

WSR 23-11-043

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed May 11, 2023, 1:20 p.m., effective June 11, 2023]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department is amending chapter 16-80 WAC to:

- Change the title of the chapter to "Domestic and Feral Swine in Washington State";
- Remove definitions for "Department," "Director," "Exposed," and "Pseudorabies infected herd";
- Update the definition of "Official USDA-approved identification" to reference the January 9, 2013, version of 9 C.F.R Chapter 1, Section 71.19;
- Update hyperlinks to standards adopted in WAC 16-80-006 and 16-80-008;
- Repeal WAC 16-80-009 and 16-80-010;
- Clarify official United States Department of Agriculture-approved identification requirements for swine in WAC 16-80-045; and
- Require observations of feral swine to be reported to the Washington invasive species council.

Citation of Rules Affected by this Order: Repealing WAC 16-80-009 and 16-80-010; and amending WAC 16-80-005, 16-80-006, 16-80-008, 16-80-045, and 16-80-060.

Statutory Authority for Adoption: RCW 16.36.040.

Adopted under notice filed as WSR 23-07-136 on March 22, 2023.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 5, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, Repealed 2.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 10, 2023.

Derek I. Sandison  
Director

OTS-4256.2

Chapter 16-80 WAC

DOMESTIC AND FERAL SWINE (~~(DISEASES REGULATED)~~) IN WASHINGTON STATE

AMENDATORY SECTION (Amending WSR 10-13-057, filed 6/10/10, effective 7/11/10)

**WAC 16-80-005 Definitions.** In addition to the definitions found in RCW 16.36.005, the following definitions apply to this chapter:

~~("Department" means the Washington state department of agriculture.~~

~~"Director" means the director of agriculture of the state of Washington or his or her authorized representative.~~

~~"Exposed" means to have had contact with an animal infected with an infectious or communicable disease.)~~

"Feral swine" means animals included in any of the following categories:

- Animals of the genus *Sus* that are free roaming on public or private lands and do not appear to be domesticated;
- Swine from domesticated stocks that have escaped or been released or born into the wild state;
- European wild hogs and their hybrid forms (also known as European wild boars or razorbacks), regardless of whether they are free roaming or kept in confinement; or
- Animals of the family *Tayassuidae* such as peccaries and javelinas, regardless of whether they are free roaming or kept in confinement.

"Official USDA-approved identification" means methods of identification, as approved in 9 C.F.R. (~~Chapter 1, Section 71.19, January 1, 2009~~) Sec. 71.19, revised January 9, 2013.

~~("Pseudorabies infected herd" means a herd of swine in which pseudorabies has been diagnosed in one or more animals by the National Veterinary Service Laboratory (NVSL) or a state laboratory approved by USDA to conduct official pseudorabies tests.)~~

"USDA" means the United States Department of Agriculture.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. WSR 10-13-057, § 16-80-005, filed 6/10/10, effective 7/11/10. Statutory Authority: RCW 16.36.040. WSR 00-06-066, § 16-80-005, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 16.36.040 and 16.36.096. WSR 91-08-027, § 16-80-005, filed 3/29/91, effective 4/29/91.]

AMENDATORY SECTION (Amending WSR 10-13-057, filed 6/10/10, effective 7/11/10)

**WAC 16-80-006 Adoption of USDA pseudorabies eradication program standards.** In addition to the rules adopted in this chapter, the Washington state department of agriculture adopts the procedures and methods of the USDA pseudorabies eradication state-federal-industry program standards, effective November 1, 2003. The department maintains a copy of this document for public inspection. You may ~~((also))~~ find the information on the internet at ~~((: http://www.aphis.usda.gov/animal\_health/animal\_diseases/pseudorabies/downloads/program\_stds.pdf))~~ https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-disease-information/swine-disease-information/swine-pseudorabies.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. WSR 10-13-057, § 16-80-006, filed 6/10/10, effective 7/11/10.]

AMENDATORY SECTION (Amending WSR 10-13-057, filed 6/10/10, effective 7/11/10)

**WAC 16-80-008 Adoption of USDA swine brucellosis control and eradication program standards.** In addition to the rules adopted in this chapter, the Washington state department of agriculture adopts the procedures and methods of the USDA swine brucellosis control and eradication state-federal-industry program standards, effective April, 1998. The department maintains a copy of this document for public inspection. You may ~~((also))~~ find the information on the internet at ~~(([http://www.aphis.usda.gov/animal\\_health/animal\\_dis\\_spec/swine/downloads/sbruumr.pdf](http://www.aphis.usda.gov/animal_health/animal_dis_spec/swine/downloads/sbruumr.pdf)))~~ <https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-disease-information/swine-disease-information/swine-brucellosis>.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. WSR 10-13-057, § 16-80-008, filed 6/10/10, effective 7/11/10.]

AMENDATORY SECTION (Amending WSR 10-13-057, filed 6/10/10, effective 7/11/10)

**WAC 16-80-045 Official identification of swine.** All swine ~~((moving through))~~ that leave the farm of origin or move through a public livestock market ~~((s))~~ or collection ~~((facilities in intrastate or interstate commerce))~~ facility and all exhibition swine, must have official USDA-approved identification ~~((in compliance with 9 C.F.R. Chapter 1, Section 71.19, January 1, 2009))~~ unless going direct to slaughter.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. WSR 10-13-057, § 16-80-045, filed 6/10/10, effective 7/11/10. Statutory Authority: RCW 16.36.040. WSR 00-06-066, § 16-80-045, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 16.36.040 and 16.36.096. WSR 91-08-027, § 16-80-045, filed 3/29/91, effective 4/29/91.]

AMENDATORY SECTION (Amending WSR 10-13-057, filed 6/10/10, effective 7/11/10)

**WAC 16-80-060 Feral swine.** Feral swine are ~~((illegal))~~ prohibited in the state of Washington. ~~((If found, feral swine will be eradicated and disposed of in a humane manner.))~~ If observed, feral swine must be reported to the Washington invasive species council by telephone at 1-888-268-9219 or at their website at [www.invasivespecies.wa.gov/report](http://www.invasivespecies.wa.gov/report). Additionally, USDA Wildlife Services may be contacted by phone at 1-866-487-3297. An interagency response will be coordinated upon receipt of information.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. WSR 10-13-057, § 16-80-060, filed 6/10/10, effective 7/11/10.]

REPEALER

The following sections of the Washington Administrative Code are repealed:

- |               |                       |
|---------------|-----------------------|
| WAC 16-80-009 | Surveillance program. |
| WAC 16-80-010 | Quarantine.           |