

HOUSE BILL REPORT

HB 1151

As Reported by House Committee On:
Agriculture & Natural Resources

Title: An act relating to animal identification programs.

Brief Description: Prohibiting the state from establishing or participating in an animal identification system.

Sponsors: Representatives Pearson, Kretz, Dunshee, B. Sullivan, Kristiansen, Warnick and Haler.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 2/21/07, 2/26/07 [DPS].

Brief Summary of Substitute Bill

- Directs the Washington State Department of Agriculture (WSDA) Director to convene a Livestock Identification Advisory Committee (Committee) and appoint its members from specified stakeholder categories by July 1, 2007.
- Requires the Committee, in conjunction with the WSDA, to perform specified tasks, and report to the Legislature with findings and recommendations by January 1, 2008.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives B. Sullivan, Chair; Blake, Vice Chair; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson, Eickmeyer, Grant, Hailey, Kagi, Lantz, McCoy, Newhouse, Orcutt and VanDeWege.

Staff: Meg Van Schoorl (786-7105).

Background:

National Animal Identification System (NAIS)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In 2004, the United States Department of Agriculture (USDA) initiated the NAIS as an information system to support ongoing animal disease monitoring, surveillance, and eradication programs. The system was planned to be used in all states to identify and track animals as they came into contact and commingled with animals other than those in their premises of origin. The system was intended to enable animal health officials to trace a sick animal or group of animals back to the herd or premises that was the most likely source of infection. A stated long-term NAIS goal was to be able to identify all premises and animals that had direct contact with a foreign animal disease or domestic disease of concern within 48 hours of discovery. Species included in the NAIS are: bovine (cattle, bison), swine, sheep, goats, equine (horses, mules, donkeys), poultry, camelids (llamas, alpacas) and ratites (emus, ostriches).

The USDA published a draft Strategic Plan in April 2005 that called for mandatory premises registration and animal identification for cattle by January 2008. In April 2006, the USDA announced new timelines and benchmarks with a goal of achieving full producer participation by 2009. The USDA has since announced that the NAIS will be a voluntary, rather than a mandatory program.

The NAIS implementation was to involve both the federal and state Departments of Agriculture in three phases: premise registration; animal identification; and animal movement reporting.

The first phase, premise registration, would be a state and tribal responsibility. A premise is a location where animals are housed, held, or commingled. The Washington State Department of Agriculture (WSDA) began voluntary premise registrations in January 2005. Twelve hundred and seventy-four Washington premises (about 6 percent of the total) have registered to date.

The second phase of NAIS was to involve issuance of unique individual or group lot animal identification numbers. Nationally, a number of industry/government species-specific workgroups have formed to consider which types of identification will work best for their particular animals. Methods under consideration include radio frequency identification tags, retinal scans, DNA, and other options.

The third phase was to focus on collection of information on animal movement from one premise to another.

Cattle Identification Advisory Committee

In 2006, the Legislature passed Substitute House Bill 3033, requiring the WSDA Director to appoint an advisory committee composed of representatives from various segments of the cattle industry to evaluate the NAIS requirements; research how other states are implementing the requirements for cattle; evaluate demonstration projects conducted by the WSDA; and recommend a plan for implementing the federal requirements in Washington for the cattle industry, including funding amounts and sources, with a report to the Legislature by December 2006. The Cattle Identification Advisory Committee was appointed, convened, and

has produced its progress report: "Implementation of the National Animal Identification System in Washington: Activities and Recommendations of the Cattle Advisory Committee."

Summary of Substitute Bill:

The WSDA is directed to convene a Livestock Identification Advisory Committee (Committee) to expand upon and complete the work begun by the Cattle Identification Advisory Committee under chapter 150, Laws of 2006.

The Director (Director) of the WSDA is required to consult with a broad range of stakeholders who may be impacted by implementation of a mandatory or voluntary national or state animal identification system, or components of these systems. The Director must appoint one or more Committee members from:

- the commercial livestock industry, including cattle feeders and producers of beef and dairy cattle, horses, sheep, poultry, and swine;
- noncommercial livestock owners, including those who raise animals as a hobby or as a source of supplemental income, barter, food for the family, or recreation;
- educational and recreational organizations such as horse-riding associations, community fairs, and youth groups;
- concerned citizens who have a stake in the issue; and
- additional members as the Director thinks necessary.

The Director shall also invite one member from a federally recognized Indian tribe to join the Committee, and may reappoint one or more of the members who have served on the Cattle Identification Advisory Committee that terminates July 1, 2007 to serve in appropriate positions on the Committee. The Committee will be chaired by the Director or the Director's designee, and be staffed by the WSDA.

In conjunction with the Department, the Committee must:

- review the recommendations made by the Cattle Identification Advisory Committee for implementation of a voluntary National Animal Identification System in Washington;
- assess the impacts of such a system, whether federal or state only, on the commercial livestock industry, noncommercial livestock owners, livestock-related educational and recreational organizations, concerned citizens, and federally recognized tribes;
- work on issues identified but unresolved by the Cattle Identification Advisory Committee including how to:
 - encourage participation by producers and others in a voluntary program;
 - set a fair and equitable funding mechanism and amount;
 - respond to federal goals and requirements that change over time;
 - address concerns about insufficient tag and reader technology performance; and
 - address concerns that animal identification will slow commerce; and
- recommend to the WSDA whether and how to implement a voluntary National Animal Identification System in Washington.

The WSDA, in conjunction with the Committee, must submit a written report of its findings and recommendations to appropriate committees of the Legislature by January 1, 2008.

This section takes effect immediately and expires June 30, 2008.

Substitute Bill Compared to Original Bill:

The prohibition on the state participating in or establishing a mandatory or voluntary animal identification system, any other source verification program, or their component parts is removed. The termination and nullification of all cooperative agreements entered into by the state with the federal government or other states related to the National Animal Identification System is removed. The provision that the act not be construed as prohibiting private agricultural industry organizations from establishing voluntary source verification programs with certain conditions is removed. The provision that the act not be construed as prohibiting the state to establish or participate in certain animal disease control, livestock identification, brand registration and inspection programs is removed. The prohibition against providing or denying services, permits, or other consideration or incentives to anyone based solely on participation or lack of participation in animal identification or premises registration programs is removed. The prohibition on state and government suppliers requiring participation in such programs as a condition of supplying goods and services is removed. The provision that failure to participate in these programs is not a crime, evidence of negligence, or gross negligence is removed. The WSDA Director must convene a Livestock Identification Advisory Committee (Committee) and appoint its members from specified stakeholder categories by July 1, 2007. The Committee, in conjunction with the WSDA, is required to perform specified tasks, and report to the Legislature with findings and recommendations by January 1, 2008.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony:

(In support) The prohibitions in this bill are needed. When the state entered into its cooperative agreement with the USDA, we were bound into much more than the National Animal Information System (NAIS). The NAIS is portrayed as a voluntary program, but when as a livestock owner, I asked the Department to remove me from its record base, they refused. The credibility of the USDA has been damaged by the change from a mandatory system to a voluntary system - what will it be next week? The state has adequate animal disease laws and emergency plans already on the books that do not invade people's privacy. The goals of NAIS can be achieved through existing data bases. As an owner of one to two horses, I am concerned that the NAIS will apply to me when I transport my horses from one

premise to another. There were no equine representatives on the Cattle Identification Advisory Committee. The NAIS would violate property rights and religious freedoms, eliminate the local food system, and could eliminate 4-H clubs and county fairs. The problems of NAIS include paperwork, unconstitutional intrusions, and cost. Private industry can set up a voluntary system and use it as a marketing tool if desired. Ear tags and radio frequency identification tags are proving to be a tremendous problem.

(Opposed) The intent section finding that "existing means for identifying and tracking animals has been sufficient" is contrary to all of my experience. With the mad cow incident in our state, the WSDA worked for six or eight weeks straight and only located information on half the cattle they were looking for. In England, having an identification system in place made it possible to trace livestock during the foot and mouth disease outbreak and avert a total disaster. Anyone who wants to participate on the Cattle Identification Advisory Committee can, but it was primarily set up to address commercial livestock industry concerns. While the USDA's waffling was admittedly very detrimental, there are better ways than this bill to address those problems. The reasons for supporting an animal identification system include food safety, consumer confidence, protection of livestock industry, and competitiveness in international trade.

Persons Testifying: (In support) Representative Pearson, prime sponsor; Celeste Bishop, NoNAIS; Darryl Wallace, Backcountry Horsemen of Washington; Fran Ogren; Tim Kunka and Ted Wishon, Cattle Producers of Washington; and Rene C. Holaday.

(Opposed) Jay Gordon, Washington State Dairy Federation; Jim Jessernig, AB Foods; and Patrick Connor, Washington Farm Bureau.

Persons Signed In To Testify But Not Testifying: Eddie Armstrong, Washington State Horse Council; Mark Ellis; and Chris Cheney, Fryer Commission.