
SUBSTITUTE SENATE BILL 5963

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Agriculture & Rural Economic Development
(originally sponsored by Senators Rasmussen, Schoesler, Shin and
Delvin)

READ FIRST TIME 03/01/05.

1 AN ACT Relating to assuring security of livestock information
2 provided to governmental agencies; creating new sections; and providing
3 an expiration date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that there is a new
6 national emphasis on the development of mechanisms for tracking the
7 origin of the food supply for food safety and homeland security
8 purposes. Systems are being developed for the registration of
9 livestock premises and identification of livestock for disease trace-
10 back and trace-forward purposes for protection of human and livestock
11 health. Further, there are requirements for increased reporting and
12 for preparation of detailed farm plans for livestock operations for
13 protection of state waters. The legislature finds that successful
14 implementation of each of these systems will require submission to
15 public agencies of significant information from livestock operations
16 that had previously been deemed to be solely private information.

17 The legislature also finds in many cases that livestock facilities
18 and the home are considered as an extension of each other for which
19 there is a clear expectation of the right to privacy. There are

1 concerns that information considered as confidential business
2 information can be obtained by competitors including, but not limited
3 to, acreage planted to various crops, current livestock numbers, feed
4 supplies, and price, yield, and production information. Information,
5 photographs, and maps of livestock operations including location of
6 points of access, water sources for livestock, milk storage facilities,
7 and feed storage facilities provided to government agencies for
8 legitimate purposes could also be detrimental to the security of the
9 food supply and to the livestock operation if provided to those who
10 intend to damage facilities or livestock, or by the accidental or
11 intentional introduction of deleterious substances or contagious
12 diseases to such operations.

13 Further, the differences between state public disclosure laws and
14 the federal freedom of information act has created difficulties in the
15 coordination between federal and state agencies on emergency disease
16 investigation and response efforts, and a better understanding of these
17 differences and the coordination of state and federal disclosure laws
18 is needed.

19 The legislature finds that while pursuing one set of public policy
20 objectives, care needs to be given to ensure that another set of public
21 policy objectives are not unduly compromised.

22 NEW SECTION. **Sec. 2.** (1) The task force on livestock information
23 security is created. The task force shall be comprised of eleven
24 members appointed as follows:

25 (a) Two members of the house of representatives, one from each
26 major caucus, to be appointed by the speaker of the house of
27 representatives;

28 (b) Two members of the senate, one from each major caucus, to be
29 appointed by the president of the senate;

30 (c) Six members, to be appointed jointly by the speaker of the
31 house of representatives and the president of the senate, from
32 nominations submitted by the organizations representing the category of
33 member:

34 (i) Three members total, from the media, environmental interests,
35 and the public at large; and

36 (ii) Three members of the livestock industry; and

1 (d) The director of the department of agriculture or the director's
2 designee.

3 (2) The attorney general shall appoint an attorney with expertise
4 in federal and state privacy and disclosure laws to advise the task
5 force.

6 (3) The task force shall conduct a comprehensive review of the
7 information that is required to be furnished or held by state or local
8 governmental agencies. The task force shall develop recommendations,
9 including recommended legislation, that delineates the information
10 obtained from livestock operations that:

11 (a) Should be made available to the general public upon request;

12 (b) Should be made available to the public only upon a showing that
13 it would serve a legitimate public purpose;

14 (c) Should be retained as confidential because it is business
15 information; or

16 (d) Should be retained as confidential because its release would be
17 detrimental to the security of the food supply or the livestock
18 operation through potential damage of facilities or livestock, or the
19 accidental or intentional introduction of deleterious substances or
20 contagious diseases.

21 (4) The task force shall also evaluate whether to require:
22 Positive identification of the requestor; maintaining a record of those
23 who submitted the request; notification of the livestock operator of
24 the request for information about his or her operation; and a
25 determination of the purpose of the information request before its
26 release.

27 (5) The task force members shall elect a chair and determine its
28 operating procedures. The task force shall be jointly staffed by the
29 office of program research and senate committee services as determined
30 by their respective staff directors.

31 (6) By December 15, 2005, the task force shall provide an interim
32 report of its recommendations, including draft legislation to implement
33 the recommendations, regarding documents produced to implement the
34 livestock nutrient management program and coordination with federal
35 authorities on emergency disease investigation and response
36 information. By December 15, 2006, the task force shall provide a
37 final report of its recommendations, including draft legislation to
38 implement the recommendations, regarding documents produced to

1 implement the livestock disease trace-forward and trace-back system.
2 The reports shall be submitted to the chief clerk of the house of
3 representatives and the secretary of the senate.
4 (7) This section expires June 30, 2007.

--- END ---