



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Department of Agriculture

- Permanent Rule (New)
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of adoption: April 15, 1999

(2) Purpose: The new Chapter WAC 16-89 requires that every blackface or blackface crossbred breeding sheep over one year of age be identified with a Washington Flock Identification number. The state program is strictly a control and eradication program and does not lead to flock certification.

(3) Citation of existing rules affected by this order: Chapter WAC 16-89 "Sheep and Goat Scrapie Disease Control"

Repealed:
Amended:

(4) Statutory authority for adoption: RCW 16.36.040

Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 99-03-086 on January 20, 1999 (date).
Describe any changes other than editing from proposed to adopted version:

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

EXPEDITED REPEAL ONLY

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

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

- Yes
- No
- If Yes, explain:

(6) Effective date of rule:

- | | |
|--|--|
| Permanent Rules
or Expedited Repeal | Emergency Rules |
| <input checked="" type="checkbox"/> 31 days after filing | <input type="checkbox"/> Immediately |
| <input type="checkbox"/> Other (specify) _____* | <input type="checkbox"/> Later (specify) _____ |

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print)

James M. Jesernig

Signature

Title

Director

Date

April 15, 1999

CODE REVISER USE ONLY

CODE REVISER USE ONLY
STATE OF WASHINGTON

APR 15 1999

TIME 9:47

99-09-026

**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	<u>14</u>	Amended	-----	Repealed	-----
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The number of sections adopted in the agency's own initiative:

New	-----	Amended	-----	Repealed	-----
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

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

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

Chapter 16-89 WAC

SHEEP AND GOAT SCRAPIE DISEASE CONTROL

NEW SECTION

WAC 16-89-005 Purpose. (1) Scrapie is an insidious, fatal neurological disease of sheep and goats. The disease agent has not been definitively characterized. The incubation period is very long, usually over eighteen months. There is no treatment, and the disease is always fatal. Currently there is no live animal diagnostic test for the presence of the disease. Diagnosis is made by observation of characteristic signs in the live animal and is confirmed by post-mortem examination of brain tissue.

(2) The United States Department of Agriculture (USDA) Voluntary Scrapie Flock Certification program is designed to monitor flocks and certify the scrapie status of the animals that are enrolled in the program. Any sheep or goat owner may apply to the USDA Veterinary Services area office in Olympia, Washington to participate in this program. It requires individual animal identification, keeping of good records, the reporting of acquisitions and deaths of animals to the USDA, Animal and Plant Health Inspection Service (APHIS) veterinary representative and annual inspections by the APHIS veterinary representative. At the end of five years, if all criteria have been met, the flock may be certified as being free of scrapie, as long as the flock remains on the USDA Voluntary Scrapie Flock Certification Program.

(3) The Washington state scrapie program requires that every blackface or blackface crossbred breeding sheep which is one year or older be identified with a Washington state flock identification number. Ninety seven percent of all diagnosed scrapie cases in the United States have occurred in blackfaced breeds or crosses although whitefaced individuals can occasionally be susceptible. Blackface or blackface crossbred breeding stock of any age must be identified before transfer of ownership or possession. Few records need to be maintained, no reports of deaths or new acquisitions are required. The program is strictly a control and eradication program and does not lead to flock certification.

Enrollment in the USDA Voluntary Scrapie Flock Certification Program will fulfill the requirements of the Washington state program.

NEW SECTION

WAC 16-89-010 Definitions. For the purposes of this chapter:

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

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

(3) "Blackface breeding stock" means intact male or female sheep of blackface breeds and intact male or female sheep that are crosses of blackface and other breeds of sheep.

(4) "Flock" means a number of animals of sheep or goat species which are kept, fed and herded together having single or multiple ownership. The term "flock" shall be interchangeable with the term "herd" and shall apply to purebred and commercial sheep.

(5) "Washington flock identification number" means a unique flock identification number assigned to the owner or owners of each flock of blackface breeding sheep in the state of Washington.

(6) "Official individual identification" means the unique identification of individual animals with an alphanumeric number applied as a tamper proof tag, tattoo, electronic device, or other tag approved by USDA or the director. The Washington flock identification number can serve as the official individual identification number if it contains a unique individual animal number in addition to the flock number.

(7) "Scrapie" means a transmissible spongiform encephalopathy that is a nonfebrile, transmissible, insidious, degenerative disease affecting the central nervous system of sheep and goats.

(8) "Scrapie exposed animal" means any animal, which has been in the same flock at the same time within the previous sixty months as a scrapie positive animal excluding limited contacts. Limited contacts are contacts between animals that occur off the premises of the flock and do not occur during or up to sixty days after parturition for any of the animals involved. Limited contacts do not include commingling or transportation to other flocks for the purposes of breeding. Examples of limited contacts include incidental contact in the show/sales ring. (See Appendix III of USDA's Voluntary Scrapie Flock Certification Program.)

(9) "Scrapie high risk animal" means an animal determined by epidemiologic investigation to be a high risk for developing clinical scrapie because the animal was the progeny of a scrapie-positive dam, was born in the same contemporary lambing group as a scrapie-positive animal or was born in the same contemporary lambing group as progeny of a scrapie-positive dam. Based upon evidence from the latest research information available and upon recommendation of the state scrapie certification board, animals that fit the criteria for high risk animals may be exempted by the director as high risk animals if they are determined by genetic testing to be QR or RR at the 171 codon or are determined by other recognized testing procedures to pose no risk.

(10) "Scrapie infected flock" means any flock in which a scrapie-positive animal has been identified by a state or federal animal health official.

(11) "Scrapie positive animal" means an animal for which a diagnosis of scrapie has been made by the National Veterinary Services Laboratories, USDA, laboratories accredited by the American Association of Veterinary Laboratory Diagnosticians (AAVLD) or another laboratory authorized by state or federal officials to conduct scrapie tests through histological examinations of central nervous system or by other diagnostic procedures approved for scrapie diagnosis by USDA. Animals diagnosed by experimental tests for abnormal prion will not be considered infected animals for the purposes of this rule.

(12) "Scrapie source flock" means a flock in which an animal was born and subsequently diagnosed as scrapie-positive at less than fifty-four months of age.

(13) "Voluntary scrapie flock certification program" means a national voluntary program for classification of flocks relative to scrapie.

NEW SECTION

WAC 16-89-015 Scrapie program standards. The USDA Voluntary Scrapie Flock Certification Program Standards, dated October 1, 1992, as amended October 17, 1997, and Scrapie in Sheep and Goats, Title 9, Code of Federal Regulations, Parts 54 and 79 as revised January 1, 1997, are adopted by reference as the basic standards for the scrapie control and eradication program in Washington state. Copies of these documents are on file at the Washington Department of Agriculture, Division of Food Safety/Animal Health, 1111 Washington Street, Olympia, Washington 98504 and are available on request.

NEW SECTION

WAC 16-89-020 Identification of blackface breeding stock.

(1) The state veterinarian will designate the form and content of the Washington state flock identification number, approve identification devices for utilization of the flock identification number, assure availability of flock identification devices, and assign Washington flock identification numbers to owners or possessors of blackface breeding stock.

(2) Owners and possessors of blackface breeding stock will bear the costs of obtaining the identification devices and placing the device in or on the animal except the department may provide tamper proof eartags to 4-H, FFA or other organized youth projects dependent upon the availability of funds. The department may also

provide such tags for cooperative research programs and under the provisions of other interagency agreements.

(3) All owners or possessors of blackface breeding stock in Washington state must identify all blackface breeding stock in the flock which are one year of age or older with a Washington state flock identification number. Blackface breeding stock of any age will be identified with a flock identification number before transfer of ownership or possession.

(4) Blackface breeding stock imported into the state will be identified with a flock identification number within sixty days after entry into the state.

(5) Blackface breeding stock of any age must be identified with a flock identification number prior to movement of such sheep from the premises of origin for show, sale, purchase or other movement.

(6) Blackface breeding stock sold within the state must retain the original flock identification number. In the event an animal loses a flock identification device, the owner of the animal must reidentify the animal with his or her flock identification number and must maintain records to document the original and new flock identification numbers.

(7) Acceptable devices for application of the flock identification number to blackface breeding stock will include: Tamper proof ear tags bearing the flock identification number, legible tattoos bearing the flock identification number, electronic devices with owner records correlated to the flock identification number, approved voluntary scrapie flock certification program identification devices, and other identification devices approved by the state veterinarian.

(8) Blackface animals exempt from the state requirement for identification with a state flock identification number will include:

(a) Neutered animals.

(b) Sexually intact market lambs consigned directly to an approved slaughter facility or consigned directly to an approved lamb feedlot for finish feeding for slaughter only. Animals in approved feedlots may be removed only to approved slaughter facilities or other approved feedlots. Owners or livestock dealers delivering market lambs to Washington state slaughter facilities or approved feedlots must provide to the managers of such facilities the Washington flock numbers from which the market lambs have originated. A record of the flock numbers must be maintained for two years and available for review by the director.

(c) Lambs under one year of age that have not been sold or transferred to the possession of another person or entity.

(d) Sheep over one year of age that have not been sold or transferred to the possession of another person where management practices preclude applying the identification devices within the flock. This exemption must be specifically approved by the state veterinarian for each flock.

(e) Blackface animals within a flock enrolled in the federal Voluntary Scrapie Flock Certification Program.

NEW SECTION

WAC 16-89-030 Quarantine. Infected and source flocks or flocks that have received high risk animals must be placed and held under quarantine until the infected or high risk animals have been depopulated or the flock has qualified for and has been enrolled in the voluntary scrapie flock certification program. Flocks not participating in the certification program will remain under quarantine until the entire flock has been slaughtered or depopulated. Infected or high risk animals must be destroyed by means other than by slaughter under the direction of the state veterinarian.

NEW SECTION

WAC 16-89-040 Restriction of exposed animals. Scrapie exposed flocks and animals from exposed flocks will be placed under a hold order when the flocks or animals are determined by the state veterinarian to be exposed. During the seven-day duration of the hold order, an epidemiological investigation will be conducted on the flock or animals to determine the risk of infection with scrapie. Flocks or animals determined by a scrapie epidemiologist to pose a substantial risk to other flocks will be maintained under a quarantine order until the flock has fulfilled Section III of the voluntary scrapie flock certification program standards or been depopulated.

NEW SECTION

WAC 16-89-050 Scrapie source flocks. A single trace to a flock must meet the following criteria to designate the flock as a source flock:

The scrapie positive animal must:

- (1) Be identified with a Washington state flock identification number on a tamper proof tag; or an official eartag, electronic device, ear tattoo, or flank tattoo which is correlated to the Washington state flock identification number on flock records; or
- (2) Be identified by genetic testing; or
- (3) Possess the original registry eartag or individual identification ear tag along with the movement, production, and registry records indicating birth in the source flock; or
- (4) Be traced to the flock by a veterinary epidemiologist through a thorough epidemiological investigation of records and all other available evidence.

NEW SECTION

WAC 16-89-060 Movement and disposition of restricted animals.

Animals other than infected and high risk animals from infected and source flocks may be moved from the quarantined premises with approval of the director only under the following conditions:

(1) By written permission the director may allow the animals to be moved under quarantine to other preapproved locations. The animals must be moved in sealed vehicles or be accompanied in transit by representatives of the director in lieu of individual identification. Animals moved under quarantine will remain under quarantine at the new location.

(2) Infected animals and high risk animals may only be moved from the quarantined premises for destruction under the supervision of the state veterinarian or to an approved research facility by permission of the director.

NEW SECTION

WAC 16-89-070 Importation of exposed, suspect and high risk animals. As defined in the basic standards for the scrapie control and eradication program, sheep and goats that are scrapie suspect, exposed, high risk animals or flock mates from scrapie infected, source, trace or exposed flocks, will not be allowed entry into Washington state except to approved scrapie research facilities. All animals must be individually identified by official identification tattoos, tags, or devices on a VS 1-27 or other approved movement document.

NEW SECTION

WAC 16-89-080 Reporting scrapie. Suspected and confirmed cases of scrapie must be reported by owners, veterinarians and diagnostic laboratories by phone or fax to the state veterinarian's office the next working day after suspecting or confirming scrapie in any sheep or goat.

NEW SECTION

WAC 16-89-090 Condemnation and destruction of scrapie infected animals or flocks. Animals or flocks determined by the director or representatives of USDA to be infected with scrapie may be condemned and destroyed by order of the director. The disposal of condemned scrapie infected animals and flocks will be under the direction of the director and the means of disposal will be other than by offering for human or animal consumption.

NEW SECTION

WAC 16-89-100 Indemnification. (1) Owners, individuals, partnerships, corporations or other legal entities whose animals or flocks have been destroyed or otherwise disposed of by order of the director may be eligible for indemnification in the form of cash payment for part of the value of the animals destroyed or otherwise disposed of and for reasonable actual costs for burial or disposal of animal carcasses.

(2) Indemnity payments will be paid only to an owner of sheep or goats that were born in the state of Washington or were imported into the state in compliance with existing Washington state statutes and rules. Payment of indemnity does not apply to animals belonging to the federal government or any of its agencies, this state or any of its agencies, or any municipal corporation.

(3) The amount of indemnity to be paid for each animal will be determined by the state veterinarian and will not exceed seventy-five percent of the appraised value of the animal up to the following maximum amounts:

(a) Ewes or does one year of age or older - three hundred dollars per head.

(b) Rams or billies one year of age or older - six hundred dollars per head.

(c) Lambs or kids under one year of age - one hundred twenty-five dollars per head.

(4) In addition to the indemnity payments authorized in subsection (3) of this section, owners who voluntarily destroy rams found to be genetically prone to scrapie will be paid up to twenty-five dollars of the laboratory diagnostic fee.

NEW SECTION

WAC 16-89-110 Cleaning and disinfection. Barns, sheds, stockyards, trucks, ferry boats and other vehicles, feed yards, stable pens, corrals, lanes and premises which have been used in confining, trailing, or transporting any sheep or goat affected or infected with any contagious, infectious or communicable diseases, will be cleaned and disinfected under state or federal supervision as directed by the state veterinarian. The owner of such premises, conveyances, or carriers will be responsible for such cleaning and disinfecting and their costs.

NEW SECTION

WAC 16-89-120 Concealing the disease. It is unlawful for any owner to fail to report or to attempt to conceal the existence of any transmittable spongiform encephalopathy such as the disease scrapie.