

March X, 2016

[REDACTED]
[REDACTED]
[REDACTED]

Subject: FINAL NOTICE - Compliance with WSDA Inspection and Green Tag Regulations

Dear Mr. [REDACTED]

In July 2013, the Washington State Department of Agriculture began the green tag program to offer licensed milk producers an alternative for mandatory livestock inspections required by state law on unbranded bull calves and freemartins less than 30 days of age. The agency has worked hard to educate milk producers and licensed calf dealer/haulers on inspection laws, the green tag alternative, and proper use of green tags.

However, many dairies have failed to have either a livestock inspection or use the green tag alternative. WSDA is now prepared to enforce these requirements.

I am contacting you now because our audits show that your dairy has been out of compliance. Audits conducted on previous sale transactions show your dairy failed to request an inspection or did not meet the conditions of using green tags. Lack of an inspection or misuse of green tags is a violation of *RCW 16.57.267, failure to present animal for inspection.*

State law sets the conditions under which dairy farmers must request a livestock inspection. This letter is a final reminder for you to follow inspection requirements, properly use green tags, or report on-line via the Electronic Cattle Transaction Reporting (ECTR) system as an alternative to an on-site inspection.

One of these three options must be followed at any point of private sale, gift, or barter. Future violations will subject you to a Notice of Infraction and possible monetary penalties assessed by the district court in your area.


For your convenience, a copy of WAC 16-610-020 and RCW 16.57.160 which outlines inspection requirements and green tags or ECTR conditions of use are enclosed. For more information, visit our website at:

Green Tags: <http://agr.wa.gov/FoodAnimal/AnimalID/tags.aspx>

ECTR: <http://agr.wa.gov/FoodAnimal/Livestock/ECTR.aspx>

If you require assistance or have questions, please don't hesitate to contact me directly at (360) 902-1946 or by email at dbangart@agr.wa.gov. Thank you for your assistance in maintaining the health of our state's livestock population.

Sincerely,

A handwritten signature in black ink, appearing to read "David Bangart", with a horizontal line extending to the right from the end of the signature.

David Bangart
Compliance Lead Investigator
Animal Services Division

Enclosure

Mandatory Inspections and ECTR:

WAC 16-610-020, *Cattle inspections for brands or other proof of ownership.*

...(3) All cattle must be inspected for brands or other proof of ownership at any point of private sale, trade, gifting, barter, or any other action that constitutes a change of ownership. For transactions involving cattle not being moved or transported out of Washington state:

(a) Cattle must be presented for an inspection within fifteen days from the date of the initial transaction and accompanied by a certificate of permit. It shall be the responsibility of the seller to notify the department immediately that a sale has occurred. It shall be the responsibility of the buyer to present the animals for inspection.

(b) Cattle sold for 4-H and FFA youth projects are exempt from the fifteen day inspection requirement and can be inspected, if not prior, when consigned to a terminal show.

(c) Until the earlier of January 1, 2016, or the date of notice that an electronic livestock movement reporting system is available for use, individual private sales of unbranded female dairy breed cattle involving fifteen head or less are exempt from the inspection requirement.

(4) Individual private sales, trades, gifting, barter, or any other action that constitutes a change of ownership of unbranded dairy cattle are required to obtain inspections under this section except when the seller holds an electronic cattle transaction reporting license under chapter 16.57 RCW and reports transactions through that system.

(a) Transactions involving dispersal or liquidation sales, or covered by subsection (1) and (2) of this section, or cattle being moved or transported out of Washington state, may not be reported electronically and inspection is required.

(b) For purposes of this section, "dairy cattle" means all cattle, regardless of age or sex, that are in use to produce milk or other dairy products for human consumption including, but not limited to, breeds such as Ayrshire, Brown Swiss, Holstein, Jersey, Guernsey, and Milking Shorthorn.

(c) License:

(i) Holders of a valid milk producers license under chapter 15.36 RCW may apply for an electronic cattle transaction reporting license. Applications shall be made upon a form provided by the department to include:

(A) Milk producers license number;

(B) First and last name of the holder of the milk producer license;

(C) Active e-mail address, phone number, and mailing address for the licensed milk producer; and

(D) Business name, physical address, mailing address, and phone number.

(ii) Upon approval of the application, the director will provide the licensee with system authorization to begin utilizing the electronic cattle transaction reporting system.

(iii) As a condition of licensure, the electronic cattle transaction reporting licensee consents to up to two site visits per year. The purpose of a site visit is to conduct examinations and inspections of cattle and any associated records for movement verification. Records must be kept for three years and include information such as, but not limited to, cattle origin and destination, official individual identification tag number of each cattle sold, breed and sex of cattle sold, and date the transaction occurred. Site visits will be conducted during normal business hours and scheduled in advance. Time and mileage fees as described in WAC 16-610-065 will be assessed at the time of each site visit and will be collected from the licensee.

(iv) The director may deny, suspend, or revoke an electronic cattle transaction reporting license for failure to comply with any condition of licensure under this section or any requirement of this chapter or chapter 16.57 RCW.

(d) Reporting:

(i) All transactions reported to the department through the electronic cattle transaction reporting system must be reported within twenty-four hours of the transaction and include the following information:

- (A) Buyer's name, phone number, and physical address of destination;
- (B) Buyer's e-mail address if available;
- (C) Number of cattle sold;
- (D) Official individual identification tag number of each cattle sold;
- (E) Breed and sex of cattle sold; and
- (F) Date the transaction occurred;

(ii) Only dairy cattle that are officially identified with a green tag per RCW 16.57.160(3), an animal identification number radio frequency tag, a brucellosis vaccination metal tag, or a brucellosis vaccination radio frequency tag may be reported electronically.

(iii) A fee of one dollar and thirty cents per head will be assessed for electronically reported transactions, along with any other applicable fees including, but not limited to, the fees listed in subsection (5) of this section. The fees are due and collected at the time of reporting through the electronic cattle transaction reporting system.

Green Tags:

RCW 16.57.160, Cattle or horses—Rules—Mandatory inspection points—Self-inspection certificates—Dairy cattle identification tags—Fees.

...(4)(a) Upon request by a milk producer licensed under chapter 15.36 RCW, the department must issue an official individual identification tag to be placed by the producer before the first point of sale on bull calves and free-martins (infertile female calves) under thirty days of age. The fee for each tag is the cost to the department for manufacture, purchase, and distribution of the tag plus the applicable beef commission assessment. As used in this subsection (4), "green tag" means the official individual identification issued by the department.

(b) Transactions involving unbranded dairy breed bull calves or free-martins (infertile female calves) not being moved or transported out of Washington are exempt from inspection requirements under this chapter only if:

- (i) The animal is under thirty days old and has not been previously bought or sold;
 - (ii) The seller holds a valid milk producer's license under chapter 15.36 RCW;
 - (iii) The sale does not take place at or through a public livestock market or special sale authorized by chapter 16.65 RCW;
 - (iv) Each animal is officially identified as provided in (a) of this subsection; and
 - (v) A certificate of permit and a bill of sale listing each animal's green tag accompanies the animal to the buyer's location. These documents do not constitute proof of ownership under this chapter.
- (c) All fees received under (a) of this subsection, except for the beef commission assessment, must be deposited in the animal disease traceability account in the agricultural local fund created in RCW 43.23.230.