

# HOUSE BILL REPORT

## EHB 1688

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### As Passed Legislature

**Title:** An act relating to the fair and orderly marketing of fruits and vegetables by the state of Washington.

**Brief Description:** Concerning the marketing of fruits and vegetables.

**Sponsors:** By Representatives Newhouse, Grant and Morrell.

#### Brief History:

##### Committee Activity:

State Government & Tribal Affairs: 2/23/07, 2/27/07 [DP].

##### Floor Activity:

Passed House: 3/13/07, 96-0.

Passed Senate: 4/9/07, 46-0.

Passed Legislature.

#### Brief Summary of Engrossed Bill

- Provides a public records exemption for certain information relating to the sale and marketing of fruits and vegetables obtained through the required inspection for state quality standards for fruits and vegetables.

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### HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

**Majority Report:** Do pass. Signed by 9 members: Representatives Hunt, Chair; Appleton, Vice Chair; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green, Kretz, McDermott, Miloscia and Ormsby.

**Staff:** Colleen Kerr (786-7168).

#### Background:

Agriculture is one of Washington's key industries. In order to protect the state's reputation as a provider of premium fruits and vegetables in the global market, the Legislature created quality standards for fruits and vegetables, with clear direction on the inspection process. Pursuant to the statute, apples, apricots, Italian prunes, peaches, sweet cherries, pears, potatoes, asparagus,

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and any other fruit or vegetable designated by the Washington State Department of Agriculture (WSDA) that is packed in Washington is subject to inspection to ensure compliance with the grade and pack standards. Inspection is conducted by the Fruit and Vegetable Inspection Division of the WSDA. This inspection makes available to the WSDA individual shipper data, including: produce shipment volume, shipment destination, and variety information. Under the Public Records Act (PRA), this information is subject to disclosure.

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**Summary of Engrossed Bill:**

The PRA exemption for information related to agriculture and livestock is expanded to include information that can be identified to a particular business by the certificate of completion obtained through the statutorily required inspection of fruits and vegetables.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Staff Summary of Public Testimony:**

(In support) This bill ensures that enforcing the state fruit and vegetable standards will be fair to the state growers so they may retain their competitive advantage. As the law stands, propriety information is subject to disclosure. The industry did not think that this information was available for disclosure, but the Office of Attorney General (AG) has advised the growers otherwise. It was after this information from the AG that the industry realized they needed a bill to exempt this information from the Public Records Act. It is in line with other agricultural exemptions.

(Opposed) None.

**Persons Testifying:** Representative Newhouse, prime sponsor; and Dave Ducharme, Yakima Valley Growers Shippers Association.

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