



# 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: November 08, 2019

TIME: 8:49 AM

WSR 19-23-015

**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 Whidbey Island.

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

New: 16-51-014, 16-51-015, 16-51-016, 16-51-017, 16-51-018, 16-51-019, 16-51-020  
Repealed:  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 November 2019, the department confirmed positive diagnosis of Rabbit Hemorrhagic Disease (RHD) found in a domestic feral rabbit on Whidbey Island within Washington State. 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 Whidbey Island 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>7</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:** November 8, 2019

**Name:** Derek I. Sandison

**Title:** Director

**Signature:**



**Chapter 16-51 WAC**  
**Quarantine Zones for Rabbit Hemorrhagic Disease**

Whidbey Island

NEW SECTION

**WAC 16-51-014 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 16-51-015 Necessity of establishing a quarantine zone for RHD - Purpose.**

This chapter is authorized by RCW 16.36.040. In November 2019, the department confirmed positive diagnoses of Rabbit Hemorrhagic Disease (RHD) found in a domestic feral rabbit on Whidbey Island within Washington State. 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 Whidbey Island is necessary to protect domestic rabbits on the Washington mainland and unaffected islands.

## NEW SECTION

**WAC 16-51-016 Whidbey Island under quarantine for RHD.**

A quarantine zone is created within Whidbey Island. All premises lying within the boundaries of Whidbey Island fall under movement restrictions per WAC 16-51-017 and WAC 16-51-018.

NEW SECTION

**WAC 16-51-017 Prohibition on moving rabbits from the quarantine zone established for RHD.**

Movement of living or dead rabbits out of the quarantine zone listed in section 16-51-016 is prohibited.

NEW SECTION

**WAC 16-51-018 Prohibition on moving rabbit products, crates, and rabbit equipment from the quarantine zone established for RHD.**

Movement of rabbit products, crates, and rabbit equipment out of the quarantine zone listed in section 16-51-016 is prohibited.

NEW SECTION

**WAC 16-51-019 Disposal of dead rabbits originating within  
the quarantine zone.**

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 16-51-020    ~~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.