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**Agriculture & Natural Resources  
Committee**

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**HB 1151**

**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 Summary of Bill**

- Prohibits the state from participating in or establishing a mandatory or voluntary animal identification system, any other source verification program, or their component parts.
- Terminates and nullifies all cooperative agreements entered into by this state with the federal government or other states related to the national animal identification system.
- Allows private agricultural industry organizations to establish voluntary source verification programs with certain conditions.
- Allows the state to establish or participate in certain animal disease control, livestock identification, brand registration and inspection programs.

**Hearing Date:** 2/21/07

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

**Background:**

National Animal Identification System (NAIS)

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

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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 seventy four Washington premises (about 6 percent of the total) have registered.

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 premises to another.

#### Cattle Identification Advisory Committee

In 2006, the Legislature passed SHB 3033, requiring the WSDA director to appoint an advisory committee composed of representatives from various segments of the cattle industry to (1) evaluate the NAIS requirements; (2) research how other states are implementing the requirements for cattle; (3) evaluate demonstration projects conducted by WSDA; and (4) recommend an implementation plan for implementing the federal requirements in Washington State for the cattle industry, including funding amounts and sources, with a report to the Legislature by December 2006. The 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 Bill:**

The Legislature finds: that the state has participated in establishing a national animal identification system; that existing means used to trace outbreaks of animal diseases are sufficient; and, that there is no scientific evidence that mass, uniform tagging and tracking will improve disease prevention, control or response.

The Legislature directs that the state neither establish nor participate in the national animal identification system or any other "source verification" program or its components including

premises registration and data bases, animal identification and data bases, or animal movement tracing and data bases.

All cooperative agreements between the state and the federal or other state governments related to animal tracking, tagging, registration or information data bases, premises registration or information data bases, use of microchips for animal tagging purposes or other NAIS-related matters are terminated. All identification lists or data bases created using federal funds under the NAIS are void and not to be used for any purpose by anyone.

This act should not be construed to prohibit the state from:

- establishing or participating in disease control programs specifically designed to address a known disease in a specific species of livestock; or
- operating livestock identification, brand registration, and inspection programs as authorized under specified statutes.

This act should also not be construed to prohibit private agricultural industry organizations from establishing voluntary source verification programs for their own members or others who elect to participate under the following conditions:

- the program must provide for full and informed consent of all participants;
- participants who voluntarily enroll are able to withdraw at any time and their personal information be removed permanently from program records;
- no public funds are used to support the program;
- the program must not be used to gain unfair competitive advantage; and
- the program's rules and identification devices must not obliterate or supersede the state's brand or marking system rules.

No services, compensation, credits, benefits, licenses, permits, or other consideration or incentives may be either provided or denied to anyone based solely on his/her participation or lack of participation in an animal identification or premises registration program.

State and local governments may not require its suppliers to participate in a premises registration or animal identification program as a condition of supplying goods or services.

Failure to participate in these programs or providing services to people who are not participants is not a crime or evidence of negligence or gross negligence.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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