

WSR 25-13-038

EMERGENCY RULES

DEPARTMENT OF AGRICULTURE

[Filed June 10, 2025, 2:50 p.m., effective June 10, 2025, 2:50 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: This rule-making order amends chapter 16-54 WAC by requiring all dairy cattle entering Washington state that originated from or have been comingled with cattle from premises under quarantine for highly pathogenic avian influenza, strain H5N1, and are destined to either a slaughter facility or a livestock market, to be accompanied by a certificate of veterinary inspection (CVI) on which the inspecting veterinarian certifies that the cattle have been inspected, and to the best of their knowledge have not been in direct contact with any cattle infected with H5N1 and are not exhibiting signs of H5N1 infection.

Any cattle not able to meet this requirement are considered exposed to an infectious disease and are prohibited entry into Washington state as specified in WAC 16-54-065.

These changes are necessary to preserve public health, animal health, and the general welfare of Washington residents by allowing the state veterinarian to identify and mitigate immediate disease risks posed by the ongoing outbreak of the H5N1 virus in United States (U.S.) dairy herds.

Citation of Rules Affected by this Order: New WAC 16-54-066.

Statutory Authority for Adoption: RCW 16.36.040.

Under RCW 34.05.350 the agency for good cause finds 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.

Reasons for this Finding: H5N1 is a highly contagious virus that has traditionally affected wild and domestic bird populations, but as of early 2024, it has also been confirmed to have spread to domestic cattle in multiple states. The virus has been found in unpasteurized milk from infected cows and is believed to spread through respiratory secretions and contaminated milk. At least one confirmed case of transmission to a human has occurred in the U.S., and while current risk to the general public is low, the situation is rapidly evolving and remains under active investigation by the U.S. Department of Agriculture, U.S. Centers for Disease Control and Prevention, and state animal health authorities. The novel appearance of this virus in cattle, a previously unrecognized host, raises urgent concerns about interspecies transmission, viral adaptation, and further spread across state lines through routine animal movements.

Washington's dairy industry is a cornerstone of the state's agricultural economy, with approximately 300 licensed dairy operations and nearly 270,000 dairy cows producing more than \$1 billion in milk annually. An H5N1 outbreak in Washington cattle herds could lead to devastating economic losses, disruption of milk production and distribution, animal suffering, and culling of infected or exposed animals. Additionally, detection of the virus in cattle within the state could trigger consumer concern and loss of confidence in dairy safety. Early detection, surveillance, and movement control are critical to prevent such outcomes.

Recently, the state veterinarian's office received records showing that 368 comingled beef and dairy cattle were shipped from Nevada to a Washington slaughter facility. The Nevada state veterinarian confirmed that 34 of the dairy cattle on that shipment came from a H5N1 infected premises in Nevada, but due to lack of documentation the department was unable to determine which of the cattle were the ones that came from the infected premises.

Under current regulations, domestic bovine (cattle) moving directly to slaughter or to a livestock market for sale for immediate slaughter are exempt from CVI requirements, meaning their origin, health status, and potential exposure to H5N1 are not reviewed by state authorities prior to entry. In the context of a spreading animal health emergency, this exemption creates a critical gap in disease traceability and control. This emergency rule removes that exemption from dairy cattle when they originate from or have been comingled with cattle from premises that have been placed under quarantine for H5N1 within 30 days of import or are exhibiting signs of H5N1 infection. Cattle that are not able to meet this requirement are considered to be exposed to this infectious disease and are not allowed to be imported under WAC 16-54-065. These requirements will improve situational awareness, facilitate rapid disease containment if needed, and protect uninfected Washington livestock and farmworkers.

Waiting to adopt these changes through the regular rule-making process would leave Washington vulnerable during a high-risk period of disease emergence. H5N1 is spreading unpredictably, and cattle continue to move between states, including for immediate slaughter. The time required for notice, public comment, and adoption of a permanent rule would undermine the ability of the department to implement timely, science-based protections. Emergency rule making is therefore in the public interest to allow swift response measures that protect animal health, support food safety, and prevent potentially severe economic consequences from the introduction of H5N1 into Washington's cattle populations.

Date Adopted: June 10, 2025.

Derek I. Sandison
Director

NEW SECTION

WAC 16-54-066 Import of dairy cattle from or comingled with cattle from premises under quarantine for H5N1 destined to slaughter.

Due to the ongoing fluid threat of the H5N1 strain of the Highly Pathogenic Avian Influenza (HPAI) virus in U.S. dairy herds during a period of high-risk disease emergence, the following import restrictions are in place for all dairy cattle originating from, or comingled with dairy cattle originating from, premises under quarantine for H5N1 that are destined to federally inspected slaughter facilities or state-federal approved livestock markets.

(1) Cattle must be accompanied by a Certificate of Veterinary Inspection (CVI) as described in WAC 16-54-032 that includes the statement: **"Dairy cattle identified on this CVI have been inspected, and to the best of my knowledge have not been in direct contact with any cat-**

tle infected with H5N1 and are not exhibiting signs of H5N1 infection."