
SENATE BILL 5961

State of Washington

59th Legislature

2005 Regular Session

By Senators Rasmussen and Shin

Read first time 02/16/2005. Referred to Committee on Agriculture & Rural Economic Development.

1 AN ACT Relating to proper management of livestock mortalities;
2 adding a new section to chapter 16.68 RCW; creating a new section;
3 repealing RCW 16.68.020; providing an effective date; and declaring an
4 emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that federal rule, 40
7 C.F.R. Sec. 122.42, requires concentrated animal feeding operations
8 have as a part of their nutrient management plans a component that
9 ensures proper management of mortalities and that these plans be
10 developed and implemented by December 31, 2006. If this deadline is
11 not met, the operations may be subject to fines for failure to comply
12 with this requirement.

13 The legislature finds that currently there is no clear direction in
14 state policy as to what will be considered proper management. The
15 legislature finds that conflicts presently exist between statutes, the
16 administrative code, and agency policies. Further, the legislature
17 finds that one agency should be designated as having final authority in
18 the state to determine what measures constitute proper management of
19 mortalities. Rules that establish what constitutes proper management

1 need to be developed with sufficient lead time so that the requirements
2 can be incorporated into livestock nutrient management plans and be
3 implemented by the federally established deadline.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 16.68 RCW
5 to read as follows:

6 The department of agriculture shall develop rules to assure the
7 proper management of all nonemergency livestock carcass disposals in
8 the state to fulfill the requirement of 40 C.F.R. Sec. 122.42. The
9 department shall adopt these rules in consultation with the department
10 of ecology, the department of health, and other applicable regulatory
11 entities. The rule adopted under this section shall be the exclusive
12 state requirement to meet 40 C.F.R. Sec. 122.42(1)(ii). The department
13 shall adopt emergency rules to implement this section by August 30,
14 2005.

15 NEW SECTION. **Sec. 3.** RCW 16.68.020 (Duty to bury carcass of
16 diseased animal--Dead animal presumed diseased) and 1949 c 100 s 2 are
17 each repealed.

18 NEW SECTION. **Sec. 4.** Sections 1 and 2 of this act are necessary
19 for the immediate preservation of the public peace, health, or safety,
20 or support of the state government and its existing public
21 institutions, and take effect immediately.

22 NEW SECTION. **Sec. 5.** Section 3 of this act takes effect August
23 30, 2005.

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