



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington State Department of Agriculture

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|---|---|
| <input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 16-15-098; or | <input checked="" type="checkbox"/> Original Notice |
| <input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or | <input type="checkbox"/> Supplemental Notice to WSR _____ |
| <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1). | <input type="checkbox"/> Continuance of WSR _____ |

Title of rule and other identifying information: (Describe Subject) Chapter 16-86, Cattle and bison diseases in Washington state

Hearing location(s):

| | |
|---|--|
| Department of Agriculture Conference Room 238 21 North First Avenue Yakima, WA 98902 | Department of Agriculture Conference Room 259 1111 Washington Street SE Olympia, WA 98504 |
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|---|---|
| Date: October 26, 2016 Time: 11:00am | Date: October 27, 2016 Time: 10:00am |
|---|---|

Submit written comments to:

Name: Henri Gonzales
 Address: PO Box 42560
 Olympia, Washington 98504-2560
 e-mail: WSDARulesComments@agr.wa.gov
 fax: (360)902-2092 by 5:00pm October 27, 2016

Assistance for persons with disabilities: Contact
 WSDA Receptionist by October 17, 2016
 TTY (800) 833-6388 or 711

Date of intended adoption: November 18, 2016
 (Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The department is proposing to amend chapter 16-86 of the Washington Administrative Code (WAC) to abolish Q-fever testing requirements for raw milk dairies, update the Adult vaccination tattoo definition, and modify the language to increase clarity and conform with current industry practices.

Reasons supporting proposal: Currently, Q-fever testing required by the animal health program detects antibodies to Coxiella Burnetii. Antibody tests only determine past exposure to the agent rather than active shedding status. The testing does not determine if the animal is actively infected, and/or if the animal is shedding the organism in the milk. The risk of transmission is much more likely through contact with placental fluids and aborted fetuses than raw milk. Currently, there are no tests for Q Fever commercially available that give reliable definitive results. No other states require Q Fever testing.

Raw milk dairies will still be required to test their animals annually for Brucellosis and Tuberculosis. The department's Food Safety and Consumer Services Division will still require product testing under RCW 15.36

Statutory authority for adoption: RCW16.36.040 and chapter 34.05 RCW

Statute being implemented: Chapter 16.36 RCW

Is rule necessary because of a:

| | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:
 Title 9 Code of Federal Regulations

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: September 21, 2016
TIME: 8:17 AM
WSR 16-19-094

DATE
 September 21, 2016

NAME (type or print)
 Lynn Briscoe

SIGNATURE

TITLE
 Assistant Director

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None.

Name of proponent: (person or organization) Washington State Department of Agriculture

- Private
- Public
- Governmental

Name of agency personnel responsible for:

| Name | Office Location | Phone |
|-------------------------------------|-----------------|----------------|
| Drafting..... Dr. Scott Haskell | Olympia | (360) 725-5762 |
| Implementation....Dr. Scott Haskell | Olympia | (360) 725-5762 |
| Enforcement.....David Bangart | Olympia | (360) 902-1946 |

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

Phone:

Fax:

e-mail:

No. Explain why no statement was prepared.

RCW 19.85.030(1) requires that WSDA prepare an SBEIS if proposed rules will impose more than minor costs on affected businesses or industry. The department has analyzed the economic effects of the proposed revisions and has concluded that they do not impose more than minor costs on small businesses in the regulated industry, and, therefore, a formal SBEIS is not required. The proposed amendments reduce requirements and eliminate costs for producers.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain: The Washington State Department of Agriculture is not a listed agency in RCW 34.05.328(5)(a)(i).