



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: To establish a pullorum-typhoid testing requirement for poultry shown at public exhibition. This rule is required under the provisions of the state-federal National Poultry Improvement Plan (NPIP), in which the state of Washington participates. In addition, this order changes the chapter title to "Avian Diseases in Washington State," removes language that is also found in chapter 16-54 WAC, Animal Importation, and makes housekeeping changes.

Citation of existing rules affected by this order:

Repealed: 16-59-010
 Amended: 16-59-005, 16-59-020, 16-59-030, 16-59-060
 Suspended:

Statutory authority for adoption: RCW 16.36.010 and 16.36.040

Other authority : Chapter 34.05 RCW

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 07-21-153 on October 24, 2007 (date).

Describe any changes other than editing from proposed to adopted version:

16-59-005: Corrects a citation to the Code of Federal Regulation.

16-59-030: Includes "doves" and "pigeons" in the excluded birds and corrects the URL citation for the associated Code of Federal Regulation.

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: January 3, 2008

NAME (TYPE OR PRINT)

Valoria H. Loveland

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

CODE REVISER USE ONLY
 STATE OF WASHINGTON
 FILED

JAN 4 2008

TIME 11:31
 WSR 08-03-010

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	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

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

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

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

New	_____	Amended	<u>3</u>	Repealed	<u>1</u>
-----	-------	---------	----------	----------	----------

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

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

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>4</u>	Repealed	<u>1</u>

Chapter 16-59 WAC

~~((IMPORTATION AND MOVEMENT OF POULTRY AND HATCHING EGGS))~~ AVIAN DISEASES IN WASHINGTON STATE

AMENDATORY SECTION (Amending WSR 99-09-024, filed 4/15/99, effective 5/16/99)

WAC 16-59-005 Definitions. ~~((1) "Baby poultry" means newly hatched poultry that have not been fed or watered.~~

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

~~((3)) "Director" means the director of the Washington state department of agriculture ~~((of the state of Washington or his or her))~~ or the director's authorized representative.~~

~~((4)) "Game birds" means ~~((domesticated))~~ fowl such as pheasants, partridge, chukars, quail, and grouse ~~((and guineas, but not doves and pigeons))~~ that are raised in confinement.~~

~~((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, Parts 145 and 147, 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.))~~

AMENDATORY SECTION (Amending WSR 99-09-024, filed 4/15/99, effective 5/16/99)

WAC 16-59-020 Wrongful sale. It is unlawful for any person to exchange, sell, or otherwise distribute poultry or hatching eggs affected with or originating from flocks affected with pullorum-typhoid or other contagious, infectious, or communicable disease ~~((mentioned in this chapter)).~~ The ~~((state veterinarian may make an exception and))~~ director has the authority to issue a permit for ~~((importation or))~~ movement of such poultry when satisfied ~~((such))~~ that the movement will not affect the health of flocks in the state.

AMENDATORY SECTION (Amending WSR 99-09-024, filed 4/15/99, effective 5/16/99)

WAC 16-59-030 Testing ~~((of breeding stock))~~ requirements for poultry entering public exhibition. ~~((1))~~ **Pullorum-typhoid:** ~~((All poultry and hatching eggs in interstate movement must originate from parent or grandparent stock which are registered as participating flocks under NPIP or equivalent state program. The poultry and hatching eggs must be classified as pullorum-typhoid free or must be tested negative for pullorum-typhoid within thirty days of movement. Acceptable tests are standard tube agglutination, 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 in lieu of blood testing for certain species of ratites. Any person who sells poultry or hatching eggs as pullorum-typhoid free must qualify under the provisions of this rule. Exempt from pullorum-typhoid requirements 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:** 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 will be granted when available information indicates that the poultry to be transported will not present a disease hazard to state of Washington flocks. Exempted from the infectious laryngotracheitis and infectious coryza requirements 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 transportation must be cleaned and disinfected to the department's satisfaction 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 destruction of pathogens.

(3) ~~Ornithosis:~~ Poultry and eggs are not to be imported into or moved intrastate in Washington if ornithosis is suspected or has been diagnosed. 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.)) (1) All poultry that are going to public exhibition, including exhibition, exotic, and game birds, but excluding waterfowl, doves, and pigeons must:

(a) Come from U.S. Pullorum-Typhoid Clean or equivalent flocks, as defined in the National Poultry Improvement Plan and Auxiliary Provisions, Title 9 CFR, Section 145.53; or

(b) Have had a negative pullorum-typhoid test within ninety days before going to public exhibition.

(2) The department maintains a copy of the National Poultry Improvement Plan and Auxiliary Provisions for public inspection. You may also find the information on the internet at: http://www.access.gpo.gov/nara/cfr/waisidx_06/9cfrv1_06.html.

AMENDATORY SECTION (Amending WSR 99-09-024, filed 4/15/99, effective 5/16/99)

WAC 16-59-060 Shipping equipment. (1) In order to prevent the spread of disease, all poultry must be moved only in ((clean)) containers((. All crates or other containers used to transport live poultry into or within the state of Washington must be either

~~new or thoroughly cleaned and disinfected and then washed with steam or hot water under pressure))~~ that are maintained in a sanitary condition and cleaned and disinfected when required by the director.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-59-010

Health certificates.