

SENATE BILL REPORT

ESB 6123

As Passed Senate, February 10, 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 & Environment: 1/15/98, 1/27/98 [DPA].
Passed Senate, 2/10/98, 47-1.

SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

Majority Report: Do pass as amended.

Signed by Senators Morton, Chair; Swecker, Vice Chair; Newhouse, Oke and Rasmussen.

Staff: Paul Mabrey (786-7412)

Background: The Animal Health Program, administered by the Washington State Department of Agriculture (WSDA), exists to protect the people of the state, their livestock, and other animals from harmful animal diseases. The program administers livestock disease eradication programs in cooperation with United States Department of Agriculture (USDA) and regulates the movement and testing of animals coming into the state and being sold within the state. Current law is vague regarding the powers and duties of the director and does not reflect current concerns in the animal health arena. Current law also does not clearly address current or potential animal health problems nor does it reflect changes in the Administrative Procedure Act (APA) or new regulatory reform requirements.

Indemnity for mandatory slaughter or destruction of animals is 50 percent of salvage or appraised value under current law. Animals legally imported into this state for immediate slaughter, without a health certificate, are given a 14 day grace period before slaughter must be performed.

Current law provides that persons caught falsifying animal health certificates are prosecuted under the criminal code for fraud as a class C felony.

Ratites are subject to the provisions of the chapter. The director reviews the adequacy of animal health regulations as they pertain to ratites. The department adopts rules as necessary to assure adequate protection to the ratite and poultry industries.

Similarly, the director has authority to prevent, control and suppress diseases in alpacas and llamas to the same extent as in other domestic animals and livestock.

Health regulations for sheep are separate from other livestock regulations and provide specific authority for the director to perform such duties as inspection, quarantine, and treatment of infectious, contagious disease; impose import requirements and restrictions; and enforce quarantine and treatment plans.

Summary of Bill: The meaning of terms such as quarantine,— infectious disease,— reportable disease,— hold order,— and herd or flock plan— are clarified. Additional authority and power for the director to respond to animal health urgencies and to achieve protection of public health and safety as well as animal health and safety is provided.

The quarantine powers of the director are expanded and clarified. The power to issue a hold order— is established giving the director authority to, with defined reason and without establishing a disease causation, isolate animals for seven days while their health status is being determined. The director is granted authority over the hold or quarantine area for as long as the hold or quarantine is in effect. The expense of handling and caring for quarantine animals is assessed to the owner of the animals.

Authority is established to license and regulate the activities of veterinary laboratories that do not have a licensed veterinarian on staff.

Broad power to carry out the purpose and provisions of the chapter is granted to the director with regard to preventing introduction or spread of disease in this state; governing the inspection and testing of animals within, or destined for, this state; and designating any disease as reportable.

The grace period for livestock legally imported without a health certificate into this state for immediate slaughter is decreased to seven days. Falsification of animal health certificates, certificates of veterinary inspection, or other official animal health documents is made unlawful.

The scope of responsibility for notification of reportable diseases is increased to include veterinary laboratories and persons using their own diagnostic services. The director is required to instigate an investigation and/or maintain records of any animal affected with, suspected of being affected with, or that has been exposed to any reportable disease. The director is empowered to require appropriate treatment or disposition of an affected animal. Importing animals into this state that are infected with, or exposed to, a reportable disease without first obtaining a permit from the director is made unlawful.

Indemnity for mandatory slaughtering or destruction of animals is increased to 75 percent of the appraised or salvage value. The director is given the power to establish the actual indemnity amount by rule. Specific indemnity minimums for beef and dairy breeding cattle are eliminated. Indemnity payment exceptions are unchanged.

The director is given authority to enter into agreements with government agencies of this state, other states, and agencies of the federal government in order to carry out the purpose and provisions of the chapter and to promote regulatory continuity. Specific language related to the Governor's power to dispose of moneys received under the provisions of any act of Congress for use in carrying out the provisions of the chapter is eliminated.

The director is required to inspect the premises of garbage fed swine operations to assure that before a license is granted, the applicant is in compliance with all rules adopted under the chapter relating to garbage fed swine operations. License application fees are credited to the general fund regardless of whether a license is granted to the applicant.

The sections of law dealing with poultry, ratites, llamas, and alpacas are repealed as unnecessary.

The hearing rights of persons whose animals are placed under a quarantine, hold, or destruction order are clarified. An animal may not be imported into this state that is not in full compliance with the provisions of the wildlife code of the state of Washington. The director is authorized to recover printing and distributing costs of certificates and other supplies provided to veterinarians.

Sections dealing with diseases of sheep are repealed. The repealed sections are consolidated with existing regulations. Expansion of the definition of the terms animal– and livestock– makes consolidation possible.

Provisions relating to the knowingly selling, exchanging, or giving away sheep infected by, exposed to, or treated for any infectious, contagious, or communicable disease are expanded to include all animals, not just sheep. Knowingly releasing an animal that is contagious or infected onto land adjoining another’s pasture land without notifying the owner of the adjoining land is made unlawful. Knowingly stabling infected or contagious animals in any barn with other animals without notifying the owners of the other animals is made unlawful. Failing to report or attempting to conceal animals infected with, or exposed to, scrapie or another Transmissible Spongiform Encephalopathy (TSE) is made unlawful.

The responsibility for reporting of scrapie or other TSE disease is expanded to owners of all livestock, not just sheep owners. Specific penalties resulting from failure of compliance with reporting requirements are deleted.

Technical changes and updated language modifications are made.

Appropriation: None.

Fiscal Note: Requested January 9, 1998.

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

Testimony For: The Animal Health Act has needed updating and modernization for a number of years. The livestock industry voiced general support for the legislation. The importance of the changes and updating in the new legislation regarding scrapie eradication and control, disease reporting, indemnity payments, administrative efficiency, and the control animal diseases was voiced and supported.

Testimony Against: None.

Testified: Mary Beth Lang, WSDA (pro); Karla Kay Fullerton, Washington Cattlemen's Association (pro); Eddie Armstrong, Washington State Horsemen (pro); Jim Glick, Washington State Emu Association (con); Jack Cole, Washington Wool Growers (pro).