

FINAL BILL REPORT

SSB 6636

FULL VETO

As Passed Legislature

Brief Description: Developing a policy on the disposal of animals.

Sponsors: Senate Committee on Agriculture (originally sponsored by Senators Rasmussen, Swecker, Jacobsen, Brandland, Doumit, Fairley, Kohl-Welles, Eide, Fraser, Regala, Shin, Prentice, Honeyford, Kline, Thibaudeau, Poulsen, Spanel, Franklin, Keiser, Winsley, Oke and Esser).

Senate Committee on Agriculture

House Committee on Agriculture & Natural Resources

House Committee on Appropriations

Background: On December 23, the United States Department of Agriculture (USDA) announced that one cow imported from Canada tested positive to the Bovine Spongiform Encephalopathy (BSE) test. On January 12, 2004, the USDA announced the adoption of BSE rules that prevent nonambulatory disabled cattle from being slaughtered for human consumption. The ban applies only to cattle and not other species of livestock. According to the federal register, the rationale for the ban is that in Europe there was a higher incidence of BSE found in nonambulatory cattle.

On January 26, 2004, the United States Department of Health and Human Services (USHHS) announced a ban on any material from downer cattle and cattle that die on the farm from FDA-regulated human food (including dietary supplements) and cosmetics. This generally applies to rendered products to further strengthen safeguards from exposure to BSE. Rules adopted by USDA and USHHS are interim final rules that went into effect immediately and the agencies are receiving written public comment prior to the adoption of permanent rules.

The Department of Ecology regulates landfills and has evaluated whether particular landfills are suitably equipped for disposal of animals including those that may be diseased.

Down and dead animals that may no longer be slaughtered or rendered and are not deposited in a landfill are subject to a rule adopted by the State Board of Health and also a state statute. The rule, WAC 246-203-120(3), requires any dead animal to be removed and disposed of by burial, incineration, or other proper method within 24 hours, covered by at least two feet of earth, and located at least 100 feet from a well, spring, stream or other surface water. If the animal's death resulted from a communicable disease, it is to be enveloped in unslaked lime.

RCW 16.68.020 requires any diseased animal to be immediately buried at least three feet deep. Local health jurisdictions may have additional regulations for onsite disposal of animals that apply in their jurisdiction.

There are several forms of transmissible spongiform encephalopathies, including chronic wasting disease, that affect deer, bovine spongiform encephalopathy that affects cattle, and

scrapie that affect sheep and goats. All are caused by misshaped prions that are difficult to destroy by conventional means. According to USDA estimates, there are between 150,000 and 200,000 nonambulatory cattle in the nation each year.

Additionally, state legislation is being considered to ban the trade in live non-ambulatory livestock and require animals to be humanely euthanized prior to transport.

Summary: An interagency work group must be formed by the Department of Health, the Department of Agriculture, and the Department of Ecology to develop a comprehensive policy on disposing of animal carcasses that protects other animals and humans. The work group is to seek the involvement of local health departments, other state and federal agencies that have an interest or expertise in the issue, university scientists, meat processors, animal feeding operations, and affected constituency groups.

The work group must review existing rules for their adequacy in protecting the public health and animal health from possible transmission of diseases including various forms of transmissible spongiform encephalopathies. The possible vectors of disease transmission must be examined including air, land, water, birds, and scavengers.

The review must include an evaluation of existing and proposed federal regulations and draft technical guides. The state policy may include references to federal regulations and guidance documents. The group shall strive for a high degree of consistency between jurisdictions. Also, the work group shall review existing laws for on-site disposal of animals. The work group must include an education component that will inform animal owners and the public how to comply with the state policy and associated rules.

The work group must report to the Legislature any statutes that need to be amended to carry out the comprehensive state policy. A report to the Legislature is required by December 17, 2004 and December 16, 2005 that summarizes the actions, findings, and recommendations of the work group. The work group expires on December 30, 2005.

Until December 30, 2005, the Department of Agriculture may adopt emergency rules for the disposal of carcasses of diseased animals, which may be supplemental to or contrary to RCW 16.68.020.

The bill is null and void if specific funding is not provided in the supplemental appropriations bill.

Votes on Final Passage:

Senate	49	0	
House	94	0	(House amended)
Senate	47	0	(Senate concurred)