

WSR 22-22-094

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF AGRICULTURE

[Filed November 2, 2022, 7:36 a.m.]

Subject of Possible Rule Making: Chapter 16-89 WAC, Sheep and goat diseases in Washington state. The department is considering amending chapter 16-89 WAC to:

- Add the word "individual" to the definition of "official identification;"
- Remove WAC 16-89-012 Quarantine, as it is unnecessary;
- Adopt the most recent version of 9 C.F.R. 79.2 Scrapie in Sheep and Goats, Identification and Records Requirements for Sheep and Goats in Interstate Commerce;
- Combine WAC 16-89-015 Scrapie program standards, and 16-89-022 Scrapie identification of sheep and goats;
- Add "individual" to official identification requirement for raw milk or raw milk products being sold; and
- Remove Q fever testing requirements for raw milk dairies.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 16.36.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Q fever testing detects antibodies to *Coxiella burnetii* and antibody tests only determine past exposure to the agent rather than active shedding of the disease organism status. The testing does not actually determine if the animal is actively infected or if the animal is shedding the organism in the milk. Currently, there are no commercially available testing procedures for Q fever that give accurate and reliable definitive results.

All other provisions proposed by the department are to align state regulations with the United States Department of Agriculture (USDA) scrapie program regulations and remove quarantine authority language that already exists in chapter 16.36 RCW.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of agriculture's food safety and consumer services division (FSCSD) licenses raw milk dairies. Animal services staff have discussed removing Q fever testing requirements with FSCSD staff, and the FSCSD is in agreement to abolish Q fever testing requirements. Department of health also has been part of the conversation and is also in agreement.

USDA, Animal and Plant Health Inspection Services, Veterinary Services regulates the scrapie program. Department staff have discussed updating scrapie requirements with our federal partners and they support changing our regulations to align with scrapie program regulations.

Process for Developing New Rule: Department staff will share any proposed amendments with affected stakeholders prior to the formal notice and comment period. 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 Ben Smith, P.O. Box 42577, Olympia, WA 98504-2577, phone 509-350-0081, fax 360-902-2087, email bsmith@agr.wa.gov, website www.agr.wa.gov.

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Jodi Jones
Operations Director