

# HOUSE BILL REPORT

## HB 1086

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### As Passed Legislature

**Title:** An act relating to commercial feed.

**Brief Description:** Regulating commercial feed.

**Sponsors:** By Representatives Linville, Kristiansen and Pettigrew; by request of Department of Agriculture.

#### **Brief History:**

##### **Committee Activity:**

Economic Development, Agriculture & Trade: 1/25/05, 2/2/05 [DP].

##### **Floor Activity:**

Passed House: 2/28/05, 95-0.

Passed Senate: 4/4/05, 41-0.

Passed Legislature.

#### **Brief Summary of Bill**

- Changes pet food product registration from a one-year cycle to a two-year cycle.
- Clarifies terminology, reporting, inspection fees, and public disclosure exemptions associated with commercial feed distribution.
- Authorizes the Department of Agriculture to obtain a warrant to search vehicles carrying commercial feed if inspectors are refused admittance.

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### HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT, AGRICULTURE & TRADE

**Majority Report:** Do pass. Signed by 23 members: Representatives Linville, Chair; Pettigrew, Vice Chair; Kristiansen, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Blake, Buri, Chase, Clibborn, Condotta, Dunn, Grant, Haler, Holmquist, Kenney, Kilmer, Kretz, McCoy, Morrell, Newhouse, Quall, Strow, P. Sullivan and Wallace.

**Staff:** Meg Van Schoorl (786-7105).

#### **Background:**

The Commercial Feed Program at the Washington State Department of Agriculture (Department) regulates the distribution of animal feeds, including pet foods, specialty pet foods, and commercial livestock feed.

### Pet Food Product Registration

All pet food and specialty pet food products are required to be registered by the Department prior to distribution in this state. Registrations are renewed annually.

### Commercial Feed Inspection Fees and Feed Distribution Reports

Twice annually, the Department collects inspection fees and feed distribution (tonnage) reports from certain licensees and registrants. Licensees and registrants who are not required to pay an inspection fee because someone else is paying it are not required to file a report. Feed distribution reports are not public records.

### Search Warrants

The Department may enter, inspect, obtain samples and examine records in feed factories, warehouses, establishments and in vehicles. If access is denied to inspectors, the Department has the authority to obtain a warrant to search feed factories, warehouses, and establishments.

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## **Summary of Bill:**

### Pet Food Product Registration

The pet food product registration period is changed from annual to biennial. About half of the registrants will be registered for a one-year period on July 1, 2005, and will be registered for a two-year period on July 1, 2006. The other half of the registrants will register for a two-year cycle on July 1, 2005.

### Commercial Feed Inspection Fees and Feed Distribution Reports

All commercial feed licensees and registrants must submit a semi-annual report to the Department regardless of the amount of feed they distribute or inspection fees they owe. The report must include information on: the total tonnage of commercial feed they distribute in or into the state; the total tonnage they are paying fees on; and who is responsible for paying fees on the tonnage they are not paying fees on. Company-specific information in the semi-annual report is exempt from public disclosure, as is information that the Department obtains from other sources to verify information contained in the report.

### Search Warrants

If the owner or agent of a vehicle carrying commercial feed denies access to inspectors, the Department may obtain a warrant to search the vehicle.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed, except Sections 3 and 4. Section 3, relating to pet food registration, is subject to an emergency clause and takes effect July 1, 2005. Section 4, relating to pet food registration, takes effect July 1, 2006.

**Testimony For:** Changing pet food registrations from annual to biennial will result in reduced paperwork for registrants and decreased processing time for the Department. The change is strongly supported by the pet food industry. Requiring all licensees and registrants to submit semiannual tonnage reports will affect 70-100 companies and will help the Department to verify the accuracy of the reports they receive. Company-specific information Department's request for authority to obtain search warrants when access is denied to vehicles is partly in response to the Bovine Spongiform Encephalopathy (BSE) issue. However, the Department has not used its existing warrant authority for at least 25 years.

**Testimony Against:** None.

**Persons Testifying:** (In support) Leslie Emerick and Ted Maxwell, Washington State Department of Agriculture.

**Persons Signed In To Testify But Not Testifying:** None.