

SENATE BILL REPORT

SB 5678

As Reported by Senate Committee On:
Agriculture & Rural Economic Development, February 03, 2009

Title: An act relating to the use of milk products for animal food consumption.

Brief Description: Regarding the use of milk products for animal food consumption.

Sponsors: Senator Hatfield.

Brief History:

Committee Activity: Agriculture & Rural Economic Development: 2/02/09, 2/03/09 [DPS].

SENATE COMMITTEE ON AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

Majority Report: That Substitute Senate Bill No. 5678 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler, Ranking Minority Member; Becker, Morton and Shin.

Staff: Bob Lee (786-7404)

Background: In 1961 the Milk Products for Animal Food Act, chapter 15.37 RCW, was enacted. This law establishes minimum conditions for sale of milk or milk products for animal food consumption, if it does not meet Grade A standards for human consumption. To sell this non-Grade A milk for animal food consumption, the person must obtain a license. If the non-Grade A milk is sold in containers holding less than five gallons, it needs to be labeled "not for human consumption." If sold in containers holding over five gallons, a coloring agent to de-characterize the milk must be added.

No licenses have been requested under this chapter for the last several years.

The definition of commercial feed under the State Feed Act includes all materials distributed as feed or for mixing in feed, unless such materials are specifically exempted. The current interpretation is that the sale of waste milk as animal feed is subject to various requirements of the State Feed Act.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Among the reasons that milk may not meet Grade A standards include restrictions on colostrum, failing to maintain proper temperature, failing milk tests, animal sickness, and restrictions on medicines and antibiotics administered to the cow.

There is interest in rules to clarify under what conditions it is safe to use various types of waste milk for animal food consumption.

Summary of Bill (Recommended Substitute): Milks, cream, or skim milk for animal food consumption sold in intrastate commerce and regulated under the Milk Products for Animal Food law are exempt from the State Feed Act.

To obtain a license, the applicant must have either a current milk producers license or a current milk processing plant license.

The Director of Agriculture (director) must adopt rules for animal food consumption. Requirements may include recordkeeping, testing, handling, and processing requirements to ensure its safe use.

Authority is provided for the director to inspect the facilities, equipment, and product, including taking samples of milk, water, and environmental samples for laboratory analysis. The director must also have access to records and customer lists to verify compliance. If denied access to the premises, the director may apply for a search warrant from the appropriate court.

Violations are subject to the same enforcement provisions and penalties as contained in the State Fluid Milk Act, chapter 15.36 RCW.

EFFECT OF CHANGES MADE BY AGRICULTURE & RURAL ECONOMIC DEVELOPMENT COMMITTEE (Recommended Substitute): A penalty section that is duplicative and conflicts with another penalty section is repealed.

Appropriation: None.

Fiscal Note: Available.

[OFM requested ten-year cost projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on October 1, 2009.

Staff Summary of Public Testimony: PRO: Waste milk can now be fed to the dairy farmer's own calves, but cannot be sold to feed someone else's calves. This has caused frustrations with dairy farmers.

OTHER: The current statute has been on the books since 1961 and hasn't been updated. This bill will assure that any waste milk that is sold is safe to be sold and fed to calves. Milk that satisfies these rules will be exempt from the Commercial Feed Act for intrastate use.

Persons Testifying: PRO: Jay Gordon, Washington State Dairy Federation.

OTHER: Mary Beth Lang, Department of Agriculture.