

WSR 22-01-006
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE
[Filed December 2, 2021, 6:44 a.m.]

Subject of Possible Rule Making: Chapter 16-610 WAC, Livestock identification. In response to a petition received from the Washington state department of agriculture's (WSDA) livestock identification advisory committee, WSDA is considering amending this rule to:

- Reduce the electronic cattle transaction reporting (ECTR) per head fee; and
- Allow veterinarians and field livestock inspectors certified by WSDA to conduct inspections at public livestock markets, certified feedlots, slaughter facilities, or special sales.

In response to recent transactions within the ECTR system, WSDA is considering adding an additional requirement of submitting original proof of ownership when selling branded animals through ECTR.

In addition, the department is considering modifying the language to improve clarity and readability, and updating the language to reflect current industry practices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 16.57.153, 16.57.350, 16.57.450, 16.58.030, and 16.65.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Due to concerns raised by the livestock industry regarding decreased WSDA staff availability to perform livestock inspections as a result of the COVID-19 pandemic and the vaccine mandate on state employees, the livestock identification advisory committee has submitted a petition for rule making to reduce the ECTR per head fee and to make permanent the current emergency rule that allows veterinarians and field livestock inspectors certified by WSDA to conduct inspections at public livestock markets, certified feedlots, slaughter facilities or special sales in accordance with criteria set forth in the rule. Reduction in the ECTR per head fee would incentivize more private sales of livestock to be conducted without the use of a livestock inspector and allowing certified veterinarians and field livestock inspectors to conduct inspections at licensed facilities would ensure that the livestock industry is able to continue functioning even when WSDA staff are unavailable to conduct the inspections themselves.

In response to recent transactions within the ECTR system, the need to put parameters around submitting original proof of ownership is important. When ECTR users sell branded cattle that have a brand that is not recorded to the seller, it is important that the seller send WSDA the original proof of ownership so that the seller cannot continue to use that original proof of ownership when selling cattle in the future and more importantly so that WSDA can issue a duplicate certificate to the seller showing the number of animals remaining in their possession from the original certificate. This practice is required when owners request a physical inspection of their branded cattle; therefore, the same practice should be required when producers use ECTR.

Process for Developing New Rule: WSDA staff will share any proposed amendments with affected stakeholders. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jodi Jones, Operations Director, P.O. Box 42577, Olympia, WA 98504-2577, phone 360-902-1889, fax 360-902-2087, TTY 800-833-6388 or 711, email jjones@agr.wa.gov, website www.agr.wa.gov.

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Director