



# RULE-MAKING ORDER EMERGENCY RULE ONLY

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

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: June 10, 2025

TIME: 2:50 PM

WSR 25-13-038

**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:** 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 U.S. dairy herds.

**Citation of rules affected by this order:**

- New: WAC 16-54-066.  
Repealed: .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:**

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 United States, and while current risk to the general public is low, the situation is rapidly evolving and remains under active investigation by the United States Department of Agriculture (USDA), U.S. Centers for Disease Control and Prevention (CDC), 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 co-mingled 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 premise.

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.

**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	_____	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: 06/10/2025**

**Name:** Derek I. Sandison

**Title:** Director

**Signature:**



## **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 cattle infected with H5N1 and are not exhibiting signs of H5N1 infection.”**