
**Agriculture & Natural Resources
Committee**

HB 1613

Brief Description: Establishing a meat and poultry inspection program.

Sponsors: Representatives Ormsby, Kretz, Blake, Hinkle, Pearson, Warnick, Parker, Schmick, Short, Walsh, Springer, Haler, Orcutt, Sullivan, Kristiansen, Conway, Kenney, Rolfes and Morrell.

Brief Summary of Bill

- Requires the Director of the Washington Department of Agriculture to appoint inspectors to examine and inspect meat food products, facilities, and containers.
- Requires the Director of the Washington Department of Agriculture to adopt rules to ensure that dead, dying, disabled, or diseased animals are not used as human food.
- Requires the Director of the Washington Department of Agriculture to adopt rules regarding the manner in which whole carcasses, parts of carcasses, and meat food products of animals usable as human food must be stored, handled, and transported.
- Provides powers and responsibilities to the Director of the Washington Department of Agriculture.

Hearing Date: 2/5/09

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Background:

Federal law

Interstate commerce of food and consumer products is subject to a variety of federal laws. Under federal law, the import, export, transport, treatment, and slaughter of livestock are

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regulated. In addition, food standards, food labeling, animal feed, and consumer products that include animal byproducts are regulated under federal law.

State law

The state's custom slaughter laws establish licensing and facility requirements for persons who slaughter and prepare uninspected meat as a service for the owner of the animal or meat. The meat animals covered by these laws are cattle, swine, sheep, goats, and ratites such as ostriches, emus, and rhea.

Summary of Bill:

Inspection of food products and facilities

The Director of the Washington State Department of Agriculture (WSDA) must appoint inspectors to examine meat food products prepared in a slaughtering, meat canning, salting, or packing establishment solely for intrastate commerce. The inspections must take place at any time when the slaughtering of animals or the preparation of food products is being conducted.

Inspectors are authorized to inspect any place that it is restricted from or used for the manufacture, preparation, storage, sale, use, transport, offer of sale, or intention of sale of meat or meat products intended for use as human food. Inspectors are also authorized to inspect any container believed to hold food, a food ingredient, or some other product that is regulated by state law.

The WSDA Director may not provide inspection at an establishment for the slaughter of animals or the preparation of carcasses or parts or products of animals that are not intended for use as human food.

Inspectors may not undertake any activity that duplicates an activity performed by meat inspectors of the United States Department of Agriculture (USDA).

A person may not give or receive anything of value to influence the performance of an inspector.

Inspected food and facility labeling

Inspected food will be labeled either as "Washington Inspected and Passed" if it is unadulterated or "Washington Inspected and Condemned" if it is adulterated. If any facility does not meet the required sanitary conditions, food products from that facility can not be labeled as "Washington Inspected and Passed."

A person may not sell in intrastate commerce any meat food product subject to inspection under a name, mark, or label that is false or misleading, or in a container of a misleading form or size.

Inspection of containers

If a person preparing a meat food product that is labeled "Washington Inspected and Passed" wants to put the product in a container, an inspector must be present at the time of containment.

The container can not be labeled "Washington Inspected and Passed" unless the product was sealed or enclosed in the container under the supervision of an inspector.

Storing, handling, and transporting carcasses

The WSDA Director must adopt rules regarding the manner in which whole carcasses, parts of carcasses, and meat food products of animals usable as human food must be stored, handled, and transported.

Exemptions

Individual or custom processing, or transportation of one's own animals for the exclusive use of one's own household, non-paying guests, or employees is not subject to inspection requirements.

Retailers of poultry products are exempt from inspection requirements if they (1) do not engage in the business of custom slaughter, (2) sell poultry products derived from poultry inspected and passed by the WSDA Director or the USDA, and (3) sell directly to consumers in an individual retail store.

Custom processing

A custom processor may not engage in the business of buying or selling whole carcasses, parts of carcasses, or meat food products of animals, other than poultry, usable as human food unless the whole carcasses, parts of carcasses, or meat food products are identified as inspected and passed by the WSDA Director or the USDA.

Non-human use

The WSDA Director must adopt rules to ensure that dead, dying, disabled, or diseased animals are not used as human food.

Registration

People must first provide the WSDA Director their name, the address of each place of business under which they conduct business, and all trade names under which they conduct business before engaging in intrastate business as a:

- meat broker, renderer, or animal food manufacturer;
- a wholesaler of animal carcasses, carcass parts, or products of carcasses, intended for human food or other purposes;
- a public warehouse operator storing carcasses or parts of carcasses of animals in or for intrastate commerce; or
- a buyer, seller, or transporter of dead, dying, disabled, or diseased animals, or parts of the carcasses of animals that died other than by slaughter.

Refusal of inspection

The WSDA Director may refuse to provide or withdraw inspection services from an

establishment if the recipient or potential recipient is unfit to engage in any business requiring inspection because the recipient, potential recipient, or anyone responsibly connected with the recipient or potential recipient has been convicted of:

- an offense determined by the WSDA Director to have a direct bearing on the person's ability to serve the public in a business requiring inspection, or from which the WSDA Director determines the person is not sufficiently rehabilitated;
- more than one violation of a law based on the acquisition, handling, or distributing of unwholesome, mislabeled, or deceptively packaged food; or
- fraud in connection with transactions involving food.

Condemnation

The WSDA Director may seize and condemn a whole carcass, part of a carcass, meat food product, or a dead, dying, disabled, or diseased animal that is being transported in intrastate commerce or is held for sale in this state after transportation in intrastate commerce if:

- the item is or has been prepared, sold, transported, or otherwise distributed or offered or received for distribution in violation of any law; or
- the item is usable as human food and is adulterated or misbranded.

If an item or animal is condemned, it must be disposed of by either destruction or sale. If it is sold, the proceeds must be paid to the state.

Detention

An inspector may detain an item for up to 20 days if an inspector finds a whole carcass, part of a carcass, meat food product, a product exempted from the definition of a meat food product, or a dead, dying, disabled, or diseased animal on a premises where it is being held for the purposes of distribution in intrastate commerce if:

- the inspector reasonably believes that the item is adulterated or misbranded and is usable as human food;
- it has not been inspected; or
- the item or animal has been or is intended to be distributed in violation of any law.

The item may not be moved until released by the WSDA Director. The WSDA Director may require all official marks to be removed from the item or animal before it is released.

Powers of the WSDA Director

The WSDA Director may:

- gather information about and investigate the organization, business, conduct, practices, and management of a person in intrastate commerce and the person's relation to other persons;
- require that a person engaged in intrastate commerce file with the WSDA Director annual and special reports or written answers to specific questions, providing information about

the organization, business, conduct, practices, management, and relation to the person filing the reports or answers;

- examine and copy documentary evidence of a person being investigated or against whom there are proceedings. A person may not refuse to submit to the WSDA Director, for inspection and copying, any documentary evidence in the person's possession or control; and
- adopt rules, including establishing inspection fees for providing inspection services.

Violations

Violations are subject to a civil penalty of not more than \$1,000 per violation per day. Each violation is a separate and distinct offense.

Appropriation: None.

Fiscal Note: Available.

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