

HOUSE BILL REPORT

ESB 5204

As Passed House:

April 5, 2007

Title: An act relating to the enforcement of animal health laws.

Brief Description: Enforcing animal health laws.

Sponsors: By Senators Rasmussen, Schoesler, Shin, Hatfield, Jacobsen and Morton; by request of Department of Agriculture.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 3/21/07, 3/26/07 [DP];

Appropriations: 3/31/07, 4/2/07 [DP].

Floor Activity:

Passed House: 4/5/07, 97-0.

Brief Summary of Engrossed Bill

- Authorizes specific actions by the Department of Agriculture and modifies certain timelines related to the monitoring, investigation, and enforcement of animal health laws and rules.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 15 members: Representatives B. Sullivan, Chair; Blake, Vice Chair; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson, Eickmeyer, Grant, Hailey, Kagi, Lantz, McCoy, Newhouse, Orcutt, Strow, and VanDeWege.

Staff: Meg Van Schoorl (786-7105).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 34 members: Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking

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Minority Member; Haler, Assistant Ranking Minority Member; Anderson, Buri, Chandler, Cody, Conway, Darneille, Dunn, Ericks, Fromhold, Grant, Haigh, Hinkle, Hunt, Hunter, Kagi, Kenney, Kessler, Kretz, Linville, McDermott, McDonald, McIntire, Morrell, Pettigrew, Priest, Schual-Berke, Seaquist, P. Sullivan and Walsh.

Staff: Alicia Dunkin (786-7178).

Background:

Under the state's animal health statutes, the Director of the Department of Agriculture (Department) is required to supervise prevention of the spread and the suppression of infectious, contagious, communicable, or dangerous diseases affecting animals within, in transit through, and imported into the state. The Department's Animal Health Program (Program) monitors the movement of animals across state lines by reviewing health certificates which are required for most animals entering the state and issuing or denying required permits. The Program also sets requirements for reporting and controlling certain diseases, conducts tests and inspections to detect specific diseases, and engages in emergency management planning to enable trace-back and disease control.

Summary of Bill:

The Director of the Department (Director) is authorized to establish inspection points, stop vehicles transporting animals on public roads, and inspect them to check for accompanying valid health certificates, permits or other documents required under animal health statutes or rules. The vehicles must stop at any posted inspection point. The emphasis on such stops will be on livestock being brought in from outside the state. The Director or appointed officers are also authorized to stop a vehicle on a public road at other than a posted inspection point if there is reasonable cause to believe the animals are being transported in violation of animal health laws or rules. The Director is authorized to issue notices of and enforce class I civil infractions if a person stopped while transporting animals is not carrying valid animal health documents.

It is lawful to bring into the state without first obtaining an official health certificate or veterinary inspection certificate those livestock destined for immediate slaughter specifically at a federally inspected slaughter facility where federal disease control standards are applied.

Animals that are imported into the state for immediate slaughter must be slaughtered or delivered to a slaughter establishment within three days after entry, not within seven days as in current law.

A hold order issued by the Director due to concerns about disease, documents, or the well-being of animals is in effect for 14 days rather than seven and expires either when released by the Director or no later than midnight on the fourteenth day.

A person violating the animal health statutes or rules may be assessed a civil penalty of \$1,000 or less per violation. The revenues must be deposited in the State General Fund.

It is unlawful to intentionally falsely apply, alter, or remove an official animal health or identification tag, permanent mark, or other device.

Livestock dealers must carry animal identification and animal health documents as required by the animal health and livestock identification statutes and rules.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: (Agriculture & Natural Resources)

(In support) The bill does not add new animal health requirements to those already in place. However, the bill does provide additional enforcement tools so the Department can get the message out to dealers, traders, and others that these current requirements must be met. The Senate's two amendments clarify the meaning of immediate slaughter and specify that the enforcement emphasis will be on animals being brought into the state. Moving animals within the state requires virtually no animal health documentation. After hearing the Department's testimony as to how this bill would be applied to movement of horses in-state, I now think this is excellent legislation. Our feedlots make a lot of effort to keep animals healthy and we appreciate the Department's attempts to enforce animal health rules. Animals brought in for immediate slaughter are now allowed to remain for up to seven days, so the three day limit in this bill is an improvement. Animal health and enforcement is critical to the cattle, dairy, and poultry industries.

(Opposed) This bill will cause another burden and affect the viability of my small Northwest Washington farm. If not every vehicle will be pulled over, how will problems be discovered? The Department should either use existing laws or join with the state patrol to do inspections at the border or other points of import. The bill is ambiguous as to the species affected. Exempting animals destined for immediate slaughter from health documentation requirements and allowing them as many as three days before slaughter is a big concern. They should be pre-tested for health problems and sent immediately to slaughter. This bill interferes with animal owners' absolute right-in property. Establishment of police powers is a judicial, not a legislative, decision. The bill replaces constitutional "probable cause" with unconstitutional "reasonable cause," and leaves it undefined. I may not want, for religious, moral, or ethical reasons, to have my animals marked. The bill prohibits me from removing a mark, which could impact my ability to conduct commerce. Giving the Department rulemaking authority is too open-ended. We are concerned about how this enforcement program will be implemented and funded. We do not want a fee-driven statute or rule.

Staff Summary of Public Testimony: (Appropriations)

(In support) This is agency-request legislation that has no specific fiscal impact but funding in the budget would increase our current enforcement and response activities. We would use the

funds to add three employees to survey, enforce, and better protect public health and the livestock industry of the state.

(Opposed) None.

Persons Testifying: (Agriculture & Natural Resources) (In support) Senator Rasmussen, prime sponsor; Mary Beth Lang and Dr. Leonard Eldridge, Department of Agriculture; Eddie Armstrong, Washington State Horse Council; Greg Hanon, Washington State Veterinary Medical Association; Ed Field, Washington Cattle Feeders Association; Mark Ellis, Cattle Producers of Washington; Patrick Connor, Washington Farm Bureau; and Chris Cheney, Washington Cattlemen's Association, Washington Fryer Commission, and Washington State Dairy Federation.

(Opposed) Carol Osterman, NoNAIS Washington; Celeste Bishop, NoNAIS Washington and Small Farmers; Craig Grub, Spokane County Cattlemen's Association; and Margo Hill.

Persons Testifying: (Appropriations) Mary Beth Lang, Department of Natural Resources.

Persons Signed In To Testify But Not Testifying: (Agriculture & Natural Resources) None.

Persons Signed In To Testify But Not Testifying: (Appropriations) None.