

# SENATE BILL REPORT

## EHB 2132

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As Reported By Senate Committee On:  
Agriculture & Agricultural Trade & Development, February 15, 1996

**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 & Agricultural Trade & Development: 2/15/96 [DPA].

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### SENATE COMMITTEE ON AGRICULTURE & AGRICULTURAL TRADE & DEVELOPMENT

**Majority Report:** Do pass as amended.

Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; Bauer, Morton, Newhouse and Snyder.

**Staff:** Bob Lee (786-7404)

**Background:** The Regulatory Reform Act of 1995 provides that the Department of Agriculture must have a specific grant of authority to adopt administrative rules rather than relying on a statute's statement of purpose and intent or the statute that created the agency. Existing rules that were in effect continue to remain in effect.

As part of the department's activities to implement the Regulatory Reform Act, a review was conducted by the department and the Attorney General's Office to determine whether any existing rules were based on other than a specific grant of authority. The review concluded in three areas that general authority was used rather than a specific grant of authority.

A specific grant authority is sought so that the department may revise three current rules as necessary in the future.

There are two types of American ginseng. Wild American ginseng that has been declared to be an endangered species by the U.S. Fish and Wildlife Service. American ginseng is also artificially cultured and is exported to Asian countries. To comply with international treaties and federal law, a system to regulate the production and export of artificial ginseng is needed to prevent the harvest of wild ginseng.

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

**Summary of Amended Bill:** Specific authority for the department to adopt rules is provided for the following areas:

1. regulation of farm milk storage tanks and bulk milk tankers;
2. designation of nonfood and nonfeed crops and disposal of residues from such crops for purposes of pesticide application; and
3. issuance of a permit required by the Department of Health for the importation of certain species of animals that pose a threat to public health.

Also, the Department of Agriculture is granted new authority to adopt grades or classifications for American ginseng. The director may require dealers who purchase ginseng for export to register with the department.

**Amended Bill Compared to Original Bill:** The striking amendment clarifies the type of records that the Department of Agriculture can require. Records submitted by individual ginseng dealers are not public records. The Department of Agriculture may provide reports as needed to the U.S. Fish and Wildlife Service.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** This is the House companion to SB 6087 plus the addition of authority to regulate American ginseng. There are two types of American ginseng. Wild American ginseng that has been declared to be an endangered species by the U.S. Fish and Wildlife Service. American ginseng is also artificially cultured and is exported to Asian countries. To comply with international treaties and federal law, a system to regulate the production and export of artificial ginseng is needed to prevent the harvest of wild ginseng.

**Testimony Against:** None.

**Testified:** PRO: Don Hoogesteger, Pacific Rim Ginseng; Jim Halstrom, WA Friends Farms & Forest; Mary Beth Land, Dept. of Ag.