

HOUSE BILL REPORT

SSB 5005

As Reported by House Committee On:
Agriculture & Natural Resources
General Government Appropriations

Title: An act relating to naturally raised beef cattle.

Brief Description: Regarding naturally raised beef cattle.

Sponsors: Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Jacobsen and Swecker).

Brief History:

Committee Activity:

Agriculture & Natural Resources: 3/20/09, 3/27/09 [DPA];
General Government Appropriations: 4/3/09 [DPA(AGNR)].

**Brief Summary of Substitute Bill
(As Amended by House)**

- Grants authority to the Washington State Department of Agriculture to create a program (Program) to certify cattle from Washington as either Washington-certified naturally raised beef cattle or Washington-certified naturally raised grass-fed beef cattle.
- Provides inspection, judicial review, and penalty provisions for enforcing the Program.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass as amended. Signed by 11 members: Representatives Blake, Chair; Grant-Herriot, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks, Kretz, Liias, McCoy, Ormsby, Pearson and Warnick.

Minority Report: Do not pass. Signed by 2 members: Representatives Nelson and Van De Wege.

Staff: Anna Jackson (786-7190)

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.

Background:

The Washington Organic Food Products Act (Act) governs the standards, labeling, and advertising of food products and agricultural commodities that are produced organically. "Organic food" is defined under the Act as any agricultural product, including meat, dairy, and beverages, that is marketed using the term "organic" or any derivative of organic and that is produced, handled, and processed in accordance with the Act. In order to lawfully sell, offer for sale, or process any agricultural product within Washington with an organic label, a person must be certified under the Act by the Washington State Department of Agriculture (WSDA) or a recognized organic certifying agent. Final retailers of organic food that do not process organic food products do not need to be certified. Organic food includes livestock; 34 organic beef producers currently operate in Washington.

Summary of Amended Bill:

The WSDA may administer a program (Program) to certify cattle from Washington as either Washington-certified naturally raised beef cattle or Washington-certified naturally raised grass-fed beef cattle. To qualify as Washington-certified naturally raised beef cattle (Naturally Raised Cattle), cattle must be born and raised in Washington and raised and finished in compliance with the U.S. Department of Agriculture (USDA) voluntary marketing standard for naturally raised livestock and meat products. The USDA standard requires that cattle: (1) be raised without growth hormones or antibiotics; and (2) have never been fed animal by-products. To qualify as Washington-certified naturally raised grass-fed beef cattle (Grass-Fed Cattle), cattle must meet the requirements of Naturally Raised Cattle and be raised and finished in compliance with the USDA voluntary marketing standard for grass-fed livestock and meat products. In order to be labeled, sold, or represented as beef from either Naturally Raised Cattle or Grass-Fed Cattle, the beef must have been harvested from cattle certified under standards established under the Program.

The WSDA may adopt rules regarding Program certification standards and fees. Specifically, the WSDA may adopt rules that require cattle owners to maintain cattle birth and health records, and require the WSDA to conduct at least one inspection of the farm or ranch of origin. In addition, the WSDA may adopt rules that establish fees to recover the costs of providing certification, inspection, and other services related to administering the Program. Funds collected for the Program must be paid to the Director of the WSDA (Director), deposited into an account within the Agricultural Loan Fund, and used solely for carrying out the purposes of the Program.

The Director has the authority to enter and inspect, at a reasonable time determined by the Director, any facility or records required under the Program. The Director may also take any samples necessary to determine whether any provisions of the Program or rules adopted under it have been violated. The Director may bring an action to enjoin a violation of the Program's provisions in Thurston County Superior Court or the superior court of any county where a violation occurs. Any person who violates the Program's provisions or rules may be subject to: (1) a civil penalty up to \$500 for each violation; and (2) denial, revocation, or suspension of any certification issued under the Program. "Person" in this context means any

person, firm, partnership, exchange, association, trustee, receiver, or corporation, and any member, officer, employee or assignee of any of these entities. Once a person receives notice from the Director to deny, revoke, or suspend a certification, the person may request an administrative hearing.

Amended Bill Compared to Original Bill:

The amended bill makes it permissive instead of mandatory for the WSDA to implement the Program and makes the technical correction of replacing "natural beef cattle" and "natural grass-fed beef cattle" with "naturally raised beef cattle" and "naturally raised grass-fed beef cattle." The amended bill also includes a null and void clause.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony:

(In support) None.

(With concerns) Currently, a person can market beef as grass-fed or naturally raised as long as it is not in a misleading manner; there is no legal definition of "grass-fed" or "naturally raised" in Washington. In addition, the USDA has developed voluntary certification standards for grass-fed and naturally raised beef that any producer can use to label and market his or her beef in this manner after the USDA guarantees that the particular standard is met. The WSDA has not received any requests for implementing this Program. Farmers in Washington already have both of these marketing options available, and marketing beef as grass-fed or naturally raised is relatively new. The WSDA would prefer to wait until more interest in this Program is displayed before implementing it. Making the Program permissive instead of mandatory may address the WSDA's concerns with this bill.

(Opposed) None.

Persons Testifying: Mary Beth Lang, Washington State Department of Agriculture.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Agriculture & Natural Resources. Signed by 14 members: Representatives Darneille, Chair; Takko, Vice Chair; McCune,

Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong, Blake, Crouse, Dunshee, Hudgins, Kenney, Pedersen, Sells, Short and Williams.

Staff: Owen Rowe (786-7391)

Summary of Recommendation of Committee On General Government Appropriations Compared to Recommendation of Committee On Agriculture & Natural Resources:

No new changes were recommended.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony:

(In support) The goal of this bill is to encourage and promote Washingtonians who consume beef to purchase local, naturally raised beef. This bill would make it possible for local ranchers to market their beef as either Washington-certified naturally raised beef or Washington-certified naturally raised grass-fed beef. Marketing in this manner serves as a means for ranchers to obtain more retail value for their beef products.

(Opposed) None.

Persons Testifying: Senator Jacobsen, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.