



RULE-MAKING ORDER
(RCW 34.05.360)

Adm Order 5039

CR-103 (10/1/89)

Agency: Department of Agriculture Permanent Rule
 Emergency Rule

(1) Date of adoption: *4-7-94*

(2) Purpose: To control the import and possession of the Brush-tailed possum because of disease transmission and reservoir concerns.

(3) Citation of existing rules affected by this order:
Repealed:
Amended: Chapter 16-54 WAC
Suspended:

(4) Authority for adoption:
Statute: Chapter 16.36.096 RCW and Chapter 16.36.040 RCW
Other Authority:

(5.1) **PERMANENT RULE ONLY**
Pursuant to notice filed as WSR _____ on _____ (date).
Describe any changes other than editing from proposed to adopted version:

(5.2) **EMERGENCY RULE ONLY**
Pursuant to 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: Brush-tailed possums have been imported since 1992 unnoticed by USDA-APHIS and U.S. Fish and Wildlife Services. Some of the imports have undoubtedly been infected with Tuberculosis and escapes of these animals could create a potential in the wild for Tuberculosis which could severely impact wildlife and its habitat, domestic livestock and public health in this state.

(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 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)

CODE REVISER USE ONLY

APR 07 1994
1:47
94-09-004

NAME (TYPE OR PRINT) *Jim Jesernig*
SIGNATURE *Jim Jesernig*
TITLE Director
DATE *4-6-94*

NEW SECTION

WAC 16-54-035A PHALANGERIDAE--RESTRICTIONS ON IMPORT AND POSSESSION. (1) Brushtail possums (New Zealand) have been imported into the United States from New Zealand since 1992. This exotic animal is recognized as the most efficient known reservoir for tuberculosis (Mycobacterium bovis) and is an important factor contributing to the inability of New Zealand to control bovine tuberculosis in their domestic livestock and wildlife. The subsequent effects of wild populations of the brushtail possum becoming established in Washington state on wildlife, domestic livestock, and public health require emergency import health restrictions and control measures for brushtail possums (Trichosurus vulpecula) and a related species, the spotted phalanger or spotted cuscus (Phalanger maculatus) as provided in subsection (2).

(2) Phalangeridae: Such as spotted phalanger or spotted cuscus (Phalanger maculatus), and brushtail possum (Trichosurus vulpecula) must be from sources not known to be affected with or exposed to tuberculosis and must comply with all state requirements governing import of these species. To protect wildlife, domestic livestock and the public health, all phalangeridae present in this state will be subject to the following conditions:

(a) All phalangeridae shall be held under quarantine until released by the state veterinarian pending investigation of source and legality of entry, and potential for tuberculosis infection.

(b) Any person possessing phalangeridae shall submit records to the state veterinarian showing sources, sales and other movements upon request of the state veterinarian.

(c) Premises wherein are found any phalangeridae with suspicious or confirmed tuberculosis shall be subject to inspection and investigation of all classes of animals on the premises. All cattle, bison or cervidae present on the premises, or which have been otherwise associated with phalangeridae shall be subject to mandatory testing for tuberculosis.