

**WAC 16-06-210 Exemptions.** (1) The Public Records Act exempts a number of types of records from public disclosure (see chapter 42.56 RCW).

(2) Records are also exempt from disclosure if any other statute exempts or prohibits disclosure. Requestors should be aware of the following exemptions outside of the Public Records Act, which restrict the availability of some records held by the department. This list is not exhaustive and other exemptions may apply:

(a) The semiannual report required in the Commercial Feed Act (reference RCW 15.53.9018).

(b) The department has the authority to publish reports of official seed inspections, seed certifications, laboratory statistics, verified violations of this chapter, and other seed branch activities which do not reveal confidential information regarding individual company operations or production (reference RCW 15.49.370(8)).

(c) Financial statement information required under RCW 22.09.040(9) or 22.09.045(7).

(d) Privileged or confidential information or data that contains trade secrets, commercial, or financial information submitted under the Washington Pesticide Control Act (reference RCW 15.58.060 (1)(c) and 15.58.065).

(e) Information submitted by an applicant under chapter 17.24 RCW that is privileged or confidential because it contains trade secrets or commercial or financial information (reference RCW 17.24.061).

(f) Under RCW 42.56.610 and 90.64.190, information identifying the number of animals; volume of livestock nutrients generated; number of acres covered by the plan or used for land application of livestock nutrients; livestock nutrients transferred to other persons; and crop yields in plans, records, and reports obtained by state and local agencies from dairies, animal feeding operations, and concentrated animal feeding operations not required to apply for a National Pollutant Discharge Elimination System permit is disclosable in the following ranges:

(i) Number of animals: Beef cattle

- 1 to 19
- 20 to 159
- 160 to 299
- 300 to 999
- 1,000 to 5,999
- 6,000 to 10,999
- 11,000 to 15,999
- 16,000 to 20,999
- 21,000 to 25,999
- 26,000 to 31,199
- 31,200 to 37,439
- 37,440 to 44,999
- 45,000 and above

(ii) Number of animals: Mature dairy cattle

- 1 to 37
- 38 to 199
- 200 to 699
- 700 to 1,699
- 1,700 to 2,699
- 2,700 to 3,699
- 3,700 to 4,699
- 4,700 to 5,699
- 5,700 to 6,839

6,840 and above  
(iii) Number of animals: Dairy heifers  
1 to 49  
50 to 149  
150 to 299  
300 to 999  
1,000 to 1,999  
2,000 to 2,999  
3,000 to 3,999  
4,000 and above  
(iv) Number of animals: Swine (fifty-five pounds or greater)  
1 to 19  
20 to 159  
160 to 399  
400 to 749  
750 to 2,499  
2,500 to 4,249  
4,250 to 5,999  
6,000 to 7,749  
7,750 and above  
(v) Number of animals: Swine (less than fifty-five pounds)  
1 to 99  
100 to 499  
500 to 1,099  
1,100 to 1,999  
2,000 to 2,999  
3,000 to 9,999  
10,000 to 16,999  
17,000 to 23,999  
24,000 to 30,999  
31,000 and above  
(vi) Number of animals: Layers (all ages)  
1 to 199  
200 to 999  
1,000 to 10,999  
11,000 to 24,999  
25,000 to 81,999  
82,000 to 138,999  
139,000 to 195,999  
196,000 to 252,999  
253,000 to 309,999  
310,000 to 371,999  
372,000 to 446,399  
446,400 to 535,679  
535,680 to 642,815  
642,816 to 771,379  
771,380 to 925,655  
925,656 to 1,110,787  
1,110,788 to 1,332,945  
1,332,946 and above  
(vii) Number of animals: Broilers (all ages)  
1 to 199  
200 to 999  
1,000 to 17,999  
18,000 to 37,499  
37,500 to 124,999  
125,000 to 212,499

212,500 to 299,999  
300,000 and above  
(viii) Number of animals: Horses  
1 to 19  
20 to 79  
80 to 149  
150 to 499  
500 to 849  
850 to 1,199  
1,200 to 1,549  
1,550 and above

(ix) Livestock nutrients generated or exported by volume (ft<sup>3</sup>/day)

1 to 74  
75 to 134  
135 to 299  
300 to 449  
450 to 749  
750 to 1,499  
1,500 to 2,499  
2,500 to 4,999  
5,000 to 8,499  
8,500 to 11,999  
12,000 to 15,999  
16,000 and above

(x) Livestock nutrients generated or exported by weight (tons/year)

1 to 5,256  
5,257 to 10,512  
10,513 to 21,024  
21,025 to 42,048  
42,049 to 84,096  
84,097 to 164,184  
164,185 to 262,734  
262,735 to 394,200  
394,201 to 558,384  
558,385 to 722,634  
722,635 to 919,734  
919,735 to 1,051,134  
1,051,135 and above

(xi) Number of acres covered by the plan or used for land application of livestock nutrients

0 to 25  
26 to 65  
66 to 120  
121 to 300  
301 to 550  
551 to 900  
901 to 1,300  
1,301 to 1,800  
1,801 to 2,500  
2,501 to 3,200  
3,201 to 4,000  
4,001 to 6,000  
6,001 to 9,000  
9,001 to 11,500

11,501 to 14,000  
14,001 and above  
(xii) Crop yields - tons/acre  
0 to 1  
1.1 to 2  
2.1 to 3.5  
3.6 to 5  
5.1 to 7  
7.1 to 9  
9.1 to 12  
12.1 to 14.5  
14.6 to 17  
17.1 to 19.5  
19.6 to 22  
22.1 to 26  
26.1 and above

(g) A person aggrieved by a violation of chapter 17.21 RCW or the rules adopted under that chapter is entitled, on request, to have his or her name protected from disclosure in any communication with persons outside the department and in any record published, released, or made available to persons outside the department except as provided in RCW 17.21.340 (1) (a) (ii).

(h) Information about marijuana processors otherwise exempt from public inspection and copying under chapter 42.56 RCW is also exempt from public inspection and copying if submitted to or used by the department (reference RCW 69.07.200(4)).

(i) Information about marijuana producers, marijuana processors, and marijuana retailers otherwise exempt from public inspection and copying under chapter 42.56 RCW is also exempt from public inspection and copying if submitted to or used by the department (reference RCW 15.125.050).

(3) A list of common record exemptions can be found on the department's website.

[Statutory Authority: RCW 42.56.040. WSR 20-16-011, § 16-06-210, filed 7/23/20, effective 8/23/20. Statutory Authority: Chapters 42.56 and 34.05 RCW. WSR 17-20-102, § 16-06-210, filed 10/4/17, effective 11/4/17; WSR 17-06-034, § 16-06-210, filed 2/23/17, effective 3/26/17. Statutory Authority: RCW 43.17.060, 42.56.040, and chapter 34.05 RCW. WSR 14-19-056, § 16-06-210, filed 9/12/14, effective 10/13/14. Statutory Authority: Chapters 34.05, 42.56, and 43.23 RCW. WSR 09-03-032, § 16-06-210, filed 1/12/09, effective 2/12/09. Statutory Authority: Chapters 42.17 and 43.23 RCW. WSR 96-14-086, § 16-06-210, filed 7/2/96, effective 8/2/96.]