

WSR 23-11-044

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed May 11, 2023, 1:24 p.m., effective June 11, 2023]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department is amending chapter 16-89 WAC to:

- Add "Individual" to the definition of official identification;
- Add "USDA" to the definition of "APHIS";
- Repeal WAC 16-89-012 Quarantine;
- Combine WAC 16-89-015 Scrapie program standards and 16-89-022 Scrapie identification of sheep and goats;
- Add "individual" to the official identification requirements when testing for brucellosis and tuberculosis in goats whose raw milk or raw milk products are being sold; and
- Remove Q fever testing requirements for raw milk dairies.

Citation of Rules Affected by this Order: Repealing WAC 16-89-012, 16-89-022 and 16-89-170; and amending WAC 16-89-010, 16-89-015, 16-89-150, and 16-89-180.

Statutory Authority for Adoption: RCW 16.36.040.

Adopted under notice filed as WSR 23-07-135 on March 22, 2023.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 4, Repealed 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 3.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 10, 2023.

Derek I. Sandison
Director

OTS-4257.4

AMENDATORY SECTION (Amending WSR 08-13-100, filed 6/18/08, effective 7/19/08)

WAC 16-89-010 Definitions. In addition to the definitions found in RCW 16.36.005, the following definitions apply to this chapter:

"APHIS" means the United States Department of Agriculture, Animal and Plant Health Inspection Service.

"Department" means the Washington state department of agriculture.

"Director" means the director of agriculture or the director's authorized representative.

"Flock" means a number of animals of sheep or goat species that are kept, fed and herded together, and have single or multiple ownership. The term "flock" is interchangeable with the term "herd" and applies to purebred and commercial sheep and goats.

"High risk animal" means any female genetically susceptible exposed animal. The female offspring of a scrapie-positive female animal or any female genetically less susceptible exposed animal that the designated scrapie epidemiologist (with the concurrence of the USDA area veterinarian in charge, state veterinarian, regional scrapie epidemiologist, and National Scrapie Program coordinator) determines to be a potential risk based on the epidemiology of the flock, including genetics of the positive sheep, the prevalence of scrapie in the flock, any history of recurrent infection, or other characteristics.

"Official individual identification" means an identification mark or device approved by USDA-APHIS for use in the scrapie eradication program. Examples include, but are not limited to, electronic devices, official ear tags, and legible official registry tattoos.

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

"Scrapie exposed animal" means any animal that has been in the same flock at the same time within the previous (~~sixty~~) 60 months as a scrapie positive animal, excluding limited contacts, as identified in the *Scrapie Eradication Uniform Methods and Rules*, effective June 1, 2005.

"Scrapie Flock Certification Program" means a national voluntary program for classification of flocks relative to scrapie.

"USDA" means the United States Department of Agriculture.

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. WSR 08-13-100, § 16-89-010, filed 6/18/08, effective 7/19/08. Statutory Authority: RCW 16.36.040. WSR 02-24-042, § 16-89-010, filed 12/3/02, effective 1/3/03; WSR 99-09-026, § 16-89-010, filed 4/15/99, effective 5/16/99.]

AMENDATORY SECTION (Amending WSR 08-13-100, filed 6/18/08, effective 7/19/08)

WAC 16-89-015 Scrapie program standards and identification of sheep and goats. (1) In addition to the rules adopted in this chapter, the Washington state department of agriculture adopts the procedures and methods of (~~the *Scrapie Eradication Uniform Methods and Rules*, effective June 1, 2005, and Control of Scrapie, Title 9, Code of Federal Regulations, Part 54 and Scrapie in Sheep and Goats, Part 79 as revised January 1, 2006.~~) Title 9, Code of Federal Regulations (C.F.R.), Part 54 Control of Scrapie as revised January 1, 2006, and Part 79.2 Scrapie in Sheep and Goats, Identification and Records Requirements for Sheep and Goats in Interstate Commerce, revised June 18, 2019. Copies of these documents are on file at the Washington Department of Agriculture, Animal Services Division, 1111 Washington Street, Olympia, Washington 98504 and are available for public inspection.

Except as exempted under the federal rules adopted in this section all sheep and goats that are placed into commerce must have official scrapie program identification.

(2) (~~The Serapie Eradication Uniform Methods and Rules may be found on the internet at: http://www.aphis.usda.gov/animal_health/animal_diseases/serapie/downloads/umr_serapie.pdf.~~

~~(3))~~ Title 9 C.F.R., Parts 54 and 79 may be found on the internet at (~~http://www.access.gpo.gov/nara/cfr/waisidx_06/9efrv1_06.html~~) <https://www.ecfr.gov/current/title-9/chapter-I>.

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. WSR 08-13-100, § 16-89-015, filed 6/18/08, effective 7/19/08. Statutory Authority: RCW 16.36.040. WSR 02-24-042, § 16-89-015, filed 12/3/02, effective 1/3/03; WSR 99-09-026, § 16-89-015, filed 4/15/99, effective 5/16/99.]

AMENDATORY SECTION (Amending WSR 08-13-100, filed 6/18/08, effective 7/19/08)

WAC 16-89-150 Brucellosis testing for sheep and goat dairies.

(1) All sheep and goats whose raw milk or raw milk products are offered for sale must be from a flock or herd that is negative to a serological test for brucellosis within the previous (~~twelve~~) 12 months. Any additions to the flock or herd must be tested negative for brucellosis within (~~thirty~~) 30 days before introduction into the flock or herd.

(2) All raw milk and raw milk products from animals that test positive for brucellosis are prohibited from sale and must be destroyed.

(3) All sheep and goats whose raw milk or raw milk products are offered for sale must have official individual identification.

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. WSR 08-13-100, § 16-89-150, filed 6/18/08, effective 7/19/08.]

AMENDATORY SECTION (Amending WSR 08-13-100, filed 6/18/08, effective 7/19/08)

WAC 16-89-180 Tuberculosis testing for goat dairies. (1) All goats whose raw milk or raw milk products are offered for sale must be from a herd that has tested negative for tuberculosis within the previous (~~twelve~~) 12 months. Any additions to the herd must be tested negative for tuberculosis within (~~sixty~~) 60 days before introduction into the herd.

(2) All raw milk and raw milk products from animals that test positive for tuberculosis are prohibited from sale and must be destroyed.

(3) All goats whose raw milk or raw milk products are offered for sale must have official individual identification.

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. WSR 08-13-100, § 16-89-180, filed 6/18/08, effective 7/19/08.]

REPEALER

The following sections of the Washington Administrative Code are repealed:

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| WAC 16-89-012 | Quarantine. |
| WAC 16-89-022 | Scrapie identification of sheep and goats. |
| WAC 16-89-170 | Q fever testing requirements for sheep and goat dairies. |