

SENATE BILL REPORT

SB 5487

As of March 24, 2011

Title: An act relating to establishing a certification program for commercial egg laying chicken operations.

Brief Description: Establishing a certification program for commercial egg laying chicken operations.

Sponsors: Senators Schoesler, Hatfield, Hobbs, Delvin, Honeyford, Becker and Shin.

Brief History:

Committee Activity: Agriculture & Rural Economic Development: 1/31/11.

SENATE COMMITTEE ON AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

Staff: Bob Lee (786-7404)

Background: The Department of Agriculture (WSDA) administers the Wholesome Eggs and Egg Products Act. The stated purpose of this act is to promote uniformity of state legislation and regulation with the federal Egg Products Inspection Act. The act contains provisions for licensing, inspection, sanitation, pasteurization, and labeling.

Persons who commit violations are subject to civil penalties of up to \$1,000 per day per violation. Also, violations may be punishable as a misdemeanor for a first violation, or as a gross misdemeanor for a second or subsequent violation.

Summary of Bill: The act establishes enforceable minimum standards to protect the health and well-being of egg laying chicken hens in commercial egg laying operations. The act also promotes consistency in procedures and standards applicable in this state with those commonly used elsewhere in the nation.

Beginning on January 1, 2012, for eggs or egg products to be sold or offered for sale in Washington, they must be produced in a manner that meets or exceeds the certification requirements set in this act. This applies to all commercial egg laying chicken operations with over 50,000 laying hens until July 8, 2012. On July 9, 2012, this requirement applies to all operations with over 3000 laying hens.

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.

Each year, these operations must pass certification requirements established in the 2010 edition of the United Egg Producers (UEP) Animal Husbandry Guidelines including the use of the appropriate checklist for either conventional cage systems or cage-free systems. As an alternative, the director of WSDA may allow an operation to certify under another substantially equivalent program as determined by the director.

Operations must be audited each calendar year for compliance with certification requirements. The audit must be conducted by the United States Department of Agriculture, WSDA, or a third-party certification organization that has been approved by the director of WSDA. Documentation of compliance must be submitted annually to WSDA and retained for a minimum of three years.

Any new cage system installed between January 1, 2012, and July 1, 2018, must have achieved American Humane Association (AHA) approval as an enriched colony housing system under the approval guidelines in existence on January 1, 2011, or be capable of modification to achieve such approval.

The director may adopt rules to establish standards for new cage systems that are different than those by the UEP or AHA if the changes can be scientifically demonstrated to be at least equally protective of the health and well-being of laying hens, protective of consumers from food borne pathogens, protective of an affordable supply of eggs for consumers, and commercially feasible for commercial egg laying operations.

Laying chickens is defined as a female domesticated chicken, at least 20 weeks of age, that is used for egg production.

Penalty provisions that apply for other violations of the Washington Wholesome Eggs and Egg Products Act apply to violations of this act. With regard to imposition of fines, WSDA is required to establish by rule a penalty matrix for violations of this act that contains a warning for the first violation and an increasing fine for subsequent violations based upon the number and seriousness of the violation. The existing maximum civil penalty of \$1,000 per violation per day is retained. Existing authority to impose criminal penalties is also retained.

Rules adopted under this chapter must be in accordance with the Administrative Procedures Act.

Appropriation: None.

Fiscal Note: Available.

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

Committee/Commission/Task Force Created: None.

Effective Date: The bill takes effect on January 1, 2012.

Staff Summary of Public Testimony: PRO: Egg producers produce mostly conventional eggs but also produce cage-free eggs and organic eggs. There is not enough consumer demand to expand cage-free eggs or organic eggs and when excess quantities of these higher

cost eggs are produced, they are sold at a loss. In state producers have to compete with eggs produced in other states. Using common standards puts everyone on a level playing field. Eggs are also exported to Taiwan and Japan, and Washington egg producers have to compete with other suppliers for this market. The industry decided to be proactive and pursue legislation to address animal welfare concerns after negotiations broke down with an animal welfare organization. Using the legislative process allows issues to be aired and addressed and is preferable to the initiative process where no improvements can be suggested. UEP standards incorporate the recommendations of a science panel who studied the issue. This proposal requires all egg producers to meet these standards to start with, and then provides for agency rulemaking to transition to higher standards. Some chickens naturally peck other chickens regardless whether they are in a cage or cage-free system.

CON: To fund this program will require an increase in the egg inspection fee. Current space requirements in the UEP standards are not sufficient and do not allow birds to spread their wings and exercise. Chickens in close areas are more fearful of other pecking hens. It would cost about \$0.01 per egg to convert.

Persons Testifying: PRO: Kiasa Kuykendall, Stiebrs Farms, Inc.; Greg Satrum, Williamette Egg Farms; Brian Bookey, National Food Coop; Holly Chisa, NW Grocery Assn.; Dan Wood, Washington State Farm Bureau; Dan Coyne, NW Food Processors Assn.

CON: Kirk Robinson, WSDA; Jennifer Hillman, The Humane Society of the United States.