

**SENATE BILL REPORT**

**ESHB 1135**

**AS REPORTED BY COMMITTEE ON AGRICULTURE, APRIL 1, 1993**

**Brief Description:** Modifying the regulation of "alternative livestock."

**SPONSORS:** House Committee on Agriculture & Rural Development (originally sponsored by Representatives Kremen, Ballard, Linville, Foreman, Rayburn, Padden, R. Johnson, Grant, Schoesler, Lisk, Fuhrman, Morris, Morton, Brough, Sheahan, Finkbeiner, Quall, Miller and Anderson)

**HOUSE COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT**

**HOUSE COMMITTEE ON FISHERIES & WILDLIFE**

**SENATE COMMITTEE ON AGRICULTURE**

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

Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Barr, Bauer, Newhouse, and Snyder.

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

**Hearing Dates:** March 23, 1993; April 1, 1993

**BACKGROUND:**

The Department of Agriculture has conducted an animal health program covering the state livestock industry for a number of years. Their authorities include the ability to require health inspection certificates prior to allowing animals to be imported into the state, develop rules to prevent the introduction or spread of contagious diseases and to place infected herds under quarantine.

The Department of Wildlife has been granted authority to designate any species of the animal kingdom not native to the state of Washington as deleterious if such species are found to be dangerous to the environment or to wildlife. The department has authority to regulate species that are designated as deleterious. Regulations were adopted during the last eight months relating to some species of animals reared as livestock on farms in the state.

Currently, there are statutes that define legal fences for cattle and other livestock.

**SUMMARY:**

It is declared to be the policy of the state to encourage the development and expansion of appropriate alternative livestock farming.

Any nonresident vertebrate species can be declared as alternative livestock through joint adoption of rules by the Department of Wildlife and the Department of Agriculture. Designated by statute to be alternative livestock are fallow deer and most subspecies of reindeer. All wildlife species that currently exist in a wild state in Washington cannot be designated as alternative livestock. Rocky Mountain elk can be allowed to be farmed with the same status as alternative livestock if the directors jointly agree and adopt rules that include methods that will ensure genetic integrity.

Those species that currently or in the future are farmed in the state that are not designated as alternative livestock remain under the regulatory authority of the Department of Wildlife. If a specie is not listed as alternative livestock, the species can be banned or otherwise regulated by the Department of Wildlife.

To list a specie as alternative livestock, the directors are to evaluate the risk to public health and safety, the environment, resident wildlife, or traditional and alternative livestock. Also, the directors are to evaluate whether there is an ability to identify and distinguish the species and products made from such species based on acceptable biological testing.

A scientific review board is authorized to be composed of one person appointed by the Director of Wildlife, one appointed by the Director of Agriculture and one appointed by the two appointees. The review board will make recommendations on the designation of species as alternative livestock in situations where the directors are in disagreement as to such designation. Recommendations are advisory but if not followed, the director not following the recommendations is required to place an explanatory written statement in the record.

Fee hunting is prohibited on alternative livestock. A disease control program is to be developed and administered by the Department of Agriculture. An animal identification system is to be developed and alternative livestock farms are to be registered with the state. Fees are assessed to pay for the costs of development and administration of the program.

Fencing standards are jointly adopted by the Department of Wildlife and the Department of Agriculture for those species that are listed as alternative livestock. The owners of escaped animals are to pay for the cost of recapture. Owners whose animals escape are subject to a civil penalty of up to \$10,000 per violation. Meat produced is required to be inspected.

**SUMMARY OF PROPOSED SENATE AMENDMENT:**

Growers of nontraditional animals are required to register their animals within 180 days of the effective date of the act.

A process is established whereby either the Department of Wildlife, the Director of Agriculture or a person who has registered nontraditional animals may petition either agency for a designation of the animal species to be added to the traditional livestock list or to be classified as alternative livestock. Such petition is to be acted upon jointly by the Department of Agriculture and the Department of Wildlife. Failure of the agency directors to come to agreement causes a scientific board to be convened. The scientific board is to make a recommendation to the directors. Continued failure of the directors to agree for thirty days after the recommendations are made results in the decision having to be made by the Governor.

In order to bring species of animals into the state that does not now exist, a person must file a petition and such petition must be acted upon prior to entry of the new species.

If rulemaking under this chapter restricts the economic utilization of a species being raised for commercial purposes in the state, the provisions of the Regulatory Fairness Act apply. The Departments of Agriculture and Wildlife are required to develop a report containing findings and recommendation regarding the establishment of an indemnification policy.

The Director of Agriculture and Wildlife by rule are to develop the requirements for a complete petition and develop criteria upon which to make evaluations as to whether and how petitioned species will be regulated.

The rules of either the Department of Wildlife or the Department of Agriculture that are inconsistent with the purpose and substance of this act shall be amended or repealed to comply with this chapter.

The members of each scientific review panel are to be residents of the state prior to appointment.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** available

**TESTIMONY FOR:**

There is a need for a well defined process whereby the state can make a decision as to whether and how nontraditional animal species should be designated and regulated.

**TESTIMONY AGAINST:**

The bill provides too much authority to one agency to make determinations on designation and regulation of animal species.

**TESTIFIED:** J.K. Johnson, Washington State Muzzleloaders Association; Chuck Tyler, Tacoma Sportsmen's Club; Jim Rich, WACA; Dave Brittell, Washington Department of Wildlife; Jeff Parsons, National Audubon Society; Bruce Morgan, WOGBB/Morgan Meadow, Ltd.