

HOUSE BILL REPORT

ESB 6123

As Passed House:

February 27, 1998

Title: An act relating to animal health.

Brief Description: Regulating animal health.

Sponsors: Senators Morton and Rasmussen; by request of Department of Agriculture.

Brief History:

Committee Activity:

Agriculture & Ecology: 2/18/98 [DP].

Floor Activity:

Passed House: 2/27/98, 97-0.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: Do pass. Signed by 9 members: Representatives Chandler, Chairman; Parlette, Vice Chairman; Schoesler, Vice Chairman; Linville, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Cooper; Koster; Regala and Sump.

Staff: Kenneth Hirst (786-7105).

Background: The director of the Department of Agriculture has general supervisory authority over suppressing and preventing the spread of infectious, contagious, communicable and dangerous diseases affecting animals within, in transit through, and being imported into the state. The director may establish and enforce quarantines against any domestic animals affected with such a disease or that may have been exposed to other animals so affected. If the public welfare demands the destruction of an animal that is affected with an infectious, contagious, communicable or dangerous disease, or is held under quarantine for brucellosis but the owner of the animal fails or refuses to follow a herd plan established by the state veterinarian, the director is authorized to order the animal destroyed. Provisions of these general animal health laws also authorize the director to control diseases in ratites, llamas, and alpacas and to regulate the feeding of garbage to swine. The director also administers other laws established for controlling diseases in sheep. The director of the Department of Agriculture and the director of the Department of Fish and Wildlife jointly develop a program for disease inspection and

control for private sector cultured aquatic products. The program is administered by the director of the Department of Fish and Wildlife.

With certain exceptions, it is unlawful for any person to bring into this state for any purpose a domestic animal without first having secured an official health certificate, certified by the state veterinarian of origin that the animals meet the health requirements of the director. A violation of or a failure to comply with the general animal health laws or the rules adopted under them is a gross misdemeanor. Each day in which a violation occurs constitutes a separate violation. The director may bring actions to enjoin violations of certain of these laws.

Summary of Bill: Authority to Control Diseases. The "animals" for which the director of the Department of Agriculture has authority and responsibility for disease control under the general animal disease control statutes are altered. In general, they are all animals except fish, insects, or non-captive wildlife. The director's authority to establish quarantines under these statutes now expressly includes the authority to quarantine the sperm, ova, and embryos of animals. The director's authority to control diseases in sheep is replaced with these authorities to control diseases in animals and livestock in general. Provisions of law regarding the control of diseases in ratites, llamas, and alpacas are also replaced with these general animal health statutes. The director's rules for preventing the introduction or spread of diseases in this state may be more stringent than federal rules.

Hold Orders. The director is expressly granted authority to issue "hold orders," which are distinguished from quarantines in duration and purpose. A hold order restricts animals or animal reproductive products to a designated holding location pending an investigation regarding disease, disease exposure, well-being, movement, or import status of the animals or products. It may be issued when: an overt disease or exposure to disease in an animal is not immediately obvious, but there is reasonable cause to investigate whether an animal is diseased or has been exposed to disease; import health papers, permits, or other transportation documents required by law or rule are not complete or are suspected to be fraudulent; or further transport of an animal would jeopardize the well-being of the animal or other animals in this state. A hold order is in effect for seven days and, for disease control purposes, may be replaced by a quarantine order.

Health Documents and Tests. It is unlawful for a person intentionally and falsely to make, complete, alter, use, or sign an animal health certificate, certificate of veterinary inspection, or official written animal health document of the Department of Agriculture. A current requirement is modified which requires that a health certificate be secured for importing domestic animals into the state other than for immediate slaughter. The requirement now expressly applies to wildlife imported into the state. Exemptions from this requirement are also altered: an exemption for importing animals to be slaughtered within 14 days now applies to animals imported for slaughter within seven days; a 24-

hour exemption currently given to animals imported for feeding and watering is replaced by the authority of the director to establish exemptions by rule. The authority granted by current law for the director to enter at reasonable times an animal premises to conduct disease tests is restricted. Entry may be made when there is reasonable evidence that animals on the premises are infected with or have been exposed to a reportable disease.

Laboratories; Reportable Diseases. The director may license and regulate the activities of a veterinary laboratory if it does not have a licensed veterinarian present and may adopt rules to regulate these laboratories in any manner necessary to protect the health and safety of the public and the public's animals. Veterinary laboratories, and not just veterinarians as under current law, must immediately report to the director the existence or suspected existence of any reportable diseases among animals. Persons using their own diagnostic services must also report such diseases to the director. These reporting requirements now apply to diseases found or suspected in wildlife. The director must investigate these reports and/or keep records of the reports and may require appropriate treatment of the animals with the diseases. The owner of such an animal may dispose of it rather than treat the animal. It is unlawful for a person to import into this state any animal with or exposed to a reportable disease without a permit from the director.

Destruction of Diseased Animals. The authority of the director to order the destruction of any animal held in a brucellosis quarantine for the failure of the owner to follow a herd plan of the state veterinarian is altered. The director may now order the destruction of any animal held in any quarantine for failure of the owner to follow a herd or flock plan that is in the form of a written management agreement for disease control between the owner and the state veterinarian. In ordering the slaughter or destruction of any animal, the director may pay an indemnity in an amount set by rule which must not exceed 75 percent of the appraised or salvage value of the animal, rather than 50 percent or certain specified amounts, as under current law. Payment of indemnity does not apply to an animal that has been brought into this state in violation of these statutes or the rules adopted under them. A hearing may be requested on an order to destroy an animal or the reproductive products of an animal or on an order holding or quarantining such an animal or product.

Responsibilities of Owners. Prohibitions against selling, exchanging, or giving away disease infected animals or sheep exposed to infection are clarified. It is unlawful for a person to sell, exchange, or give away any animal that the person knows has been exposed to or treated for any contagious, communicable, or infectious disease within the previous 30 days unless: the person notifies the recipient of the animal regarding the infection, exposure, or treatment; or the legal withdrawal period for any treatment has been met. The provisions of law establishing the liability of the owner of diseased sheep for damages done to healthy sheep exposed to the owner's diseased sheep are altered. When diseased livestock mingle with healthy livestock through the fault or negligence of the owner of the diseased livestock, that owner is liable for any damages to the healthy livestock. As is currently expressly the case for sheep quarantines, the

expenses for handling or caring for any animal or animal reproductive product placed under a quarantine or hold order are the responsibility of the owner.

Any person owning or controlling livestock infected with or exposed to scrapie or another transmissible spongiform encephalopathy must immediately report the disease or exposure to the director. It is unlawful to fail to report or to conceal the existence of such a disease.

Injunctions. Rather than having the authority to enjoin actions that violate certain provisions of the animal disease statutes, the director may bring an action to enjoin the violation of any of these animal disease statutes or the rules adopted under them.

Game Rules. The rules of the director cannot allow the importation, possession, or uses of animals that are in violation of the game and game fish statutes or rules adopted under them.

Other. The director may administer oaths and examine witnesses and records in controlling animal diseases. The director may collect monies to recover the reasonable costs of printing and distributing certificates and other supplies to veterinarians. The authority of the director to enter agreements with federal agencies for animal disease control now applies to agreements with other governmental agencies as well. To issue a license to a person to feed garbage to swine, the director must first determine that the applicant meets the requirements of state and federal rules regarding such feeding. The \$10 licensing application fee is no longer to be returned to the applicant if the permit is denied. Specific rules regarding quarantines for bovine tuberculosis and brucellosis are repealed.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: (1) The director of the Department of Agriculture has general supervisory authority for controlling diseases in all animals, an authority that has been relied on by the department in the past. However, with regulatory reform, the department is one of the agencies that cannot rely on general statements of authority so the specific authorities granted by this bill are necessary to provide comprehensive animal disease control. (2) The bill allows the state to respond to new disease problems, such as scrapie in sheep. We must keep scrapie, a spongiform brain disease in sheep, out of this state and a good state quality assurance program regarding this disease is vital to the state's sheep industry. The mandatory reporting for scrapie, quarantine, and indemnification provisions of the bill are particularly important to the sheep industry. (3) The limitations of the current law have left the department with little authority to deal

with diseases in captive wildlife; this bill provides the needed authority. (4) This state's location at an international border and the movement of animals involved in the international trade conducted from here make it particularly important that the state have a good animal disease control program. This bill provides that program.

Testimony Against: None.

Testified: Mary Beth Lang and Robert Mead, Department of Agriculture; Jack Cole, Washington Wool Growers Association; and Karla Fullerton, Washington Cattlemen's Association (in favor).