



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of adoption: November 3, 1998

(2) Purpose: Supplemental filing to amend two sections of 16-607 adopted September 11, 1998 (WSR 98-19-037) and to add two new sections.

(3) Citation of existing rules affected by this order: 16-607

Repealed:

Amended: 16-607-005 to exempt livestock youth organizations from the definition of "Farmers Cooperative Association"; 16-607-060 to add a maximum certification fee of \$100 if more than three applicants are employed by the same veterinary hospital and to add that inspections by WSDA-certified veterinarians are conducted upon request and provided at the discretion of the veterinarian.

Suspended:

(4) Statutory authority for adoption: RCW 16.57.350; RCW 16.58.030; RCW 16.65.020

Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 98-19-087 on 9/22/98 and continued as WSR 98-22-042 on October 30, 1998. Describe any changes other than editing from proposed to adopted version:

WAC 16-607-120(2) - Clarifying language was added at the suggestion of industry to state clearly that the department is responsible for adding livestock identification information and stamping the purchase invoice to allow it to serve as the inspection clearance. It was also requested that additional language state that the department will be available "at all reasonable business hours on sale days" and to specify that a separate certificate "be furnished in lieu of livestock identification information on the purchase invoice."

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

- 31 days after filing
- Other (specify) _____

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

Emergency Rules

- Immediately
- Later (specify) _____

Name (Type or Print)

Jim Jesernig

Signature

Title
Director

Date
November 3, 1998

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

NOV 4 1998

TIME 12:35

WSR 98-23-001

**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 <u>1</u>	Repealed

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

New	Amended <u>1</u>	Repealed
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The number of sections adopted in the agency's own initiative:

New <u>2</u>	Amended <u>1</u>	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

AMENDATORY SECTION (Amending WSR 98-19-037, filed 9/11/98, effective 10/12/98)

WAC 16-607-005 Definitions. (1) "Association of livestock breeders" means any properly incorporated association whose membership is made up of livestock breeders.

(2) "Brand" means a permanent fire brand, or any artificial mark, other than an individual identification symbol, approved by the director to be used in conjunction with a brand or by itself.

(3) "Brand inspection" or "livestock inspection" means the examination of livestock or livestock hides for brands or any means of identifying livestock or livestock hides including the examination of documents providing evidence of ownership.

(4) "Certificate of permit" or "transportation permit" means a form prescribed by and obtained from the director that is completed by the owner or a person authorized to act on behalf of the owner to show the ownership of livestock. It does not evidence inspection of livestock.

(5) "Collecting point" means livestock inspection points designated by the Washington state beef commission to collect beef commission assessment payments directly from cattle producers and remit to the Washington state beef commission.

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

(7) "Director" means the director of the department or his/her duly authorized representative.

(8) "Farmers Cooperative Association" means any properly incorporated cooperative association whose membership is made up of livestock producers. This does not include livestock youth organizations such as 4-H, FFA, or other junior livestock groups.

(9) "Individual identification symbol" means a permanent mark placed on a horse for the purpose of individually identifying and registering the horse and which has been approved for use as such by the director.

(10) "Inspection certificate" means a certificate issued by the director or a veterinarian certified by the director documenting the ownership of an animal based on an inspection of the animal. It includes an individual identification certificate.

(11) "Licensee" means any person licensed to operate a market under chapter 16.65 RCW.

(12) "Livestock" means all cattle, horses, burros, and mules of whatever species, breed or age.

(13) "Lot" means livestock of one ownership.

(14) "Market" means public livestock market as defined in RCW 16.65.010(1).

(15) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.

(16) "Production record brand" means a number brand that is used for production identification purposes only.

(17) "Purchase invoice" means the invoice issued by a public livestock market to the purchaser of cattle or horses consigned to the market.

(18) "Self-inspection certificate" means a form prescribed by and obtained from the director that is used for self-inspection of cattle or horses and is signed by the buyer and seller of the cattle or horses.

NEW SECTION

WAC 16-607-055 Review of complaints and procedures. (1) The department may review or investigate verified complaints filed regarding ownership disputes.

(2) The department will regularly evaluate inspection procedures and recordkeeping at established livestock inspection points through unscheduled visits during normal business hours.

AMENDATORY SECTION (Amending WSR 98-19-037, filed 9/11/98, effective 10/12/98)

WAC 16-607-060 Certification of veterinarians to issue inspection certificates. The director may certify veterinarians licensed and accredited in Washington state to issue inspection certificates for livestock.

(1) No veterinarian may issue an inspection certificate unless that individual has met the certification requirements and paid the certification fee.

(2) Application for certification is on a form prescribed by the director. The application will include the following information:

(a) The full name and principal business address of the individual applying for certification.

(b) The applicant's Washington state veterinary license number.

(c) The geographic area in which the applicant will provide service.

(d) A statement regarding the applicant's experience with large animals, especially cattle and horses.

(e) Whether the applicant is requesting certification to issue inspection certificates for cattle or horses or both.

(f) The signature of the veterinarian requesting certification.

(g) Any other reasonable information the department finds necessary to carry out the purpose of this chapter.

(3) The fee for certification is thirty-five dollars. If more than three applicants are employed by the same veterinary hospital there shall be a maximum certification fee of one hundred dollars for all veterinarians employed by that facility. Each hospital will submit a list of veterinarians to be certified. The

certification expires on the third December 31st following the date of issuance.

(4) All veterinarians applying for certification must complete training provided by the department. Training will include but not be limited to the reading of printed brands and brands or other marks on live animals, completion of official documents and review of satisfactory ownership documents. The department will provide a copy of the most current brand book and any supplements issued to date to each person certified.

(5) The department will maintain a list of veterinarians certified to perform livestock inspection. The list is available upon request to interested persons.

(6) Inspections by veterinarians certified by the department are conducted upon request and provided at the discretion of the veterinarian.

~~((6))~~ (7) Certified veterinarians must submit required inspection fees to the department with copies of each certificate issued. An additional fee may be charged that is separate from fees collected under RCW 16.57.220 and WAC 16-607-065.

~~((7))~~ (8) The department may withdraw or deny approval of certified veterinarians to perform livestock inspection under the following circumstances:

(a) For knowingly making false or inaccurate statements regarding qualifications on an application.

(b) For knowingly making or acquiescing in false or inaccurate statements on livestock inspection certificates as to the date or location of the inspection, marks or brands on the livestock inspected, owner's name or any other statement material to the livestock inspected.

NEW SECTION

WAC 16-607-120 Livestock inspection procedures--Public livestock markets. (1) It is the responsibility of the licensee to identify each head of cattle and horses consigned to a market by placing a numbered tag or other method of identification as approved by the director on each animal before the animals are inspected. The director may exempt from individual identification requirements certain lots of one-brand or no-brand cattle. The licensee or any consignor shall, at the request of the director, make visible any brand on any animal. The licensee is responsible for the moving and yarding of livestock necessary for inspection.

(2) No person shall remove any cattle or horses from the premises of any market without first obtaining a release from the licensee. The licensee or any agent or employee of the licensee shall not allow the removal of any cattle or horses from the premises of the market without first obtaining a livestock inspection clearance for the cattle or horses to be removed. The purchase invoice with specific livestock identification information drawn and written thereon, when stamped by the department, serves as the inspection clearance. The department is responsible for adding livestock identification information to purchase invoices and ensuring the accuracy of such information

on any stamped invoice. The department will be available at the market at all reasonable business hours on sale days to carry out these duties. The purchaser may request that the director issue a separate livestock inspection certificate at no additional cost which shall be furnished in lieu of livestock identification information on the purchase invoice.

(3) Whenever any cattle or horses are offered for sale at a market and not sold, the identical animals may be offered for sale at the same market within eight days of the original inspection date without being required to pay a second livestock inspection fee, upon presentation of satisfactory proof that inspection fees previously were paid. The unsold cattle or horses must be presented for inspection without any animals having been taken from, or other animals having been added to, such lot or group of livestock and must be retained on the premises where first offered for sale within the time limit specified above.