



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 19, 2019

TIME: 3:37 PM

WSR 19-20-011

Agency: Washington State Department of Agriculture

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose:

In the interest of protecting domestic rabbits in Washington State from Rabbit Hemorrhagic Disease (RHD), movement restrictions are being placed on rabbits and rabbit products on Lopez, Orcas, and San Juan Islands.

Citation of rules affected by this order:

New: 16-51-005, 16-51-006, 16-51-007, 16-51-008, 16-51-009, 16-51-010, 16-51-011, 16-51-012, 16-51-013
Repealed:
Amended:
Suspended:

Statutory authority for adoption: RCW 16.36.040

Other authority:

EMERGENCY RULE

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.
 That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: In July and August, 2019, the department received positive diagnosis of Rabbit Hemorrhagic Disease (RHD) found in domestic rabbits and domestic feral rabbits on Orcas Island and San Juan Island within Washington State. A die off and reports of sick and dead rabbits consistent with RHD was also reported on Lopez Island. RHD is an extremely infectious and almost universally fatal viral disease that is not endemic to Washington. It is reportable to the OIE (Office International de epizooties, also known as the World Health Organization for Animal Health). Under chapter 16.36 RCW, domestic rabbits are considered livestock.

The establishment of RHD in Washington mainlands would be costly to the rabbit industry and consumers. It is of particular concern due to potential partial loss of livelihood for rabbit breeders, loss of companion animals, loss of animals for 4-H participants and loss of primary protein source for individuals raising rabbits for consumption. The RHD virus is very contagious and easily spread through numerous means including direct contact with infected live or dead rabbits and/or contact with contaminated equipment, tools, hutches, and bedding. The director of agriculture, pursuant to authorities in chapter 16.36 RCW, has determined that the containment of RHD on the above islands is necessary to protect domestic rabbits on the Washington mainland and unaffected islands.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	<u>9</u>	Amended	___	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: September 19, 2019

Name: Derek I. Sandison

Title: Director

Signature:



Chapter 16-51 WAC
Quarantine Zones for Rabbit Hemorrhagic Disease

NEW SECTION

WAC 16-51-005 Definitions.

"Department" means the Washington state department of agriculture.

"Director" means the director of the Washington state department of agriculture.

"Premises" means any property where rabbits are raised, held, or boarded.

"RHD" means Rabbit Hemorrhagic Disease

"USDA, APHIS" means the United States Department of Agriculture Animal and Plant Health Inspection Service.

NEW SECTION

WAC 16-51-006 Necessity of establishing a quarantine zone for RHD - Purpose.

This chapter is authorized by RCW 16.36.040. In July and August 2019, the department confirmed positive diagnoses of Rabbit Hemorrhagic Disease (RHD) found in domestic rabbits and domestic feral rabbits on Orcas Island and San Juan Island in San Juan County within Washington State. A die off and reports of sick and dead rabbits consistent with RHD was also reported on Lopez Island. RHD is an extremely infectious and almost universally fatal viral disease that is not endemic to Washington. It is reportable to the OIE (Office International de Epizooties, also known as the World Health Organization for Animal Health) under WAC 16-70-010.

The establishment of RHD in Washington mainlands would be costly to the rabbit industry and consumers. It is of particular concern due to potential partial loss of livelihood for rabbit breeders, loss of companion animals, loss of animals for 4-H participants and loss of primary protein source for individuals raising rabbits for consumption. The RHD virus is very contagious and easily spread through numerous means including direct contact with infected live or dead rabbits and/or contact with contaminated equipment, tools, hutches, and bedding. The director of agriculture, pursuant to authorities in chapter 16.36 RCW, has determined that the containment of RHD on the above islands is necessary to protect domestic rabbits on the Washington mainland and unaffected islands.

NEW SECTION

WAC 16-51-007 Zone 1 under quarantine for RHD.

A quarantine zone is created within Lopez Island. All premises lying within the boundaries of Lopez Island fall under movement restrictions per WAC 16-51-010 and WAC 16-51-011.

NEW SECTION

WAC 16-51-008 Zone 2 under quarantine for RHD.

A quarantine zone is created within Orcas Island. All premises lying within the boundaries of Orcas Island fall under movement restrictions per WAC 16-51-010 and WAC 16-51-011.

NEW SECTION

WAC 16-51-009 Zone 3 under quarantine for RHD.

A quarantine zone is created within San Juan Island. All premises lying within the boundaries of San Juan Island fall under movement restrictions per WAC 16-51-010 and WAC 16-51-011.

NEW SECTION

WAC 16-51-010 Prohibition on moving rabbits from the quarantine zones established for RHD.

Movement of living or dead rabbits out of the quarantine zones listed in sections 16-51-007, 16-51-008, and 16-51-009 is prohibited.

NEW SECTION

WAC 16-51-011 Prohibition on moving rabbit products, crates, and rabbit equipment from the quarantine zones established for RHD.

Movement of rabbit products, crates, and rabbit equipment out of the quarantine zones listed in sections 16-51-007, 16-51-008, and 16-51-009 is prohibited.

NEW SECTION

WAC 16-51-012 Disposal of dead rabbits originating within the quarantine zones.

Dead rabbits may only be disposed of by burial or landfill in accordance with WAC 16-25-025(1) and WAC 16-25-025(5).

(1) Burial.

(a) A carcass may be disposed of by burial on the property where the livestock animal died if done with the approval of the property owner.

(b) A carcass must be buried to a depth so that no part of the carcass is nearer than three feet to the natural surface of the ground. Every part of the carcass must be covered with at least three feet of soil within twenty-four hours of placement in the ground.

(c) Carcass burial must be:

(i) At least three hundred feet from any well, spring, or body of surface water, such as a river, stream, lake, pond, or intermittent stream;

(ii) At least three hundred feet from any residence not owned by the owner of the livestock animal;

(iii) At least fifty feet from any property line between parcels under different ownership; and

(iv) Not in a low-lying area subject to seasonal flooding or within a hundred-year flood plain or in a manner that will impact groundwater.

(d) Each burial site is limited to one thousand pounds of carcasses or one livestock animal weighing more than one thousand pounds.

(e) Carcass burial is not allowed on a property of less than five acres, except for the burial of a single carcass weighing less than two hundred pounds. The maximum amount of land used for burial during any year is limited to ten percent of the property or one acre, whichever is greater.

(2) Landfill. Carcasses may be disposed of at a privately or publicly owned landfill with prior approval of the local health officer and the landfill operator, and permitted in accordance with chapter 70.95 RCW and chapters 173-350 and 173-351 WAC.

NEW SECTION

WAC 16-51-013 Special permits—quarantine zone.

The department may issue special permits for actions otherwise forbidden under provisions of this chapter. These special permits shall be conditioned to minimize the risk of spreading RHD.