

SENATE BILL REPORT

HB 2456

As Reported by Senate Committee On:
Agriculture, Water & Rural Economic Development, February 21, 2012

Title: An act relating to information regarding agriculture and livestock.

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

Sponsors: Representatives Chandler, Blake and Fagan.

Brief History: Passed House: 2/10/12, 97-0.

Committee Activity: Agriculture, Water & Rural Economic Development: 2/20/12, 2/21/12
[DP].

SENATE COMMITTEE ON AGRICULTURE, WATER & RURAL ECONOMIC DEVELOPMENT

Majority Report: Do pass.

Signed by Senators Hatfield, Chair; Shin, Vice Chair; Honeyford, Ranking Minority Member; Becker, Delvin, Hobbs and Schoesler.

Staff: Bob Lee (786-7404)

Background: 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 to other states and provinces. In this regard, AGR has powers and duties that include establishing quarantines, inspection and testing of animals, inspection of vehicles transporting animals, and requiring certificates of veterinary inspection. 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.

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.

In the process of administering animal disease and identification programs, 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.

The Public Records Act (PRA) requires that state and local government agencies make all public records available for public inspection and copying unless they fall within certain statutory exemptions.

There is an existing exemption from PRA disclosure requirements for information submitted to AGR as part of the National Animal Identification System (NAIS). The United States Department of Agriculture (USDA) has since discontinued 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 of Bill: References to NAIS are eliminated with respect to agricultural information exempted from disclosure under PRA. Instead, specified information submitted by an individual or business to 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 (DHS) or 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 DHS or 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.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The language of this bill was worked out between the livestock industry, newspapers and the AGR as a means to improve the traceability of animal diseases. Federal agencies must have assurance that information protected under the federal Freedom of Information Act is also protected under state law.

Persons Testifying: PRO: Jack Field, WA Cattlemen's Assn.; Mark Streuli, AGR.