

HOUSE BILL REPORT

ESSB 5379

As Reported By House Committee On:
Agriculture & Rural Development

Title: An act relating to milk and milk products.

Brief Description: Making major changes to milk and milk products regulations.

Sponsors: Senators M. Rasmussen, Barr, Erwin and Bauer.

Brief History:

Reported by House Committee on:
Agriculture & Rural Development, March 24, 1993, DPA.

HOUSE COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT

Majority Report: Do pass as amended. Signed by 10 members: Representatives Rayburn, Chair; Kremen, Vice Chair; Chandler, Ranking Minority Member; Schoesler, Assistant Ranking Minority Member; Chappell; Foreman; Grant; Karahalios; Lisk; and Roland.

Staff: Kenneth Hirst (786-7105).

Background:

Dairies, Milk, and Milk Products. The Department of Agriculture regulates milk production and processing under the state's dairy laws and the fluid milk laws. The following are required to be licensed under the dairy laws: milk vendors, creameries, milk plants, shipping stations, condensing plants, plants manufacturing milk products, certain purchasers and receivers of milk or cream, and dairy technicians.

The following are required to obtain permits under the fluid milk laws: persons who transport or sell milk or milk products, or who store milk or milk products where milk or milk products are sold or served. The fluid milk laws establish standards for issuing permits to dairy farms for grade A raw milk and to milk plants for grade A pasteurized milk.

A civil penalty may be assessed against a milk producer if the producer's milk contains prohibited amounts of antibiotic, pesticide, or other drug residue.

The fluid milk laws specify a special procedure that is to be used by the director or by an administrative law judge in reviewing protests filed by milk producers or distributors regarding enforcement of the fluid milk laws.

Food Processing. No person may operate a food processing plant without being licensed to do so by the department under the state's Food Processing Act.

Summary of Amended Bill: The director may waive the licensure requirements of the Food Processing Act for a person's operations at a facility if the person is licensed under the fluid milk or dairy laws to conduct the same or a similar operation at the facility.

The types of tests used for determining whether civil penalties are to be issued under the fluid milk laws are clarified. A provision of law is repealed that specifies a special procedure to be used by the director or by an administrative law judge in reviewing protests filed by milk producers or distributors regarding enforcement of the fluid milk laws.

Amended Bill Compared to Engrossed Substitute Bill: The engrossed substitute Senate bill provides an exemption from licensure under the state's food processing laws to any entity that is licensed under the fluid milk or dairy laws; the amendment restricts the exemption by providing it only for operations at a facility that are licensed under the fluid milk or dairy laws and providing it at the director's discretion. The amendment also repeals a provision of law that specifies a special procedure to be used by the director or by an administrative law judge in reviewing protests filed by milk producers or distributors regarding enforcement of the fluid milk laws.

Fiscal Note: Available.

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

Testimony For: (1) A milk handler should not be required to pay fees for licensure under both the milk laws and the food processing laws; this bill eliminates the double licensure. (2) The milk laws currently provide a procedure for processing complaints which is in conflict with the procedures in the Administrative Procedure Act (APA). The APA procedure should be used. (3) The bill ensures that civil penalties will be levied under the fluid milk laws for violations of milk sampling tests only if the tests are the official tests required by law.

Testimony Against: None.

Witnesses: Senator Rasmussen; Dedi Hitchens, Washington State Dairy Federation; and Verne Hedlund, Department of Agriculture.