

HOUSE BILL REPORT

HB 1755

As Reported by House Committee On:
Agriculture & Natural Resources

Title: An act relating to livestock movement reporting.

Brief Description: Authorizing a livestock movement reporting system.

Sponsors: Representatives Pettigrew and Stanford; by request of Department of Agriculture.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 2/4/15, 2/11/15 [DPS].

Brief Summary of Substitute Bill

- Authorizes the Washington State Department of Agriculture (WSDA) to create an electronic cattle transaction reporting system in which licensees would electronically report cattle transactions as an alternative to the mandatory cattle inspection requirements set by the WSDA through rule and, if so, licensees must keep accurate records of cattle transactions for three years and allow the WSDA to enter licensees' property to inspect licensees' cattle and records.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Blake, Chair; Lytton, Vice Chair; Buys, Ranking Minority Member; Chandler, Dunshee, Hurst, Pettigrew, Stanford and Van De Wege.

Minority Report: Do not pass. Signed by 4 members: Representatives Dent, Assistant Ranking Minority Member; Kretz, Orcutt and Schmick.

Staff: Peter Clodfelter (786-7127).

Background:

Livestock Identification.

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.

Livestock identification and inspection systems are used to demonstrate ownership and assist in disease traceability. The Washington State Department of Agriculture (WSDA) is charged with establishing mandatory inspections of livestock, issuing individual cattle or horse identification certificates, designating documents that constitute satisfactory proof of ownership for cattle and horses (which may not include a bill of sale), and designating when inspection certificates, certificates of permit, or other transportation documents required by law or rule must designate a physical address of a destination. Any owner of livestock has a responsibility to make livestock subject to inspections readily accessible and to cooperate with the WSDA to carry out any inspection.

Current Mandatory Livestock Identification Program.

A certificate of permit, a "transportation permit" or "haul slip", must accompany livestock in transit, consigned to a public livestock market, special sale, or livestock processing facility, or upon entry into a certified feedlot. A certificate of permit must include the owner's name and address, the livestock breed, the sex of the animal, any brand or other methods of livestock identification, and any other information that the WSDA considers necessary. Proof of ownership for livestock may be established at the time of a livestock inspection by presenting an official livestock inspection certificate or duplicate issued by the WSDA.

All cattle must be inspected for brands or other proof of ownership in the following circumstances:

- before being moved out of state (with limited exception);
- when being offered for sale at any public livestock market or special sale approved by the director;
- upon delivery to any cattle processing plant where the United States Department of Agriculture maintains a meat inspection program (with limited exception);
- upon entering or reentering any licensed certified feedlot before commingling with other cattle unless the cattle are accompanied by an inspection certificate issued by the WSDA, a veterinarian certified by the director, or an agency in another state or Canadian province authorized by law to issue such a certificate; and
- at any point of private sale, trade, gift, barter, or any other action that constitutes a change of ownership (with limited exception).

Effective July 1, 2015, and until the earlier of January 1, 2016, or the date of notice that an electronic livestock movement reporting system is available for use, individual private sales of unbranded female dairy breed cattle involving 15 head or less are exempt from the inspection program.

The normal inspection and tracking requirements do not apply to bull calves and infertile female calves that are under 30 days of age that are also owned by a licensed milk producer and that are being distributed intrastate by private sale. In that circumstance, the licensed milk producer may request an official individual identification tag from the WSDA, called a "green tag," to be placed by the producer before the first point of sale. A certificate of permit and a bill of sale listing each animal's green tag must accompany the animal to the buyer's location.

For transactions within the state, cattle must be presented for inspection within 15 days from the date of the transaction.

Summary of Substitute Bill:

Electronic Cattle Transaction Reporting System.

The Washington State Department of Agriculture (WSDA) is authorized to establish an electronic cattle transaction reporting system in which licensees would electronically report cattle transactions to the WSDA. The electronic cattle transaction reporting system is an alternative to the mandatory inspections currently required pursuant to WSDA rules. In order to electronically report livestock transactions, a person needs an electronic livestock movement reporting license issued by the WSDA. Additionally, a licensee is required to keep accurate records of cattle transactions on the property for three years, which must be made available for inspection by the WSDA upon request.

WSDA Inspections of Cattle and Records.

The WSDA may enter a property at any reasonable time to examine and inspect cattle and records for purposes of verifying cattle's movement. It is unlawful for any person to interfere with the WSDA's examination and inspection of cattle and records. If the WSDA is denied access to a property or cattle for purposes of examining and inspecting cattle or records, the WSDA may apply to a court of competent jurisdiction for a search warrant. If the WSDA applies for a search warrant, in order to demonstrate that access is denied, the WSDA is required to file a declaration with the court that describes all attempts to notify and locate the owner or owner's agent and secure consent.

Denied, Suspended, or Revoked Licenses.

The WSDA may deny, suspend, or revoke a license when:

- the WSDA finds that a licensee failed to meet the reporting requirements;
- a licensee knowingly makes false or inaccurate statements;
- a licensee has previously had the his or her license revoked;
- a licensee denies the WSDA entry to the licensee's facility for the purpose of examining or inspecting cattle or records; or
- a licensee violates any other provision of chapter 16.57 RCW (livestock identification) or a rule adopted pursuant to chapter 16.57 RCW.

Any action by the WSDA to deny, suspend, or revoke a licensee's license must be pursuant to the state Administrative Procedure Act (chapter 34.05 RCW). If a license is denied, suspended, or revoked, the mandatory livestock inspection requirements that exists in current law apply.

WSDA's Rulemaking Authority.

The WSDA may adopt rules that designate conditions of licensure and use of the electronic cattle transaction reporting system, establish an initial application fee, license renewal fee, and fees to be paid by a licensee for reporting cattle transactions to the livestock movement reporting system. Any fees are required to, as closely as practicable, cover the cost of the development, maintenance, fee collection, and audit and administrative oversight of the system.

Substitute Bill Compared to Original Bill:

It is clarified that the electronic transaction reporting system applies only to cattle, only to a transaction that is a sale, trade, gift, barter, or any other transaction that results in a change of ownership of cattle, and that the Washington State Department of Agriculture (WSDA) is authorized to establish the program through rulemaking as an alternative to the mandatory cattle inspections that are currently required under WSDA rules pursuant to statute.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In Support) The bill supports the animal disease traceability efforts of Washington State Department of Agriculture (WSDA) and the electronic cattle transaction reporting system would be part of the state's food safety network. The electronic cattle transaction reporting system that the bill authorizes the WSDA to establish would provide dairies with an alternative to mandatory livestock brand inspections. Many dairies have existing electronic systems; the WSDA wants to work with dairies and use that data. Mandatory brand inspections are still available. The bill is intended to apply to cattle transactions only, not cattle movement. Currently, there is a 15 head exemption for unbranded female dairy cattle, which are not subject to the mandatory brand inspections. Many dairies do not brand cattle. The WSDA wants to be able to obtain records and have permanent records so that when a disease crisis occurs, it can be controlled. Producers should be required to maintain records for three years, rather than seven years, as the WSDA will have much of the information that the producers would be required to keep.

(Opposed) None.

Persons Testifying: Representative Pettigrew, prime sponsor; Lynn Briscoe, Washington State Department of Agriculture; and Jay Gordon, Washington State Dairy Federation.

Persons Signed In To Testify But Not Testifying: None.