

# SENATE BILL REPORT

## SB 5963

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As Reported By Senate Committee On:  
Agriculture & Rural Economic Development, February 28, 2005

**Title:** An act relating to assuring security of livestock information provided to governmental agencies.

**Brief Description:** Creating a task force to study livestock information security.

**Sponsors:** Senators Rasmussen, Schoesler, Shin and Delvin.

**Brief History:**

**Committee Activity:** Agriculture & Rural Economic Development: 2/24/05, 2/28/05 [DPS].

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### SENATE COMMITTEE ON AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

**Majority Report:** That Substitute Senate Bill No. 5963 be substituted therefor, and the substitute bill do pass.

Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Schoesler, Ranking Minority Member; Delvin, Jacobsen, Morton and Sheldon.

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

**Background:** New programs for disease traceability and nutrient management are requiring increased information to be submitted to governmental agencies by livestock operations. There are concerns that this information could be released to persons and used for inappropriate purposes.

**Summary of Substitute Bill:** An eleven member task force is created that includes four legislators, one from each of the major caucuses of the House of Representatives and the Senate, the Department of Agriculture, and six members appointed jointly by the speaker of the House of Representatives and the president of the Senate. Three of these members are to be selected from nominations submitted from constituent groups including media, environmental and the public at large, and three from livestock organizations. The Attorney General is to appoint a legal advisor to the task force with expertise in privacy and disclosure laws.

The task force is assigned to make recommendations on what information submitted to governmental agencies should be made available to the public and what information should be retained as confidential business information, or for food safety or security purposes. The task force must also evaluate whether to require identification of the requestor, maintain a record of those who submit requests, notify the operator of the request, and whether the purpose of the request should be determined before its release.

By December 15, 2005, the task force must provide an interim report of its recommendations, including draft legislation, regarding documents produced to implement the livestock nutrient

management program and coordination with federal authorities on emergency disease investigation and response information. By December 15, 2006, the task force must provide a final report regarding documents produced to implement the livestock disease trace-forward and trace-back system.

**Substitute Bill Compared to Original Bill:** The composition of task force was modified to include a representative from the Department of Agriculture, and legal assistance from the Attorney General's Office, three total from media, environmental and the public at large, and three from the livestock industry. An additional task was assigned that includes review of documents produced for coordination with federal authorities on emergency disease investigation and response.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** Yes.

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

**Testimony For:** Conflict between state and federal disclosure laws have created problems for coordination and information sharing on joint federal/state disease investigation and response efforts. Due to increased concerns about terrorism and eco-terrorism, greater care needs to be given to prevent persons with bad motives from getting detailed information about livestock operations. Competitors can obtain valuable private business information if it is too freely available. Many cooperative joint efforts between government and industry could stall if private information isn't adequately protected.

**Testimony Against:** None.

**Other:** It would be appropriate for the Department of Agriculture to be included because they are charged with the administration of the affected programs. The task force should be balanced with the inclusion of more public interest groups and less livestock industry groups. Involvement by legal experts from the Attorney General's Office could be valuable to addressing this issue.

**Who Testified:** PRO: Ladon Linde, Washington Dairy Federation; Chris Cheney, Washington Fryer Commission; Jack Field, Washington Cattlemen's Association; Chad Henneman, Cattle Producers of Washington. OTHER: Melodie Selby, Department of Ecology; Bruce Wishart, People for Puget Sound; Heather Hansen, Washington Cattle Feeders Association; Mary Beth Lang, Department of Agriculture.