

SENATE BILL REPORT

SHB 2049

As Passed Senate - Amended, March 29, 2019

Title: An act relating to commercial egg layer operations.

Brief Description: Concerning commercial egg layer operations.

Sponsors: House Committee on Rural Development, Agriculture, & Natural Resources (originally sponsored by Representative Blake).

Brief History: Passed House: 3/08/19, 90-6.

Committee Activity: Agriculture, Water, Natural Resources & Parks: 3/19/19, 3/21/19 [DPA, DNP].

Floor Activity:

Passed Senate - Amended: 3/29/19, 40-6.

Brief Summary of Bill

- Requires egg handlers or egg dealers to prove all eggs and egg products they provide in intrastate commerce are produced in facilities that meet specified housing standards beginning January 1, 2024.
- Requires commercial egg layer operations to meet specified housing standards to ensure all hens in their operation are provided with a certain minimum amount of floor space.
- Requires the Department of Agriculture to deny, suspend, or revoke a license or conditional license if a licensee violated the Washington Wholesome Eggs and Egg Product Act.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Majority Report: Do pass as amended.

Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; McCoy, Rolfes and Short.

Minority Report: Do not pass.

Signed by Senator Honeyford.

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.

Staff: Karen Epps (786-7424)

Background: Egg Handler and Egg Dealer Licenses. The Egg Safety Section of the Washington State Department of Agriculture (WSDA) Food Safety Program serves to promote uniformity of state legislation and regulation with the federal Egg Products Inspection Act. Egg handlers and egg dealers are people who produce, or contract for the production of eggs for the purpose of sales. An egg handler or egg dealer license is required for businesses or individuals who:

- produce, handle, contract for, or obtain possession or control of eggs for sale to wholesalers, dealers, or retailers within or into Washington; or
- process eggs and sell them to wholesalers, dealers, retailers or consumers within or into Washington.

This requirement is applicable to chicken, turkey, duck, geese, or other fowl species eggs. Poultry or egg producers may sell eggs from their own flocks directly to the end consumer from the place of production without purchasing an egg handler or egg dealer license.

Third Party Egg Production Certification. Multiple private, third party groups offer marketing certifications regarding agricultural practices and animal husbandry. Two of these groups are the United Egg Producers (UEP) and the American Humane Association (AHA). The UEP is a cooperative made up of egg farmers from across the country. The UEP runs a certification program available to egg producers. Egg producers satisfying the husbandry guidelines established by the UEP may attach the "UEP-certified" label on their product. The AHA is a private, nonprofit organization that also offers third party certification of farm-raised products, including eggs. In 2011 the AHA published their updated standards for enriched colony housing. Egg production operations must be conducted consistent with these standards to achieve certification from the AHA and to be licensed to market their products as AHA-certified.

Under state law, entities providing eggs or egg products for intrastate commerce that apply for either an egg handler or egg dealer license before January 1, 2026, must provide proof that their eggs are produced by egg laying operations that meet the 2010 version of the UEP's Animal Husbandry Guidelines for U.S. Egg Laying Flocks.

Any new facilities built between January 1, 2012, and December 31, 2016, were required to be approved under or convertible to the AHA Facility System Plan for Enriched Colony Housing in effect on January 1, 2011. Facilities that were built during this five-year period must be operated in compliance with the UEP and AHA standards; provide no less than 116.3 square inches of space per hen; and provide access to areas for nesting, scratching, and perching.

Beginning in 2026, all applicants for a new or renewed egg handlers or egg dealers license must provide proof to WSDA that the eggs or egg products produced by a commercial egg layer operation:

- is approved under the 2011 version of the AHA facility plan and audit protocol for enriched colony housing; and
- provides at least 116.3 square inches of space to each hen and allows each hen access to areas for nesting, perching, and scratching.

WSDA may require, in rule, compliance with any updated version of the UEP or AHA standards, or require compliance with equivalent or more stringent standards. WSDA may deny, suspend, revoke, or issue a license or conditional license if a licensee has violated any provisions of the act, provides false or misleading statements, or concealed or withheld any facts regarding a violation of the act.

These requirements apply to operations that have more than 3000 laying chickens, and do not apply to commercial egg layer operations that produce eggs or egg products from fowl other than domestic chickens.

Summary of Bill: Beginning January 1, 2024, applicants for new or renewed egg handlers or egg dealers licenses must prove all eggs and egg products they provide in intrastate commerce are produced in facilities that meet the housing standards required in the 2017 edition of the United Egg Producers' Animal Husbandry Guidelines for United States Egg Laying Flocks: Guidelines for Cage-Free Housing (2017 UEP Guidelines). Equivalent or more stringent standards may still be met. Exemptions from adhering to the 2017 UEP Guidelines are provided, including during medical research, veterinary treatment, and certain exhibitions.

Beginning in 2024, commercial egg layer operations required to meet the 2017 UEP Guidelines, or equivalent guidelines, must ensure that all hens in their operation are provided with no less than the minimum amount of floor space required by the 2017 UEP Guidelines. Additionally, no person may buy or sell eggs or egg products in intrastate commerce that were not produced in compliance with the 2017 UEP Guidelines.

WSDA must deny, suspend, or revoke a license or conditional license if a licensee has violated any provisions of the act, provides false or misleading statements, or concealed or withheld any facts regarding a violation of the act.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Substitute House Bill: *The committee recommended a different version of the bill than what was heard.* PRO: The bill is the result of months of negotiation between the Humane Society and egg producers of Washington. The egg industry is in transition and some producers in Washington are already producing eggs under these standards. The future of eggs is cage free and Washington has always been a leader in these standards. This bill gives the egg producers a timeframe and a timeline that is doable and will continue to make Washington a leader in this area. Similar legislation to this is being sought in Oregon as there is value in having a standard adopted in Washington that is the same as Oregon. Under this bill, the egg producers will be implementing a cage free management system by 2023.

Persons Testifying: PRO: Representative Brian Blake, Prime Sponsor; Dan Coyne, Food Northwest; Carey Morris, Humane Society of the United States.

Persons Signed In To Testify But Not Testifying: No one.