

HOUSE BILL REPORT

SSB 6636

As Reported by House Committee On:
Agriculture & Natural Resources
Appropriations

Title: An act relating to the disposal of animals.

Brief Description: Regulating the disposal of animals.

Sponsors: Senate Committee on Agriculture (originally sponsored by Senators Rasmussen, Swecker, Jacobsen, Brandland, Doumit, Fairley, Kohl-Welles, Eide, Fraser, Regala, Shin, Prentice, Honeyford, Kline, Thibaudeau, Poulsen, Spanel, Franklin, Keiser, Winsley, Oke and Esser).

Brief History:

Committee Activity:

Agriculture & Natural Resources: 2/20/04, 2/24/04 [DPA];
Appropriations: 2/28/04 [DPA(APP w/o AGNR)s].

Brief Summary of Substitute Bill
(As Amended by House Committee)

- Creates a multi-agency work group to study animal carcass disposal regulations.
- Provides temporary authority to the Department of Agriculture to adopt emergency carcass disposal rules.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass as amended. Signed by 13 members: Representatives Linville, Chair; Rockefeller, Vice Chair; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Chandler, Eickmeyer, Grant, Hunt, McDermott, Orcutt, Quall and Sump.

Staff: Jason Callahan (786-7117).

Background:

The handling of animal carcasses is generally regulated by both the Department of Health (DOH) and the Department of Agriculture (WSDA). A rule adopted by the State Board

of Health requires that the carcass of a dead animal must be incinerated, or buried in at least two feet of dirt. This burial location must be at least 100 feet from water, and the burial must occur within 24 hours of death. Carcasses of diseased animals must be incinerated or buried enveloped in unslaked lime.

Additionally, a state law administered by the WSDA requires that any animal that dies of a disease be buried at least three feet deep. Animals found dead are presumed to have died from disease. Unlike the DOH rule, this statute does not provide for the incineration of diseased carcasses.

Any disposal of animal carcasses in a landfill must be done in accordance with minimum functional standards adopted by the Department of Ecology (DOE).

Summary of Amended Bill:

Work Group

The DOH, WSDA, and DOE, in collaboration with local health departments, other state and federal agencies, university scientists, meat processors, representatives of animal feeding operations, and affected constituency groups, are required to form an interagency work group to develop a state policy on the disposal of animal carcasses. The work group is required to review existing carcass disposal rules for their adequacy in protecting public health and welfare, and examine the possible vectors of disease transmission. The work group must also include an educational component that provides information to governments, animal owners, and the public regarding the proper disposal of animal carcasses.

The work group must deliver a report to the Legislature in December of 2004 and 2005 that identifies any amendments to state statutes that are necessary for the correction of inconsistent policies.

Amended Bill Compared to Substitute Bill:

The amendment removed the permanent rulemaking authority, and the related criminal sanctions, that was granted to the WSDA, DOE, and DOH in the bill as passed by the Senate, and replaced it with temporary emergency rulemaking authority for the WSDA. The amendment also specifically adds meat processors and animal feeding operators to the participants on the work group.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill contains an emergency clause and takes effect immediately. The act expires December 30, 2005.

Testimony For: The need for a modern state policy for animal carcass disposal became apparent after the mad cow outbreak. The federal programs on the issue are changing slowly, and a work group will be able to evaluate the changes. The bill contains adequate directions to the work group, and should be sufficient in producing a good result. All options for carcass disposal should be on the table, including the option of the state paying for disposal.

(Concerns) Rulemaking grants in the bill may prejudice the results that the work group will recommend. In particular, criminal provisions should not be included until and unless they are recommended by the work group. The departments are not required to work with stakeholders, and all involved should have the opportunity for meaningful participation. The bill's intent could remain if just a work group is formed, which will maximize the scope of available options.

Testimony Against: None.

Persons Testifying: (In support) Senator Rasmussen, prime sponsor; Leslie Emerick and John Daly, Washington State Department of Agriculture; Jay Gordon, Washington State Dairy Federation; and Janice Adair, Washington State Department of Health.

(With concerns) Heather Hansen, Washington Cattle Feeders Association; and Hertha Lund, Washington State Farm Bureau

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Appropriations and without amendment by Committee on Agriculture & Natural Resources. Signed by 26 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander, Anderson, Boldt, Buck, Chandler, Clements, Cody, Conway, Cox, Dunshee, Grant, Hunter, Kagi, Kenney, Kessler, Linville, McDonald, McIntire, Miloscia, Ruderman, Sump and Talcott.

Staff: Amy Hanson (786-7118).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Agriculture & Natural Resources:

A null and void clause was added, making the bill null and void unless funded in the budget.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill contains an emergency clause and takes effect immediately. However the bill is null and void unless funded in the budget.

Testimony For: None.

Testimony Against: None.

Persons Testifying: None.

Persons Signed In To Testify But Not Testifying: None.