

HOUSE BILL REPORT

HB 1745

As Reported by House Committee On:

Judiciary
Appropriations

Title: An act relating to laying hens.

Brief Description: Requiring inspections of egg-laying facilities.

Sponsors: Representatives Kessler, Romero, Jarrett, Ruderman, Nixon, Clibborn, Rockefeller, Dickerson, Simpson, McDermott, Kenney, Linville and Wood.

Brief History:

Committee Activity:

Judiciary: 2/18/03, 2/25/03 [DPS];
Appropriations: 3/4/03, 3/8/03 [DPS(JUDI)].

Brief Summary of Substitute Bill

- Provides that a practice that results in the death of a certain number of laying hens at any one time is not an accepted husbandry practice and not exempt from the cruelty to animals law.
- Requires the Director of the Department of Agriculture to establish a program for conducting inspections of facilities in which 3,000 or more laying hens are kept.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Lantz, Chair; Moeller, Vice Chair; Flannigan, Kirby and Lovick.

Minority Report: Do not pass. Signed by 4 members: Representatives Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell and Newhouse.

Staff: Edie Adams (786-7180).

Background:

The state's law for the prevention of cruelty to animals prohibits certain practices and activities involving animals. Among the law's prohibitions are transporting or confining animals in an unsafe manner, engaging animals in exhibition fighting with other animals, and poisoning animals. In addition, the chapter contains the crime of animal cruelty.

Animal cruelty in the first degree, a class C felony, involves intentionally inflicting substantial pain on, causing physical injury to, or killing an animal by a means that causes undue suffering. Animal cruelty in the second degree is committed when a person knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain upon an animal. An owner may commit this crime by failing to provide necessary food, water, shelter, rest or medical attention, or by abandoning the animal. Animal cruelty in the second degree is a misdemeanor.

The animal cruelty laws do not apply to accepted husbandry practices that are used in the commercial raising or slaughtering of livestock or poultry. The United Egg Producers adopts and publishes animal husbandry guidelines for egg-laying flocks. These guidelines contain recommendations on housing and cage allowance, beak trimming, molting, and transportation and handling of laying hens.

The Department of Agriculture (Department) regulates the processing of eggs and egg products. Egg handlers and dealers are required to be licensed and the Department conducts inspections of egg and egg products processing plants. However, there is no licensing or inspection program for the egg-laying facilities where the hens are kept.

Summary of Substitute Bill:

An action or inaction that causes the death at any one time of 3 percent or more of the laying hens in a facility is not an accepted husbandry practice used in the commercial raising of poultry or poultry products, and is not exempt from the animal cruelty laws.

The Director of the Department must establish a program for conducting inspections of egg-laying facilities where 3,000 or more laying hens are kept. The Director must maintain a list of facilities to be inspected from information the Department receives from egg handler or dealer licenses. Each egg-laying facility must be inspected at least two times per year and the inspections must be unannounced if practicable.

Inspections must be designed to meet two goals: (1) identify instances in which a violation of the animal cruelty laws results in the death of 3 percent or more of the laying hens in a facility at any one time; and (2) conduct testing for salmonella. The Director must develop guidelines for conducting inspections that meet these goals and are designed to limit the transference of disease between egg-laying facilities.

The Department must employ inspectors on an as-needed basis. An inspector may not be

a person employed by, affiliated with or a member of a humane society, shelter or animal welfare agency, or an egg farm, producer, supplier, processor or other entity associated with egg production.

Producers must pay an annual inspection fee in an amount determined by the Department to cover the costs of the inspection program. The inspection fee must be assessed in conjunction with the currently imposed egg assessment on egg handlers or dealers.

The Director must report violations that result in an excessive mortality rate of laying hens to the local prosecuting attorney. A statement is made that the act may not be construed as providing the Director the exclusive authority to investigate violations of the animal cruelty laws regarding laying hens.

Substitute Bill Compared to Original Bill:

The original bill applied to egg-laying facilities where 100 or more laying hens are kept.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This bill is a consumer health and consumer confidence measure intended to protect the safety of eggs. The molting process and unsanitary conditions at egg-laying facilities can result in eggs infected with salmonella. There are bad actors who do not comply with industry standards and there is no way of knowing where they are because there is currently no required inspection program for the facilities where the hens are kept. In addition, there is no salmonella testing conducted presently. Alerts for salmonella enteritidis in eggs has dramatically increased in the last year. This indicates that egg farms are not in a healthy state. The primary source of salmonella enteritidis is rats. Inspections are crucial to making sure that eggs are infection free and that production techniques do not constitute animal cruelty. The United Egg Producers guidelines are completely voluntary and the current United States Department of Agriculture (USDA) audit is not unannounced.

Testimony Against: This legislation is not necessary because the industry is voluntarily regulating itself in a manner that is even more stringent than the bill. Grocers are involved in monitoring the wholesomeness of eggs. Nearly every supermarket in the state requires its egg suppliers to comply with the United Egg Producers guidelines and suppliers are required to pass a comprehensive yearly audit by the USDA. In addition, the Food and Drug Administration already has a program for eliminating salmonella

enteritidis that is more comprehensive than this bill. This legislation will impose additional costs on local producers, which will be passed on to the consumers, and will put local producers at a competitive disadvantage to those in other states. The bill raises serious concerns about the risk of spreading Exotic Newcastle disease among facilities, which could have a devastating impact on the industry.

Testified: (In support) Representative Kessler, prime sponsor; Susan Michaels, Pasados Safe Haven; Robert Stagman, Physicians Pro on HB 1745; Dana Bridges, Veterinarians for Laying Hen Inspections; Adam Karp, Washington State Attorneys Pro on Laying Hen Inspections; and Brian Berg.

(Opposed) Bob Gee, Washington Food Industry; Barrie Wilcox, Wilcox Farms; Dan Wood, Washington Farm Bureau; and Dr. Duane Olsen, Briarwood Farms.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Cody, Conway, Dunshee, Hunter, Kagi, Kenney, Kessler, Linville, McIntire, Miloscia, Ruderman and Schual-Berke.

Minority Report: Do not pass. Signed by 13 members: Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander, Boldt, Buck, Clements, Cox, DeBolt, Grant, McDonald, Pflug, Sump and Talcott.

Staff: Patricia Linehan (786-7178).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Judiciary:

No new changes were recommended.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: There are no inspections at Washington egg farms. Carcasses of dead hens encourage rampant rat infestation. This is a food safety issue, because rats can run through the food troughs where the hens eat. Healthy animals produce healthy food for human consumption and to assure this, inspections of the egg laying facilities must take place. Salmonella Serotype Enteritidis is the most antibiotic resistant type of salmonella.

Normally, the Washington Department of Health sees three or four people hospitalized due to Washington eggs. Within the last two months, this number has increased to 15 people per month. Washington egg farmers are the only food producers in the state who do not pay for inspections, we hope that this will change that. Washington needs a minimum level of sanitation and an independent vet to inspect for salmonella. Hens are crammed into small cages, de-beaked and cannot spread their wings. The industry standard for mortality is 1.2 percent of the total population of hens and the proposed bill gives the producers a 3 percent rate, so it is very reasonable. The bill will protect the most vulnerable people in our society.

Testimony Against: None.

Testified: Ralph Turner, citizen; and Susan Michaels, Veterinarians, Physicians & Attorneys.