
SENATE BILL 5487

State of Washington

62nd Legislature

2011 Regular Session

By Senators Schoesler, Hatfield, Hobbs, Delvin, Honeyford, Becker, and Shin

Read first time 01/27/11. Referred to Committee on Agriculture & Rural Economic Development.

1 AN ACT Relating to establishing a certification program for
2 commercial egg laying chicken operations; amending RCW 69.25.150;
3 adding new sections to chapter 69.25 RCW; prescribing penalties; and
4 providing an effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 69.25 RCW
7 to read as follows:

8 (1) The purpose of this section is to establish enforceable minimum
9 standards under this chapter to protect the health and well-being of
10 egg laying hens in commercial egg laying operations. In establishing
11 a certification program, it is a further goal to promote consistency in
12 procedures and standards applicable in this state with the procedures
13 and standards commonly used elsewhere in the nation.

14 (2) Beginning the effective date of this section, to be sold or
15 offered for sale in Washington, an egg or egg product must be produced
16 in a manner that meets or exceeds the certification requirements in
17 this section.

18 (3)(a) Beginning the effective date of this section through July 8,

1 2012, all commercial egg laying chicken operations with fifty thousand
2 or more laying hens are subject to the certification requirements of
3 this section.

4 (b) Beginning July 9, 2012, all commercial egg laying chicken
5 operations with three thousand or more laying hens are subject to the
6 certification requirements of this section.

7 (4) Each year, all commercial egg laying chicken operations subject
8 to subsection (2) of this section must pass certification requirements
9 established in the 2010 edition of the united egg producers animal
10 husbandry guidelines for United States egg laying flocks, including use
11 of the appropriate 2010 audit checklists for conventional cage systems
12 or cage-free systems. As an alternative, the director may allow a
13 commercial egg laying chicken operation to certify under another
14 substantially equivalent program, as determined by the director.

15 (5) All commercial egg laying chicken operations shall be audited
16 each calendar year for compliance with certification requirements. The
17 audit may be conducted by the United States department of agriculture,
18 the department, or a third-party certification organization that has
19 been approved by the director. Documentation of compliance with the
20 certification requirements must be submitted annually by each
21 commercial egg laying operation to the department and retained for a
22 minimum of three years.

23 (6) Beginning the effective date of this section through July 1,
24 2018, any new cage system installed in a commercial egg laying chicken
25 operation must have achieved American humane association facility
26 system plan approval as an enriched colony housing system under the
27 approval guidelines in existence on January 1, 2011, or be capable of
28 being modified so as to achieve such approval. If the standards
29 established in this subsection conflict with standards established
30 under subsection (4) of this section, the standards in this subsection
31 apply.

32 (7) The director may adopt rules to establish standards for new
33 cage systems for laying hens that are different than those contained in
34 the standards in subsections (4) and (6) of this section if the changes
35 can be scientifically demonstrated to be at least equally protective of
36 the health and well-being of laying hens, protective of consumers from
37 food borne pathogens, protective of an affordable supply of eggs for
38 consumers, and economically feasible for commercial egg laying

1 operations. If the standards adopted by rule in accordance with this
2 subsection conflict with the standards established under subsections
3 (4) and (6) of this section, the standards in this subsection apply.

4 (8) As used in this section, "laying hens" means a female
5 domesticated chicken, at least twenty weeks of age, used for the
6 purposes of egg production.

7 **Sec. 2.** RCW 69.25.150 and 2003 c 53 s 317 are each amended to read
8 as follows:

9 (1)(a) Except as provided in (b) of this subsection, any person
10 violating any provision of this chapter or any rule adopted under this
11 chapter is guilty of a misdemeanor.

12 (b) A second or subsequent violation is a gross misdemeanor. Any
13 offense committed more than five years after a previous conviction
14 shall be considered a first offense.

15 (2)(a) Whenever the director finds that a person has committed a
16 violation of any of the provisions of this chapter, and that violation
17 has not been punished pursuant to subsection (1) of this section, the
18 director may impose upon and collect from the violator a civil penalty
19 not exceeding one thousand dollars per violation per day. Each
20 violation shall be a separate and distinct offense.

21 (b) The department shall establish by rule a penalty matrix for
22 violations of section 1 of this act that contains a warning for a first
23 violation and an increasing fine for subsequent violations based upon
24 the number and seriousness of the violation. The department may also
25 establish by rule a penalty matrix for other violations of this
26 chapter.

27 (3) When construing or enforcing the provisions of RCW 69.25.110,
28 the act, omission, or failure of any person acting for or employed by
29 any individual, partnership, corporation, or association within the
30 scope of the person's employment or office shall in every case be
31 deemed the act, omission, or failure of such individual, partnership,
32 corporation, or association, as well as of such person.

33 (4) No carrier or warehouseman shall be subject to the penalties of
34 this chapter, other than the penalties for violation of RCW 69.25.140,
35 or 69.25.155, by reason of his or her receipt, carriage, holding, or
36 delivery, in the usual course of business, as a carrier or warehouseman
37 of eggs or egg products owned by another person unless the carrier or

1 warehouseman has knowledge, or is in possession of facts which would
2 cause a reasonable person to believe that such eggs or egg products
3 were not eligible for transportation under, or were otherwise in
4 violation of, this chapter, or unless the carrier or warehouseman
5 refuses to furnish on request of a representative of the director the
6 name and address of the person from whom he or she received such eggs
7 or egg products and copies of all documents, if there be any,
8 pertaining to the delivery of the eggs or egg products to, or by, such
9 carrier or warehouseman.

10 NEW SECTION. **Sec. 3.** A new section is added to chapter 69.25 RCW
11 to read as follows:

12 Rules adopted by the department under this chapter must be in
13 accordance with chapter 34.05 RCW, the administrative procedure act.

14 NEW SECTION. **Sec. 4.** This act takes effect January 1, 2012.

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