FINAL BILL REPORT
HB 2456

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Synopsis as Enacted

Brief Description: Regarding disclosure of information relating to agriculture and livestock.

Sponsors: Representatives Chandler, Blake and Fagan.

House Committee on State Government & Tribal Affairs
Senate Committee on Agriculture, Water & Rural Economic Development

Background:

The Public Records Act (PRA) requires that state and local government agencies make all public records available for public inspection and copying unless the records fall within certain statutory exemptions. The provisions requiring public records disclosure must be interpreted liberally, and the exemptions narrowly, in order to effectuate a general policy favoring disclosure.

The Washington State Department of Agriculture (AGR) administers the Animal Disease Control Program and the Livestock Identification Program. The purpose of the Animal Disease Control Program is to prevent the spread of infectious, communicable, or otherwise dangerous diseases within the state and from other states and provinces. In this regard, the AGR has powers and duties that include: establishing quarantines, inspecting and testing of animals, inspecting vehicles transporting animals, and requiring certificates of veterinary inspection. The AGR is authorized to enter property to conduct tests or inspections of animals.

The Livestock Identification Program provides a means to determine ownership of livestock. It has the ancillary benefit of aiding animal disease traceability. The AGR works with the industry on improving the system to trace the origin of animal diseases and to identify other animals with which the infected animal may have come into contact.

In the process of administering animal disease and identification programs, the AGR collects information, considered to be proprietary, pertaining to numbers of animals, locations, purchase and sale information, and information related to livestock diseases or injury.

There is an existing exemption from the PRA disclosure requirements for information submitted to the AGR as part of the National Animal Identification System (NAIS). The

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United States Department of Agriculture (USDA) has since discontinued the NAIS, which was intended to provide a national system of animal disease tracking capability. This exemption did not prevent disclosure of information to local, state, or federal officials, or the disclosure of information used in reportable animal health investigations.

Summary:

References to the NAIS are eliminated with respect to agricultural information exempted from disclosure under the PRA. Instead, specified information submitted by an individual or business to the AGR for the purpose of herd inventory management for animal disease traceability is exempted. This exempted information includes:
- animal ownership;
- numbers of animals;
- locations;
- contact information;
- movements of livestock;
- financial information;
- purchase and sale information;
- account numbers or unique identifiers issued by government to private entities; and
- information related to livestock diseases that would identify a specific animal, person, or location.

Records of international livestock importation received from the United States Department of Homeland Security or the USDA that identify a particular animal, business, or individual, and which are not disclosable by the federal agency under the federal Freedom of Information Act (FOIA), are exempt from PRA disclosure requirements.

Records received from the Department of Homeland Security or the USDA related to the entry of prohibited agricultural products for importation into the state, and which are not disclosable by the federal agency under the federal FOIA, are exempt from PRA disclosure requirements.

Votes on Final Passage:

House   97   0
Senate   48   0

Effective: June 7, 2012