into or within the state of Washington must be either new or thoroughly cleaned and ((thereafter)) disinfected and then washed with steam or hot water under pressure.

(2) All common carriers and any other conveyances used in the transportation of live poultry to or from the receiving station or ((point of)) destination ((shall)) must be free from poultry droppings, feathers and other debris.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-59-001

Promulgation.

WAC 16-59-070

Penalty provisions.