## RULE-MAKING ORDER

**EMERGENCY RULE ONLY**

**CR-103E (December 2017)**

(Implements RCW 34.05.350 and 34.05.360)

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### Agency
Dept. 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:
To allow veterinarians and field livestock inspectors certified by the department to conduct inspections at facilities not currently allowed to use veterinarians or field livestock inspectors when the department has notified a facility that department inspectors are not available to conduct inspections. The rulemaking order amends WAC 16-610-060, Veterinarian and field livestock inspector certification.

### Citation of rules affected by this order:
- New:
- Repealed:
- Amended: 16-610-060
- Suspended:

### Statutory authority for adoption:

### 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:
An outbreak of COVID-19 at a licensed public livestock market hindered the department’s ability to conduct livestock inspections. With the pandemic continuing and new COVID-19 variants being identified, the department will allow the licensed facilities listed in WAC 16-610-060(1)(b) to hire veterinarians or private field inspectors that are certified by the department to conduct inspections in order to avoid impacts to animal health and the related impacts on the public welfare of the loss of healthy animals from delayed livestock sales, and to protect the health of department employees. Licensed facilities are restricted to only hiring certified veterinarians and private field inspectors when the department provides notification to the facility that department inspectors are not available to conduct inspections, during the time period specified in the notice.

A CR-101 to adopt the rule permanently was filed on December 02, 2021 (WSR 22-01-006).

**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:

<table>
<thead>
<tr>
<th>Federal statute:</th>
<th>New</th>
<th>Amended</th>
<th>Repealed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal rules or standards:</td>
<td>New</td>
<td>Amended</td>
<td>Repealed</td>
</tr>
</tbody>
</table>

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Recently enacted state statutes:  New ___  Amended ___  Repealed ___

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

New ___  Amended ___  Repealed ___

The number of sections adopted on the agency's own initiative:

New ___  Amended 1  Repealed ___

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New ___  Amended ___  Repealed ___

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:  3/31/2022  
Name: Derek I. Sandison  
Title: Director  
Signature:  

WAC 16-610-060
Veterinarian and field livestock inspector certification.

(1) (a) The director may certify veterinarians, who are licensed and accredited in Washington state and field livestock inspectors who comply with the requirements of this section, to issue livestock inspection certificates.

(b) Veterinarians and field livestock inspectors may not conduct inspections at certified feedlots, slaughter plants, public livestock markets, or special sales unless the department has notified the facility in writing that department inspectors are not available to conduct inspections. If the department notifies a facility that its inspectors are not available to conduct inspections, the facility may use a veterinarian or field livestock inspector to conduct inspections during the period, as specified by the department, in which department inspectors are not available.

(c) (i) Veterinarians and field livestock inspectors may not perform livestock inspections for an individual or business if a conflict of interest exists.

(ii) For the purpose of this rule, a "conflict of interest" includes, but is not limited to, a financial or other interest, direct or indirect, in the livestock, the facility in which the livestock are presented for sale, or the event at which the livestock are being exhibited.

(2) Veterinarians licensed and accredited in Washington state and field livestock inspectors who wish to issue inspection certificates for livestock must apply for certification on the department's application form (WSDA form #7028). The application must include the following:

(a) The full name, address, telephone number, and email address of the individual applying for certification;

(b) The applicant's Washington state veterinary license number if the applicant is a veterinarian;

(c) The geographic area in which the applicant will issue inspection certificates for livestock;

(d) A statement describing the applicant's experience with large animals, especially cattle and horses;

(e) A brief statement indicating that the applicant is requesting certification to issue inspection certificates for cattle, horses or both;

(f) The signature of the applicant; and

(g) Any other additional information as requested by the director.

(3) All applications must be accompanied by a check or money order for the amount of the certification fee of sixty dollars per applicant.

(4) Certifications expire on the third December 31st following the date of issuance. For example, if a certification was issued on October 14, 2003, it would expire on December 31, 2005. All applications for renewal of certification must be submitted on AGR Form 930-7089 and accompanied by a check or money order for the amount of the certification fee of sixty dollars per applicant.
(5) All applicants applying for certification or renewal of certification must complete department-provided training and pass a written test with no less than a score of ninety percent. The department will provide to each person applying for certification or renewal of certification a copy of the most current brand book and any supplements issued to date to each certified veterinarian or field livestock inspector. Training will include, but will not be limited to, the:

(a) Reading of printed brands;
(b) Reading of brands or other marks on animals, including the location of brands on animals;
(c) Reading of a microchip or other electronic official individual identification;
(d) Completion of official documents; and
(e) Review of satisfactory ownership documents.

(6) The director will maintain a list of veterinarians and field livestock inspectors certified to perform livestock inspections. Interested parties may request a copy of the list by contacting the department at:
Washington State Department of Agriculture
Animal Services Division
1111 Washington Street S.E.
P.O. Box 42577
Olympia, WA 98504-2577
Email: livestockid@agr.wa.gov
Phone: 360-902-1855
Web site: https://agr.wa.gov/departments/animals-livestock-and-pets/livestock

(7) Inspections by certified veterinarians and field livestock inspectors are conducted upon request and provided at the discretion of the veterinarian or field livestock inspector.

(8) Certified veterinarians and field livestock inspectors must submit all required inspection fees to the director and copies of each inspection certificate within thirty days of the date of issue.

(9) The director may deny certification or renewal of certification to issue inspection certificates if the veterinarian or field livestock inspector fails to meet the requirements of this section or knowingly makes false or inaccurate statements regarding his or her qualifications on the certification application.