

# SENATE BILL REPORT

## ESHB 1754

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As Reported By Senate Committee On:  
Agriculture, March 27, 2003  
Ways & Means, April 1, 2003

**Title:** An act relating to poultry.

**Brief Description:** Concerning the slaughter, preparation, and sale of certain poultry.

**Sponsors:** House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Eickmeyer, Schoesler, Sump, Hunt, Grant, Pettigrew, Haigh, McDermott, Blake, Quall, Rockefeller and Romero).

**Brief History:**

**Committee Activity:** Agriculture: 3/25/03, 3/27/03 [DPA-WM].  
Ways & Means: 4/1/03 [DPA (AG)].

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### SENATE COMMITTEE ON AGRICULTURE

**Majority Report:** Do pass as amended and be referred to Committee on Ways & Means.  
Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

**Staff:** Evan Sheffels (786-7486)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass as amended by Committee on Agriculture.  
Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Fairley, Fraser, Hale, Parlette, Regala, Roach, Sheahan, B. Sheldon and Winsley.

**Staff:** Richard Ramsey (786-7412)

**Background:** Several federal and state provisions protect the public health by regulating animal slaughter and the processing of meat products.

The federal Food Safety and Inspection rules, administered by the U. S. Department of Agriculture, exempt producers who slaughter 1,000 or fewer poultry during a calendar year under certain conditions: the poultry must be raised on the producer's own farm; the producer must not buy or sell poultry products of others; and the poultry must not move in interstate commerce.

Under the state's Food Processing Act, a person generally must obtain a license from the Department of Agriculture (WSDA) in order to legally process foods or operate a food processing plant. In addition, the state's custom slaughter laws establish WSDA licensing and

facility requirements for persons who slaughter and prepare uninspected meat as a service for the owner of the animal or meat. The WSDA may also require manufacturers, processors, or packers of a class of food to secure a permit under the state's Food, Drug, and Cosmetics Act.

State Board of Health statutes and rules regulate the sanitation and cleanliness of food service establishments and allow local boards of health to adopt more stringent rules.

**Summary of Amended Bill:** The WSDA is authorized to issue special, temporary permits under the state's Food Processing Act for the slaughter, preparation, and on-farm-producer-to-consumer sale of 1,000 or fewer pastured whole chickens in a calendar year. Such activities and sales are exempt from the state's custom slaughter laws. A \$75 permit fee is established.

The WSDA must adopt permit requirements by rule. These requirements, which are to be generally patterned after State Board of Health rules for temporary food service establishments, must be tailored specifically to chicken-related activities and must, at a minimum, include and address the following: applicable cooling procedures; sanitary facilities, equipment, and utensils; clean water; washing and other hygienic practices; waste and wastewater disposal; and permit durations adequate to accommodate the seasonal nature of permitted activities.

The WSDA must carefully consider the economic constraints of regulated producers and must conduct inspections that are reasonably necessary to ensure compliance with permit requirements.

**Amended Bill Compared to Original Bill:** The striking amendment: deleted the section exempting permitted activities and sales from direct or indirect application of state and local health rules; and amended permit provisions to apply to pastured chickens only, instead of pastured poultry.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For (Agriculture):** Small, part-time, women farmers provide much of the agricultural growth opportunity in rural areas. Raising pastured poultry presents an economic opportunity to help farmers diversify and keep farms going. There is great demand for locally grown pastured poultry, and small farmers need a low-risk economic environment to help them cheaply and safely participate in this niche market. **COMMENTS:** Food safety concerns have been addressed with the department of agriculture special temporary permit. **CONCERNS:** The Department of Health and local public health jurisdictions have no desire to take a parallel regulatory role in chicken processing which is rightly placed with the department of agriculture in the bill. However, the first section of the bill should be changed or deleted, as it might prohibit the Department of Health or local public health jurisdictions from responding to imminent public health threats such as communicable disease outbreaks or unsanitary septic conditions.

**Testimony Against (Agriculture):** None.

**Testified (Agriculture):** Pat Labine, Oyster Bay Farm, Small Poultry Producers of WA (pro); Leslie Emerick, WSDA (information); Mike Kaysen, WA Fryer Commission (concerns); Dan Wood, Farm Bureau (pro).

**Testimony For (Ways & Means):** This new permit process is important to this particular industry. It will provide economic benefit to farmers/producers by eliminating the middle-man in marketing this small quantity of chickens.

**Testimony Against (Ways & Means):** None.

**Testified (Ways & Means):** Representative Bill Eichmeyer, prime sponsor (pro).