

WSR 23-14-110

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed July 5, 2023, 6:03 a.m., effective August 5, 2023]

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

Purpose: The department of agriculture (department) is amending chapter 16-610 WAC, Livestock identification, to align with recently enacted legislation. In April 2023, the Washington state legislature passed SSB 5439 (chapter 46, Laws of 2023). The department is amending chapter 16-610 WAC to align with this recently enacted legislation by adding a statement that the \$20.00 call out fee is not charged by certified veterinarians and field livestock inspectors; and adding a requirement that the livestock identification advisory committee must review the costs and operations of the livestock identification program.

These changes mirror the legislation.

The department is also amending the definition of "call out fee" to clarify that it is a fee charged by department inspectors.

Citation of Rules Affected by this Order: Amending WAC 16-610-005, 16-610-010, and 16-610-065.

Statutory Authority for Adoption: RCW 16.57.350, 16.58.030, 16.65.020.

Adopted under notice filed as WSR 23-10-084 on May 3, 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: July 5, 2023.

Derek I. Sandison
Director

OTS-4555.1

AMENDATORY SECTION (Amending WSR 19-20-022, filed 9/23/19, effective 10/24/19)

WAC 16-610-005 Definitions. In addition to the definitions found in RCW 16.57.010, 16.58.020, and 16.65.010, the following definitions apply to this chapter:

"Association of livestock breeders" means any properly incorporated association whose membership is made up of livestock breeders.

"Beef commission assessment point" means a person or business, as designated by the Washington state beef commission, required to col-

lect and submit the mandatory per-head beef promotional fees directly to the commission when the sale of cattle occurs.

"Beef promotion fee" means the mandatory state and/or federal beef commission assessment fee under RCW 16.67.120 and 16.67.122 that is collected on each head of cattle at the time of sale.

"Call out fee" is a trip fee charged by department inspectors for conducting livestock inspections.

"Certified veterinarian" means an individual licensed to practice veterinary medicine in Washington state under chapter 18.92 RCW who has been certified to perform livestock inspections by the director.

"Electronic official individual identification" means an official USDA approved 840 radio-frequency identification (RFID) tag. Official USDA RFID ear tags are imprinted with an official USDA animal identification number (AIN), bear the official U.S. shield, and are tamper proof.

"Farmers cooperative association" means any cooperative association of livestock producers. Farmers cooperative association does not include livestock youth organizations such as 4-H, FFA, or other junior livestock groups.

"Field livestock inspector" means an individual who has been certified by the director to perform livestock inspections.

"Legacy brand" means a brand that has been in continuous use for at least (~~twenty-five~~) 25 years.

"Livestock heritage brand" means a designation given to a brand that has been deactivated by the recorded owner. A heritage brand may not be applied to livestock.

"Market" means a public livestock market as defined in RCW 16.65.010(1).

"Special sale" means a public sale conducted by an individual, youth organization, livestock breeders association, or farmers cooperative association on a seasonal or occasional basis.

"USDA" means the United States Department of Agriculture.

AMENDATORY SECTION (Amending WSR 19-20-022, filed 9/23/19, effective 10/24/19)

WAC 16-610-010 Livestock identification advisory committee. (1)

The livestock identification advisory committee is established in RCW 16.57.015 for the purpose of advising the director regarding:

(a) Livestock identification programs administered under chapter 16.57 RCW and these rules;

(b) Inspection fees; and

(c) Related licensing fees.

(2) The advisory committee must review the costs and operations of the livestock identification program.

(3) The committee is appointed by the director and is composed of (~~twelve~~) 12 voting members as follows: Two beef producers, two livestock market owners, two horse producers, two dairy producers, two cattle feeders, and two meat processors.

Organizations representing the groups represented on the committee may submit nominations for these appointments to the director for the director's consideration. No more than two members at the time of their appointment or during their term may reside in the same county. Members may be reappointed and vacancies must be filled in the same manner as original appointments are made.

~~((3))~~ (4) The committee shall elect a member to serve as committee chair. The committee must meet at least twice a year. The committee shall meet at the call of the director, chair, or a majority of the committee. A quorum of the committee consists of a majority of members. If a member has not been designated for a position, that position may not be counted for purposes of determining a quorum. A member may appoint an alternate who meets the same qualifications as the member to serve during the member's absence. The director may remove a member from the committee if that member has two or more unexcused absences during a single calendar year.

~~((4))~~ (5) Livestock identification advisory committee members must be residents of the state of Washington and actively engaged in the industry they represent.

AMENDATORY SECTION (Amending WSR 19-20-022, filed 9/23/19, effective 10/24/19)

WAC 16-610-065 Livestock identification fees. All livestock identification inspection fees charged by the director are specified in statute under RCW 16.57.220 but are reproduced in this section for ease of reference.

A call out fee of ~~((twenty dollars))~~ \$20 will be charged for conducting livestock inspections in accordance with RCW 16.57.220, 16.58.130 and 16.65.090. Public livestock markets, special sales, open consignment horse sales, certified feedlots, and USDA inspected slaughter facilities will be charged a call out fee per inspector per day, with the exception of:

Special sales conducted by youth livestock organizations such as 4-H, FFA, and junior livestock groups are exempt from call out fees. No call out fee is charged for an inspection done by a certified veterinarian or field livestock inspector.

Certificate	Fees:
Inspection Certificate - Cattle	(1) The livestock inspection fee for cattle is \$4.00 per head except:
	The fee for livestock inspection for cattle is \$1.21 per head when cattle are identified with a valid brand recorded to the owner or identified with an electronic official individual identification tag.
	(2) The livestock inspection fee for cattle is \$4.40 per head for cattle delivered to a USDA inspected slaughter facility with a daily capacity of no more than five hundred head of cattle.
	(3) No inspection fee is charged for a calf that is inspected prior to moving out-of-state under an official temporary grazing permit if the calf is part of a cow-calf unit and the calf is identified with the owner's Washington state-recorded brand or identified with an electronic official individual identification tag.

Certificate	Fees:
Inspection Certificate - Horse	(4) The livestock inspection fee for horses is \$3.85 per head.
Inspection Certificate - Groups of thirty or more horses	(5) The livestock inspection fee for groups of thirty or more horses is \$2.20 per head, if: (a) The horses are owned by one individual; and (b) The inspection is performed on one date and at one location; and (c) Only one certificate is issued.
Inspection Certificate - Minimum fee	(6) The minimum fee for a livestock inspection is \$5.50 . The minimum fee does not apply to livestock consigned to and inspected at a public livestock market, special sale, or a cattle processing plant.
Annual individual identification certificate for individual animals	(7)(a) The livestock inspection fee for an annual individual identification certificate for cattle and horses is \$22.00 per head. (b) The livestock inspection fee for an annual individual identification certificate for groups of thirty or more horses or cattle is \$5.50 per head, if: (i) The horses or cattle are owned by one individual; (ii) The inspection is performed on one date and at one location; and (iii) Only one certificate is issued.
Lifetime individual identification certificate	(8) A livestock inspection fee for a lifetime individual identification certificate for horses and cattle is \$63.00 per head.