

TRANSMITTAL OF RULES ADOPTED

FROM: Department of Agriculture (Name of Agency)

TO: CODE REVISER LEGISLATIVE BLDG. (Southwest Corner, Ground Floor) Olympia 98504

The enclosed rules Permanent rules - [] / Emergency rules [X], being Order No. 1541 relating to (Name of rules or description of subject matter)

Regulations Relating to Brucellosis and Tuberculosis in Cattle and Goats

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. filed with the code reviser on (date) were regularly adopted as permanent rules of this agency at (place) on (date) and are herewith filed in the office of the code reviser pursuant to chapter 34.04 RCW. The effective date of such rules shall be.

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding in the attached administrative order, that the immediate adoption of these rules is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest, were regularly adopted as emergency rules of this agency at Olympia, Washington on Oct. 19, 1977 (date) and are herewith filed in the office of the code reviser pursuant to chapter 34.04 RCW.

The undersigned hereby certifies that the requirements of chapter 34.04 RCW and of the Open Public Meetings Act of 1971, chapter 42.30 RCW have been fulfilled.

Dated this day of October 19, 1977.

STATE OF WASHINGTON FILED OCT 19 1977 CODE REVISER'S OFFICE DOCKET # 8579 FILE # 30

Department of Agriculture (AGENCY) Gary F. Strohmaier By Gary F. Strohmaier Title Director

NOTES: 1Notice number as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use no. of last notice) 2Stamped date as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use date of last notice) 3Unless a later date is specified in this order or is prescribed in another statute, rules are effective 30 days after filing: RCW 34.04.040. Leave this space blank except in such special cases.

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1541

(1) I, Gary F. Strohmaier, director of

the Department of Agriculture of the State of Washington,

ALTERNATIVE A. Use only for Adoption of Permanent Rules.

after due notice and in a meeting open to the public, held at _____ on _____,

as required by chapters 34.04 and 42.30 RCW, do promulgate and adopt as permanent rules of this agency, the annexed rules:

ALTERNATIVE B. Use only for Adoption of Emergency Rules.

do promulgate and adopt as emergency rules of this agency, the annexed rules:

WAC 16-86-003 - 16-86-100 relating to Brucellosis and Tuberculosis in Cattle and Goats

I, Gary F. Strohmaier, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

With the identification of increased numbers of brucellosis infected animals in this State and because brucellosis is a public health problem, the adoption of this emergency rule is necessary.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(2) Pursuant to the requirements of RCW 34.04 (1977 c 19 § 2) that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

[X] (a) This rule is promulgated pursuant to RCW 16.36 and 16.40 and is intended to administratively implement that statute.

[] (b) This rule is promulgated pursuant to RCW _____ which directs that the _____

(agency)

has authority to implement the provisions of _____ (name of act or RCW citation)

[] (c) This rule is promulgated under the general rule-making authority of the _____ (agency) as authorized in RCW _____

(3) This order after being first recorded in the order register of this agency shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED October 19 1977

By Gary F. Strohmaier

Director

Title

STATE OF WASHINGTON

DEPARTMENT OF AGRICULTURE

EMERGENCY ORDER NO. 1541

(1) I, Gary F. Strohmaier, Director of Agriculture of the State of Washington, by virtue of the authority vested in me under Chapter 16.36 and 16.40 RCW, after due notice as provided under Chapter 34.04 and public hearings held in Yakima, Washington on October 4, 1977 and in Olympia, Washington on October 6, 1977, do promulgate the following emergency regulations:

AMD: Title 16, chapter 16-86, WAC 16-86-011, WAC 16-86-020, WAC 16-86-030, WAC 16-86-040, WAC 16-86-050, WAC 16-86-060, and WAC 16-86-070.

ADD: Title 16, chapter 16-86, WAC 16-86-005, WAC 16-86-009, WAC 16-86-015, and WAC 16-86-017.

REPEAL: WAC 16-86-003, promulgation.

(2) Appropriate statement of state statutory authority as required by RCW 34.04. This rule is promulgated pursuant to RCW 16.36 and RCW 16.40 and is intended to administratively implement that statute.

(3) This order after being first recorded in the order register of this agency shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED October 19, 1977.

By



Director of Agriculture

DEPARTMENT OF AGRICULTURE
OLYMPIA, WASHINGTON

This statement relates to Emergency Order #1541 of the Department of Agriculture and is filed pursuant to Chapter 84, Laws of 1977, First Extraordinary Session.

- A. 1. Re: AMEND WAC 16-86-011 relating to official calf-hood vaccinations for brucellosis.
AMEND WAC 16-86-020 relating to quarantine of cattle and goats.
AMEND WAC 16-86-030 relating to the sale of quarantined animals.
AMEND WAC 16-86-040 relating to brucellosis and tuberculosis quarantine and release.
AMEND WAC 16-86-050 relating to the disinfection of premises where reactors have been held.
AMEND WAC 16-86-060 relating to the sale of brucellosis reactors.
AMEND WAC 16-86-070 relating to the sale of tuberculosis reactors.
- ADD WAC 16-86-005 relating to definition of director.
ADD WAC 16-86-009 defining commercial dairy herd.
ADD WAC 16-86-015 relating to the sale of Washington cattle.
ADD WAC 16-86-017 relating to the issuance of grazing permits.
- REPEAL WAC 16-86-003, promulgation
2. Purpose of this emergency order or order change is to establish immediate regulations for animal disease.
3. Statutory authority for this action is found in Chapter 16.36 and 16.40 RCW.
- B. Summary of the rule or rule change: This emergency order imposes immediate regulations relating to brucellosis and tuberculosis in Washington cattle and goats.
- C. Person responsible for drafting the rule:
1. Name: Peter S. Bidlake, D.V.M.
2. Title: Assistant Director, Supervisor of Animal Industry.
3. Office: Division of Animal Industry Phone: 753-5040
Mail Stop: EK 23
4. Inquiries regarding implementation and enforcement of this emergency rule should be addressed to:
- Peter S. Bidlake, D.V.M.
Assistant Director
Supervisor of Animal Industry EK 23
753-5040
- D. There are no known proponents and opponents to the adoption of this rule. Public hearings were held and attendance is a matter of record.
- E. Agency comments or recommendations, if any, regarding statutory language, implementation, enforcement and fiscal matters pertaining to the rule: None.

NEW SECTION

WAC 16-86-005 DIRECTOR DEFINED. For the purpose of these rules, the "Director" means the Director of Agriculture of the State of Washington or his duly authorized representative.

NEW SECTION

WAC 16-86-009 DEFINITION - COMMERCIAL DAIRY HERD. For the purpose of this order "commerical dairy herd" shall be a herd from which dairy products are produced for use by other than the owner and members of his household, employees and nonpaying guests.

AMENDATORY SECTION

WAC 16-86-011 DEFINITION - OFFICIAL CALFHOOD VACCINATION. For the purpose of this order "official calfhood vaccination" means a female bovine animal of dairy breed two to six months (60 to 179 days) of age or female bovine animal of beef breed two to ten months (60 to 299 days) of age vaccinated with an approved brucella vaccine. All vaccination must be done by a licensed accredited veterinarian or Federal or State employed veterinarian. Vaccinated animals must be permanently identified as vaccinates by a tattoo in the right ear. The tattoo shall be the U. S. Registered Shield and V preceded by a number indicating the quarter of the year and followed by a number corresponding to the last digit of the year in which vaccination was done. (~~OWNER-OR HERD-TATTOO-AND/OR~~) An official vaccination tag shall be used for individual animal identification unless excepted by the Director. All brucella vaccinations shall be (~~promptly~~) reported to the Animal Industry Division, State of Washington before becoming official.

NEW SECTION

WAC 16-86-015 WASHINGTON CATTLE SALE REQUIREMENTS. (1) After January 1, 1979, no female dairy cattle may be sold or introduced into commercial dairy herds in the State of Washington unless they are properly identified as official brucellosis vaccinates; except the following classes of cattle are exempt from this requirement:

(a) Calves under three months of age.

(i) Female calves under three months acquired by the commercial herd and natural female additions shall be officially brucellosis calfhood vaccinated and identified before the age of six months or removed from the herd.

(b) Female cattle in Washington herds over 2 years of age.

(c) After January 1, 1980, female cattle in Washington herds over 3 years of age.

(d) After January 1, 1981, female cattle in Washington herds over 4 years of age.

(e) After January 1, 1982, female cattle in Washington herds over 5 years of age.

(f) After January 1, 1983, female cattle in Washington herds over 6 years of age.

(2) All Washington cattle shall be individually identified and permanently recorded as to herd of origin prior to being sold or consigned for slaughter. Such identity shall be transferred to the blood sample taken for MCI test purposes. These records shall be made available to the Department upon request. Except the following classes of cattle shall be exempt from this requirement:

(a) Cattle under 24 months of age. (Not parturient or post parturient.)

(b) Steers and spayed heifers.

NEW SECTION

WAC 16-86-017 GRAZING PERMITS. Washington herd owners desiring to move cattle interstate for grazing purposes and return to Washington shall request a permit for such movement from the Animal Health Division of the Department of Agriculture. The state to which the animals are to be moved for grazing must approve the movement. A separate permit must be obtained from the Animal Health Division for the return of such cattle. Animals grazed in counties or areas in which brucellosis has been diagnosed during the grazing period shall, upon returning to Washington, be held separate from all other cattle and brucellosis tested at owner's expense.

AMENDATORY SECTION

WAC 16-86-020 QUARANTINE. All cattle or goats that are infected or suspected of being infected with brucellosis or tuberculosis after an ((accepted)) official test shall be quarantined as provided by law. All cattle or goats, the owners of which refuse to allow the Department to test for the above diseases, shall be regarded as a menace to the health of livestock, and the premises on which they are kept shall be immediately quarantined and no animals or products of such animals shall be removed from the premises as outlined in Section 16.40.010 RCW.

AMENDATORY SECTION

WAC 16-86-030 SALE OF QUARANTINED ANIMALS. (1) No person shall sell or offer for sale any cattle except steers and spayed heifers or goats for other than immediate slaughter or for consignment to a registered quarantine feed lot if animals are from a brucellosis quarantined herd.

(2) Cattle from a tuberculosis quarantined herd shall not be sold or offered for sale except for immediate slaughter.

AMENDATORY SECTION

WAC 16-86-040 QUARANTINE AND RELEASE. (1) Brucellosis: Any herd of cattle or goats in which brucellosis reactors are found will be quarantined. Positive or reactor classification shall be based on

standards listed in "U. S. Department of Agriculture Uniform Methods and Rules for Brucellosis Eradication." Animals positive to the brucellosis test shall not be sold or offered for sale except for immediate slaughter. The quarantine will be released when the entire quarantined herd has passed two consecutive negative blood agglutination tests without reactors, the first test to be not less than thirty days following removal of all reactors from the herd and the second test not less than ninety days nor more than one year following the date of the previous test. Steers, spayed heifers and officially vaccinated dairy animals under twenty months of age and officially vaccinated beef animals under twenty-four months of age need not be tested.

(2) Tuberculosis: Any herd of cattle or goats in which tuberculosis reactors are found will be quarantined and the sale or removal of any animal out of such herds, except for immediate slaughter is prohibited. The quarantine will be released when the entire herd has passed two consecutive tests without reactors, the first to be not less than thirty days following removal of all reactors from the herd, and the second test not less than sixty days nor more than one year following the date of the previous test.

AMENDATORY SECTION

WAC 16-86-050 DISINFECTING PREMISES. All stables, feed bunks, water tanks, corrals and barns where brucellosis or tuberculosis reactors have been held must be thoroughly cleaned and disinfected within fifteen days after the reactors have been removed.

AMENDATORY SECTION

WAC 16-86-060 SALE OF BRUCELLOSIS REACTORS. Reactors to a brucellosis test may be moved or sold only to a slaughtering establishment where State-Federal approved inspection is maintained or to a State-Federal approved market for sale to such slaughtering establishment. Reactor cattle can only be moved from a quarantine premises by permit from the Director or his representative. PROVIDED: That any reactor to brucellosis test must be marketed for slaughter within ~~((thirty))~~ fifteen days from the date of tagging and branding.

AMENDATORY SECTION

WAC 16-86-070 SALE OF TUBERCULOSIS REACTORS. Reactors to a tuberculosis test may be moved or sold only to a slaughtering establishment where State-Federal approved inspection is maintained or to a State-Federal approved market for sale to such slaughtering establishment. PROVIDED: That any reactor to tuberculosis test must be marketed for slaughter within ~~((thirty))~~ fifteen days from the date of tagging and branding.

REPEALING SECTION

WAC 16-86-003