



STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE

PO Box 42560 • Olympia, Washington 98504-2560 • <http://agr.wa.gov> • (360) 902-1800

NOTICE OF CORRECTION

May 19, 2021

21-NOC-0015

Attn: Dr. Charlotte Hotchkiss
WaNPRC
3018 Western Ave.
Seattle, WA 98121

**FIRST CLASS & CERTIFIED
MAIL: RETURN RECEIPT
REQUESTED**

Dear Dr. Hotchkiss:

On April 23, 2021, our office was notified of research primates being imported into Washington State. An investigation was completed and concluded that the animals imported into Washington State did not meet animal health entry requirements for an entry permit. Some of the animals were infected with a disease called "Valley Fever". The facility failed to report this disease to the State Veterinarians office as required.

RCW 16.36.080 Veterinarians and others to report diseases—Director's duties—Unlawful importation states:

(1) Any person licensed to practice veterinary medicine, surgery, and dentistry in this state, veterinary laboratories, and others designated by this chapter shall immediately report in writing or by telephone, facsimile, or electronic mail to the director the existence or suspected existence of any reportable disease among animals within the state.

WAC 16-54-180 Wild and exotic animals – importation and testing requirements states:
Import health requirements.

(2) *All wild and exotic animals must be accompanied by an entry permit*

WAC 16-70-010 Requirements for reporting diseases that are on the OIE notifiable disease list.

(1) Any veterinary laboratory or person licensed to practice veterinary medicine in the state of Washington shall immediately report to the office of the state veterinarian the existence or suspected existence among any animals within the state of any reportable or notifiable diseases as published by the OIE (effective May 2013) or in this chapter.



WaNPRC
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The purpose of this letter is to put you on notice that you must comply with Washington laws and rules when importing exotics into the state. Exotics entering Washington State, regardless of origin, must meet the entry requirements **prior to entry into Washington State.**

Please be advised that if you fail to comply with state laws and rules it will result in further enforcement that may include issuance of a civil penalty in the amount of one thousand dollars (\$1000.00) under RCW 16.36.113, and chapter 16-90 WAC.

According to RCW 43.05.100 (2), a Notice of Correction is not a formal enforcement action, is not subject to appeal, and is a public record.

For compliance information, please call or write to the office indicated below:

Washington State Department of Agriculture
Animal Services Division, John Price
P.O. Box 42577
Olympia, Washington 98504-2577
360-902-1946
Fax: 360-902-2087
Email: jprice@agr.wa.gov

Enclosed are copies of RCW 16.36.080, RCW 16.36.113, WAC 16-54-180, WAC 16-70-010, WAC 16-90

Sincerely,

ANIMAL SERVICES DIVISION



Jodi Jones
Operations Director

cc: Animal Services Enforcement

CERTIFICATE OF SERVICE

I certify that I caused to be mailed a copy of these documents to the within-named interested parties via
FIRST CLASS & CERTIFIED MAIL

at their respective addresses, postage prepaid, on

May 19, 2021

Haia Aspek
Representative,

Washington State Department of Agriculture

RCW 16.36.080

Veterinarians and others to report diseases—Director's duties—Unlawful importation.

(1) Any person licensed to practice veterinary medicine, surgery, and dentistry in this state, veterinary laboratories, and others designated by this chapter shall immediately report in writing or by telephone, facsimile, or electronic mail to the director the existence or suspected existence of any reportable disease among animals within the state.

(2) Persons using their own diagnostic services must report any reportable disease among animals within the state to the director.

(3) The director shall investigate and/or maintain records of all cases of reportable diseases among animals within this state.

(4) The director may require appropriate treatment of any animal affected with, suspected of being affected with, or that has been exposed to any reportable disease. The owner may dispose of the animal rather than treating the animal as required by the director.

(5) It is unlawful for any person to import any animal infected with or exposed to a reportable disease without a permit from the director.

[1998 c 8 § 8; 1947 c 172 § 7; 1927 c 165 § 8; Rem. Supp. 1947 § 3117.]

RCW 16.36.113

Violations of chapter or rules—Civil penalty—Moneys collected—Time and mileage fee.

(1) Any person in violation of this chapter or its rules may be subject to a civil penalty in an amount of not more than one thousand dollars for each violation. Each violation is a separate and distinct offense. Every person who, through an act of commission or omission, procures, aids, or abets in the violation is in violation of this chapter or its rules and may be subject to the civil penalty provided in this section. Moneys collected under this section must be deposited in the state general fund.

(2) The department may charge a time and mileage fee for the cost of an investigation including inspecting animals and related records during an investigation of a proven violation of this chapter. The fee may be up to eighty-five dollars per hour and the current mileage rate set by the office of financial management. The director may increase the hourly fee by rule as necessary to cover costs of investigations. All fees collected pursuant to this subsection shall be deposited in an account in the agricultural local fund and used to carry out the purposes of this chapter.

[2011 c 204 § 11; 2007 c 71 § 4.]

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WAC 16-54-180

Wild and exotic animals—Importation and testing requirements.

Import health requirements.

(1) Wild and exotic animals entering Washington state must be accompanied by a certificate of veterinary inspection issued by an accredited veterinarian licensed in the state of origin, or accompanied by an international certificate of health unless the animals are prohibited under chapter 16.30 RCW or 232-12 WAC.

(2) All wild and exotic animals must be accompanied by an entry permit.

Import test requirements.

(3) **Brucellosis:** Within thirty days before entering Washington state, negative serologic testing must be conducted on the following categories of captive wild or exotic animals that are more than six months of age:

Table 1.
Wild and exotic animals that must be tested
for brucellosis

Tested For	Species Scientific Name	Common Name Examples
<i>Brucella abortus</i>	<i>Camelidae</i>	<ul style="list-style-type: none"> • Vicuna • Guanaco • Camel
	<i>Cervidae</i>	<ul style="list-style-type: none"> • Elk • Caribou • Moose • Reindeer • Deer
	<i>Giraffidae</i>	<ul style="list-style-type: none"> • Giraffe • Okapi
	<i>Bovidae</i>	<ul style="list-style-type: none"> • Wild cattle (gaur, banteng, kaupre, yak) • Bison (American bison, European bison) • Buffalo (Asian water buffalo, tamaraw, lowland anoa, mountain anoa, African buffalo)
	<i>Ovidae, Capridae</i>	<ul style="list-style-type: none"> • Wild sheep (bighorn sheep,

		Dall's sheep, mouflon, argoli, uriol, blue sheep, barbary sheep, red sheep) • Wild goats (Rocky Mountain goat, ibex, walia ibex, west Caucasian tur, east Caucasian tur, Spanish ibex, markhor)
<i>Brucella suis</i>	<i>Suidae</i>	• Wild swine (European wild boar, bearded pig, Jovan pig, pygmy hog, wart hog, giant forest pig, East Indian swine or Babirusa, African bush pig, peccaries)
<i>Brucella suis</i> biovar 4	<i>Cervidae</i>	• Caribou • Reindeer
<i>Brucella ovis</i>	<i>Ovidae, Capridae</i>	• All wild sheep and goats must be tested and found negative to <i>Brucella ovis</i> within thirty days before entering Washington state

(4) **Tuberculosis** (*Mycobacterium bovis* and *Mycobacterium tuberculosis*):

(a) Animals less than six months of age that are nursing negative tested dams may be excluded from tuberculosis test requirements.

(b) Within thirty days before entering Washington state, the animals listed in the following table must test negative for *M. bovis* and *M. tuberculosis* by a skin test or other approved test that follows federal tuberculosis protocols:

Table 2.
Wild and exotic animals that must be tested for tuberculosis

Species Scientific Name	Common Name Examples
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<i>Ceropithecidae</i>	• Old world primates ²
<i>Hylobotidae</i>	• Gibbons ²
	• Lessor apes ²
<i>Pongidae</i>	• Great apes ²
<i>Elephantidae</i>	• Elephants ¹
<i>Bovidae</i>	• Wild cattle
<i>Ovidae, Capridae</i>	• Wild sheep
	• Wild goats
<i>Cervidae</i>	• Elk
	• Caribou
	• Moose
	• Reindeer
	• Deer
<i>Giraffidae</i>	• Giraffe
	• Okapi

¹Negative trunk wash or other USDA-validated tuberculosis test every twelve months.

²All nonhuman primates are exempt from the *M. bovis* testing requirement.

(c) *Cervidae*, such as elk, deer, caribou, moose, and reindeer must be from herds not known to be infected with, exposed to, or affected by tuberculosis. They must also test negative for *M. bovis* using the testing requirements defined in Title 9 C.F.R. Part 77.33 (January 1, 2014).

(d) For all captive wild or exotic animals not listed in Table 2 of this section, the following statement signed by the animal's owner or agent must be placed on the official certificate of veterinary inspection:

"To my knowledge, the animals listed on this certificate are not infected with tuberculosis and have not been exposed to animals infected with tuberculosis during the past twelve months."

(5) **Pseudorabies:** All wild swine imported for zoos, exhibitions or to a research facility must test negative for pseudorabies no more than thirty days before entry into Washington state and must be held in quarantine for thirty to sixty days pending a postentry retest.

(6) **Equine infectious anemia:** All wild horses, donkeys, and hybrids of the family *Equidae* must test negative on an approved test for equine infectious anemia no more than six months before entry into Washington state.

(7) **Elaphostrongylinae** (*Parelaphostrongylus tenuis* (meningeal worm) and *Elaphostrongylus cervis* (muscle worm)): Before entering Washington state, all *Cervidae* must be examined for *Elaphostrongylinae* infection in the absence of anthelmintic treatment that could mask detection of the parasite.

(a) **All *Cervidae* residing for at least six months** west of a line through the eastern boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas or geographical boundaries as otherwise designated by the state veterinarian must have a negative fecal exam for dorsal-spined larvae made by an approved laboratory using the Baermann technique. Animals must be certified that they have not been treated with or exposed to anthelmintics for at least thirty days before testing.

(b) **All *Cervidae* residing for less than six months** west of a line through the eastern boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas or geographical boundaries as otherwise designated by the state veterinarian or from east of that line must be held in a preentry quarantine for thirty to sixty days and have two fecal tests for dorsal-spined larvae made by an approved laboratory using the Baermann technique.

(i) The first test must be conducted at least thirty days and not more than forty days before the second test.

(ii) Fecal samples of at least thirty grams per sample are to be collected by an accredited veterinarian from the animal's rectum and identified by the animal's official identification number.

(iii) During the thirty-day testing period, test animals must be held in quarantine and isolated from all other *Cervidae* not included in the shipment.

(iv) If any animal tests positive to either of the two fecal tests, neither that animal nor any other animal held in quarantine with the infected animal may be imported into Washington state.

(c) All imported *Cervidae* must be held for one hundred eighty days in an on-site quarantine and be available for inspection by the director during this time.

(d) Every thirty, sixty, ninety, one hundred twenty, one hundred fifty, and one hundred eighty days after arrival, fecal samples from the animals must be tested by the Baermann technique in an approved laboratory and be found negative for dorsal-spined larvae. Animals that test positive for dorsal-spined larvae must either be removed from Washington state or destroyed.

(e) To prevent the presence of the gastropod intermediate hosts of *Elaphostrongylinae* larvae, the quarantine site must be prepared and inspected before the imported animals enter. Preparation includes:

(i) Providing a hard surface, such as asphalt or concrete, on which to keep the animals;

(ii) Spraying the quarantine area with an EPA-registered molluscicide; and

(iii) Spraying a four-meter wide tract around the perimeter of the holding compound with an EPA-registered molluscicide. This perimeter tract must be treated once every five days and within twenty-four hours of precipitation (10 mm or more) to ensure that the gastropod population is kept to zero within the compound.

(8) **Rabies:** Any carnivorous mammal taken from the wild is prohibited from entering Washington state if rabies has been diagnosed in the state of origin during the past twelve months, or if prohibited under WAC **246-100-197**.

[Statutory Authority: RCW **16.36.040** and chapter **34.05** RCW. WSR 17-13-068, § 16-54-180, filed 6/16/17, effective 7/17/17; WSR 16-23-108, § 16-54-180, filed 11/18/16, effective 12/19/16; WSR 15-02-025, § 16-54-180, filed 12/30/14, effective 1/30/15. Statutory Authority: Chapters **16.36** and **34.05** RCW. WSR 10-13-153, § 16-54-180, filed 6/23/10, effective 7/24/10; WSR 07-14-056, § 16-54-180, filed 6/28/07, effective 7/29/07.]

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WAC 16-70-010

Requirements for reporting diseases that are on the OIE notifiable disease list.

(1) Any veterinary laboratory or person licensed to practice veterinary medicine in the state of Washington shall immediately report to the office of the state veterinarian the existence or suspected existence among any animals within the state of any reportable or notifiable diseases as published by the OIE (effective May 2013) or in this chapter.

(2) Case definitions shall conform to OIE standards under the *Terrestrial Animal Health Code* (22nd Edition, 2013) and the *OIE Manual of Diagnostic Tests and Vaccines for Terrestrial Animals*, 6th Edition, (2008), with updates published online at:
<http://www.oie.int/manual-of-diagnostic-tests-and-vaccines-for-terrestrial-animals/>

(a) A case means an individual animal affected by one of the diseases listed on the OIE notifiable disease list or a disease listed in this chapter.

(b) The criterion by which "affected" is defined for each disease (for example: Clinical signs, serological evidence, etc.) is found in the *Terrestrial Animal Health Code* and *Manual of Diagnostic Tests and Vaccines for Terrestrial Animals*.

(c) The OIE *Terrestrial Animal Health Code* can be found on the internet
<http://www.oie.int/en/international-standard-setting/terrestrial-code/access-online/>. The *Terrestrial Animal Health Code* is available in web format; a hard copy version may be ordered from OIE.

[Statutory Authority: RCW **16.36.040** and chapter **34.05** RCW. WSR 15-02-027, § 16-70-010, filed 12/30/14, effective 1/30/15. Statutory Authority: Chapters **16.36** and **34.05** RCW. WSR 07-10-087, § 16-70-010, filed 5/1/07, effective 6/1/07. Statutory Authority: RCW **16.36.010**(1), [16.36.]040 and [16.36.]080(4). WSR 00-06-064, § 16-70-010, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW **16.36.096** and **16.36.040**. WSR 93-19-127 (Order 5011), § 16-70-010, filed 9/21/93, effective 10/22/93; Order 1005, Regulations 1-3, filed 7/22/66, effective 8/22/66; Order 655, Regulation 1, effective 5/19/53.]

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Chapter 16-90 WAC

Last Update: 1/9/09

PENALTY SCHEDULE

WAC Sections

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[PDF](#) **16-90-005**

Purpose.

The purpose of this chapter is to provide for fair and uniform determination of penalties issued under RCW **16.36.113** and to provide for fair and uniform actions taken in relation to permits or licenses issued by the department as a result of violations of chapter **16.36** RCW and the rules adopted under that statute.

[Statutory Authority: Chapters **16.36** and **34.05** RCW. WSR 09-03-020, § 16-90-005, filed 1/9/09, effective 2/9/09.]

[PDF](#) **16-90-010**

Penalty outline.

(1) In accordance with RCW **16.36.113**, any person who violates chapter **16.36** RCW or the rules adopted under that statute may be subject to a civil penalty in an amount of not more than one thousand dollars for each violation.

(2) Each violation is a separate and distinct offense. Penalties may be assessed per violation or per head when pertaining to animals, depending on the unique circumstances of

the violation(s). Every person who, through an act of commission or omission, procures, aids, or abets in the violation is in violation and may be subject to a civil penalty. When a person has committed multiple violations, the violations are cumulative for purposes of calculating the appropriate penalty. Penalties will be added together.

(3) Moneys collected from civil penalty payments will be deposited in the state general fund.

(4) Nothing in this chapter shall prevent the department from:

(a) Choosing not to pursue a civil penalty, permit or license denial, suspension, or revocation;

(b) Issuing a notice of correction in lieu of pursuing a civil penalty, permit or license denial, suspension, or revocation;

(c) Negotiating settlement(s) of cases on such terms and for reasons as it deems appropriate.

(5) A prior violation covered by a settlement agreement may be used by the department for the purpose of determining the appropriate penalty for future violations, if not prohibited by the agreement.

(6) A violation committed during a period when an individual's permit or license is suspended or revoked may be subject to the maximum civil penalty of one thousand dollars or revocation of the permit or license for a period of up to five years. A violation committed by an unlicensed or unpermitted person is subject to the provisions of this chapter.

(7) The department may also choose to refer a violation to any federal, state or county authority with jurisdiction over the activities in question.

[Statutory Authority: Chapters **16.36** and **34.05** RCW. WSR 09-03-020, § 16-90-010, filed 1/9/09, effective 2/9/09.]

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16-90-015

Revoking, suspending, or denying a permit or license.

(1) The department retains the sole discretion to determine when a permit or license should be revoked or suspended. In circumstances where the department determines revocation to be appropriate, the period of revocation shall be determined at the discretion of the department, but in no instance shall the revocation exceed five years.

(2) The department may deny an applicant a permit or license when the applicant has committed a violation of chapter **16.36** RCW or the rules adopted under the chapter. In circumstances where the department determines denial to be appropriate, the period of denial shall not exceed five years.

(3) Nothing shall prevent the department from denying an applicant a permit or license when the applicant has an outstanding civil penalty owed to the department from a previous violation of any statute or rule under the jurisdiction of the department.

(4) The department may, at its discretion, suspend a permit or license without also seeking a civil penalty. Such circumstances include, but are not limited to, those incidents where a civil penalty is not available as an appropriate penalty pursuant to RCW **43.05.110**.

[Statutory Authority: Chapters **16.36** and **34.05** RCW. WSR 09-03-020, § 16-90-015, filed 1/9/09, effective 2/9/09.]

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16-90-020**Issuance of a civil penalty without first issuing a notice of correction.**

(1) Pursuant to RCW **43.05.100**, a notice of correction may be issued by the department when they become aware of conditions and/or conduct that are not in compliance with the applicable laws and rules enforced by the department.

(2) The department may assess a civil penalty without first issuing a notice of correction in accordance with RCW **43.05.110**.

[Statutory Authority: Chapters **16.36** and **34.05** RCW. WSR 09-03-020, § 16-90-020, filed 1/9/09, effective 2/9/09.]

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16-90-030**Penalty schedule.**

(1) The following penalty schedule will be used for violations of Washington state animal health laws and rules, including chapter **16.36** RCW and the rules adopted under that statute. The level of civil penalty is determined by the number of prior civil penalties the person has received in the past ten years excluding notices of correction.

Violation	Procedural Violations	Disease Violations
First	\$150.00	\$250.00
Second	\$350.00	\$650.00
Third and subsequent	\$1,000.00	\$1,000.00

(2) Procedural violations: A "procedural violation" is a violation of the administrative functions associated with state import regulations where the violation did not cause a threat to Washington state's livestock industry. Procedural violations include but are not limited to violations of the following statutes and rules:

WAC **16-54-030** Certificate of veterinary inspection, and entry permit requirements.

WAC **16-54-032** Certificate of veterinary inspection—Required information.

WAC **16-54-068** Restrictions.

WAC **16-54-082** Domestic bovine animals—Importation requirements.

WAC **16-54-088** Temporary grazing permits.

WAC **16-54-105** Llamas and alpacas.

WAC **16-54-160** Birds other than poultry—Importation and testing requirements.

WAC **16-54-180** Wild and exotic animals and birds—Importation and testing requirements.

Chapter **16-74** WAC Livestock testing—Duties of owners.

WAC **16-80-045** Identification of swine.

WAC **16-86-017** Grazing permits.

(3) Disease violations: A "disease violation" is a violation of animal health statute and rules that cause a threat to Washington state's livestock industry and include the failure to obtain required testing and vaccinations prior to entry into Washington state. Disease violations include, but are not limited to, violations of the following statutes and rules:

RCW **16.36.105** Swine, garbage feeding, license—Application—Fee—Inspection.

Chapter **16-25** WAC Disposal of dead livestock.

Chapter **16-42** WAC Biological products.

WAC **16-54-025** Transporting livestock—Sanitary requirements.

WAC **16-54-028** Testing procedure requirements.

WAC **16-54-065** Prohibited entries.

WAC **16-54-068**(4) - proof of current rabies vaccination.

WAC **16-54-071** Domestic equine and equine reproductive products—Importation requirements.

WAC **16-54-083** Domestic and foreign bovine brucellosis requirements.

WAC **16-54-085** Domestic bovine tuberculosis requirements.

WAC **16-54-086** Bovine trichomoniasis requirements.

WAC **16-54-090** Goats—Importation and testing requirements.

WAC **16-54-101** Sheep—Importation and testing requirements.

WAC **16-54-111** Swine—Importation and testing requirements.

WAC **16-54-145** Poultry and game birds, including ratites—Importation and testing requirements.

Chapter **16-59** WAC Avian diseases in Washington state.

Chapter **16-70** WAC Animal disease—Reporting.

Chapter **16-71** WAC Equine infectious anemia.

WAC **16-80-025** Disinfecting premises.

WAC **16-80-030** Disinfecting vehicles.

WAC **16-86-015** Change of ownership requirements for cattle and bison in Washington.

WAC **16-86-026** Brucellosis testing requirements for raw milk dairies.

WAC **16-86-110** Q fever testing requirements for raw milk dairies.

WAC **16-86-130** Cattle used in rodeo or timed events.

WAC **16-86-140** Tuberculosis testing requirements for raw milk dairies.

WAC **16-89-022** Scrapie identification of sheep and goats.

WAC **16-89-090** Destruction and disposal of scrapie infected animals or flocks.

WAC **16-89-120** Concealing the disease.

WAC **16-89-150** Brucellosis testing for sheep and goat dairies.

WAC **16-89-170** Q fever testing requirements for sheep and goat dairies.

WAC **16-89-180** Tuberculosis testing for goat dairies.

(4) A one thousand dollar civil penalty will be issued regardless of the number of prior violations for a violation of the following:

(a) Chapter **16-30** WAC Restricted feedlots and restricted holding facilities;

(b) WAC **16-54-071** (13) and (14) - Piroplasmiasis;

- (c) WAC **16-54-111** Swine—Importation and testing requirements;
- (d) WAC **16-54-180** Wild and exotic animals and birds—Importation and testing requirements;
- (e) WAC **16-80-015** Sale of quarantined animals;
- (f) WAC **16-80-040** Vaccination;
- (g) WAC **16-80-047** Mandatory reporting of suspected pseudorabies;
- (h) Importation of a foreign animal disease or "transboundary" diseased animal. A transboundary animal disease is a disease that has been eradicated within the borders of the United States that would cause an economic loss if detected; and
- (i) All quarantine and hold order violations under chapter **16.36** RCW. The department may assess a civil penalty for these violations without first issuing a notice of correction in accordance with RCW **43.05.110**.

(5) Mitigating factors: The department reserves the right to decrease the civil penalty assessed for a violation by up to one hundred dollars in circumstances that include, but are not limited to, voluntary disclosure of a violation, or voluntary taking of remedial measures that would result in increased public protection and a decreased likelihood that the violation will be repeated.

(6) Aggravating factors: The department reserves the right to increase the civil penalty assessed for a violation by up to five hundred dollars, not to exceed one thousand dollars per violation. Circumstances may include, but are not limited to, situations where the violator knowingly commits a violation, where the civil penalty assessed is not substantially equivalent to the violator's economic benefit derived from the violation, the high magnitude of the harm, or potential harm to humans, animals, or property caused by the violation, the similarity of the current alleged violation to previous violations committed within the past ten years, or the extent to which the alleged violation is part of a pattern of the same or substantially similar conduct.

[Statutory Authority: Chapters **16.36** and **34.05** RCW. WSR 09-03-020, § 16-90-030, filed 1/9/09, effective 2/9/09.]