

# HOUSE BILL REPORT

## HB 2134

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### As Amended by the Senate:

**Title:** An act relating to the degrade of dairy farm or milk processing plant licenses.

**Brief Description:** Degrading certain dairy licenses.

**Sponsors:** Representatives Robertson, Chappell, Koster, Mastin, Regala, Chandler, Honeyford, Campbell, L. Thomas, Johnson, Stevens, Boldt and Goldsmith; 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:** Kenneth Hirst (786-7105).

**Background:** The Department of Agriculture is required by the state's fluid milk laws to inspect dairy farms and milk plants before they are licensed, and periodically thereafter. If an inspection reveals a violation that is a grade requirement (such as, for Grade A milk), a second inspection is to be conducted. If the same requirement is found again to be in violation in the second inspection, the license must be immediately degraded or summarily suspended.

**Summary of Bill:** The provision of the fluid milk laws requiring that a license be degraded or summarily suspended following a repeat inspection violation no longer requires that the license be immediately degraded or summarily suspended.

**EFFECT OF SENATE AMENDMENTS:** The amendments add an emergency clause; the bill takes effect immediately.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** (1) If there is a repeat of a category of violations and, upon reinspection, that category of requirements is again violated, the department must immediately degrade the license of the inspected dairy farm or milk plant. The violation, such as an open door, may be a violation of the antiquated federal Pasteurized Milk Ordinance, but it does not create a food sanitation problem; the milk itself meets safety standards. Nonetheless, the person's Grade A license must be degraded. Since there is only one facility in the state that processes less than Grade A milk, if the milk cannot be sent to that facility, or if it is too expensive to for it to be sent there, the milk must be dumped. But EPA rules do not permit milk to be dumped. (2) If milk from a dairy for which a license has been degraded is processed by a processor, the milk remains in the food chain; it is just in a different product. This is not a food safety issue. (3) There has been a great deal of consolidation of milk plants in this state in recent years. As a result, if one plant's license must be degraded, there will be a big loss of that plant's inventory, a big back-up of good milk in the hands of producers who no longer have a Grade A facility to send their milk to, and a big drop in public confidence, but no food safety issue. (4) The department will continue to embargo milk if there are food safety violations.

**Testimony Against:** None.

**Testified:** Representative Robertson, prime sponsor; Jim Jesernig and Mary Beth Lang, Department of Agriculture; Walter DeJong; and Bill Stauffacher, Washington Dairy Federation (in favor).