

SENATE BILL REPORT

SB 6636

As Reported By Senate Committee On:
Agriculture, February 5, 2004

Title: An act relating to the disposal of animals.

Brief Description: Regulating the disposal of animals.

Sponsors: 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.

Brief History:

Committee Activity: Agriculture: 2/3/04, 2/5/04 [DPS-WM].

SENATE COMMITTEE ON AGRICULTURE

Majority Report: That Substitute Senate Bill No. 6636 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Staff: Bob Lee (786-7404)

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 affects 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 requires animals to be humanely euthanized prior to transport.

Summary of Substitute Bill: 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 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 15 of each year containing the actions, findings, and recommendations of the work group. The work group expires on December 31, 2005.

Standby authority is provided to three state agencies, after consulting with the work group. If federal requirements are found to be insufficient, the Board of Health must, as necessary, adopt rules that provide for the proper treatment and disposal of any animal that tests positive for transmissible spongiform encephalopathy.

The Department of Ecology must, as necessary, adopt additional minimum standards that landfills must meet to accept animal carcasses including those of diseased animals.

The Department of Agriculture must, as necessary, adopt standards that provide for the proper on-site disposal of carcasses of livestock, including diseased animals, which may be more restrictive than RCW 16.68.020.

Substitute Bill Compared to Original Bill: A technical correction was made for the Board of Health rather than the Department of Health to adopt rules.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: The three agencies have spent a lot of time in recent weeks to coordinate the response on BSE. It is an opportune time to review what has been learned. The interagency work group is required to seek involvement of affected constituency groups.

Testimony Against: The specific inclusion of representatives of public works departments and the solid waste industry is needed as these are the entities that operate landfills and solid waste facilities. The specific inclusion of the livestock industry is needed to provide oversight over rules the agencies would propose and assure they are practical. Penalties should not be imposed until a plan is worked out.

Testified: Hertha Lund, WA Farm Bureau (concerns); John Daly, WSDA (pro); Janice Adair, DOH (pro); Heather Hansen, WA Assn. of Cattle Feeders (concerns); Cullen Stephenson, Dept. of Ecology (pro); Jay Gordon, WSDF (pro); Vicki Austin, WRRRA (concerns).