

SENATE BILL REPORT

SB 6596

As Reported By Senate Committee On:
Agriculture, February 5, 2004

Title: An act relating to adulteration of commercial feed.

Brief Description: Concerning adulterated commercial feed.

Sponsors: Senators Fraser, Keiser and Thibaudeau.

Brief History:

Committee Activity: Agriculture: 2/3/04, 2/5/04 [DPS].

SENATE COMMITTEE ON AGRICULTURE

Majority Report: That Substitute Senate Bill No. 6596 be substituted therefor, and the substitute bill do pass.

Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Staff: Evan Sheffels (786-7486)

Background: On December 23, 2003 a Washington cow that had been imported from Canada tested positive for Bovine Spongiform Encephalopathy (BSE). On January 26, 2004, the Food and Drug Administration (FDA) announced its intent to adopt new feed rules to expand upon the FDA's 1997 rule banning the use of most mammalian protein in animal feeds given to cattle and other ruminants (21 CFR 589.2000).

The new rule changes will prohibit additional materials in ruminant feed, including poultry litter, mammalian blood, and plate waste from restaurant table scraps. In addition, facilities that handle both feed for ruminants and feed for other animals will be required to separate and dedicate equipment and operations to avoid potential cross-contamination. These rule changes are designed to further lower the risk that cattle will be fed prohibited proteins, which most scientific experts consider to be the most likely cause of BSE in cattle. The new changes will take effect immediately upon rule publication.

The Washington State Department of Agriculture (WSDA) works in partnership with the FDA to inspect feed manufacturers and distributors for compliance with labeling requirements and ruminant feed regulations that prohibit the addition of materials deemed unsafe under state and federal law. All feed mills are subject to random sampling by WSDA to verify the safety of finished feed and feed components. Violation of Washington's commercial feed statutes is a misdemeanor with specified fines ranging from \$50 to \$100 for a first violation, and from \$200 to \$500 for subsequent violations.

Summary of Substitute Bill: Washington's commercial feed statutes are modified to specifically reference, as unlawful, the sale or distribution of ruminant feed adulterated with

any animal protein prohibited and considered unsafe under state and federal law. Intentional violation of this ruminant feed ban is a gross misdemeanor with fines of up to \$5,000, or up to one year in jail, or both. The penalty for commercial feed misdemeanors is also increased, with fines of up to \$1,000, or up to 90 days in jail, or both.

Substitute Bill Compared to Original Bill: The substitute bill removes the first section but retains the same language, effect and increased penalties regarding the intentional addition of prohibited animal protein sources considered unsafe under the ruminant feed ban.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The feed ban is the most important, and first, firewall: not allowing beef or ruminant products into the food cattle eat. The penalties should be stronger, and this bill accomplishes that. Comments: Feed inspections are conducted mostly under FDA authority. This bill does not substantially change current feed law. Subsection (3) of the first section of the bill already fulfills the intention of the bill, though the language in the bill does make the ruminant feed language more specific and clear. It also updates the statute with a provision for increased penalties for an intentional violation. The department supports the proposed language.

Testimony Against: None.

Testified: Ali Kashani, Leslie Emerick, WSDA (pro).