

# HOUSE BILL REPORT

## EHB 2132

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### As Amended by the Senate

**Title:** An act relating to the department of agriculture grants of rule-making authority.

**Brief Description:** Rule making by the department of agriculture.

**Sponsors:** Representatives Chandler, Chappell, Grant, Mastin, Regala and Johnson; by request of Department of Agriculture.

**Brief History:**

**Committee Activity:**

Agriculture & Ecology: 1/17/96, 1/18/96 [DP].

**Floor Activity:**

Passed House: 1/31/96, 96-0.

Senate Amended.

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### HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

**Majority Report:** Do pass. Signed by 16 members: Representatives Chandler, Chairman; Koster, Vice Chairman; Chappell, Ranking Minority Member; Linville, Assistant Ranking Minority Member; Boldt; Clements; Delvin; R. Fisher; Honeyford; Johnson; Mastin; Ogden; Regala; Robertson; Rust and Schoesler.

**Staff:** Bill Lynch (786-7092).

**Background:** The Legislature enacted the Regulatory Reform Act of 1995 during the last legislative session. This measure restricts agencies from adopting rules based solely on enabling provisions and/or statements of intent when implementing future statutes, but the enabling/intent provisions may be used to interpret ambiguities in a statute's other provisions. Several major agencies were also prohibited from relying solely upon enabling/intent provisions to adopt rules when implementing current statutes. The Department of Agriculture is one of the major agencies prohibited from relying solely upon enabling/intent provisions when adopting rules to implement current statutes.

The Department of Agriculture has identified three areas in which a general grant of authority was used as the basis to adopt rules. These three areas pertain to requirements for farm storage tanks and bulk milk tankers, designating crops to be nonfood and/or nonfeed sites of pesticide application when these crops are grown to

produce seed for crop reproduction purposes, and the issuance of permits allowing the import and movement of certain pet animals.

The Department of Agriculture does not have specific rule-making authority to establish different grades of ginseng or to regulate ginseng dealers.

**Summary of Bill:** The Department of Agriculture is granted specific authority to adopt rules pertaining to (1) farm storage tanks and bulk milk containers, (2) the designation of crops to be nonfood and/or nonfeed sites of pesticide application when these crops are grown to produce seed for crop reproduction purposes, and (3) the issuance of permits allowing the import and movement of certain pet animals.

The Department of Agriculture is required to adopt either grades or classifications for American ginseng. The Director may require ginseng dealers who purchase ginseng for export to register.

**EFFECT OF SENATE AMENDMENT(S):** Information provided by American ginseng dealers to the Department of Agriculture regarding the purchases, sales, or production of an individual dealer is exempt from public disclosure. Other technical amendments are made.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** It is important for the Department of Agriculture to continue to regulate these areas. The ability to regulate milk containers is important for the public health. The rules pertaining to minor pesticides is very important to the alfalfa seed and vegetable seed industries because it allows them to go through a quick approval process for applications that will not be used for food or feed. The minor pesticide provisions are becoming more important for the grass seed industry as well. The Department of Agriculture is the agency that is relied upon by local health entities to issue permits pertaining to the movement of pet animals such as coyotes and raccoons.

**Testimony Against:** None.

**Testified:** Jim Jesernig and Mary Beth Lang, Department of Agriculture (in favor); Enid Layes, Washington Friends of Farms and Forests (in favor); Walt De John, I.M.P.D.A. (in favor); and Bill Stauffacher, Washington State Dairy Federation (in favor).