
**Agriculture & Natural Resources
Committee**

SSB 5733

Brief Description: Concerning livestock transaction reporting.

Sponsors: Senate Committee on Agriculture, Water & Rural Economic Development (originally sponsored by Senators Warnick, Hatfield and Hobbs; by request of Department of Agriculture).

Brief Summary of Substitute Bill

- Authorizes the Washington State Department of Agriculture (WSDA) to adopt rules creating an alternative cattle transaction reporting system in which licensees may electronically report cattle transactions and, if so, are required to keep accurate records of cattle transactions for three years and allow the WSDA to enter the licensees' property to inspect the licensees' cattle and records.

Hearing Date: 3/25/15

Staff: Peter Clodfelter (786-7127).

Background:

Livestock Identification.

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.

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.

Current Mandatory Livestock Identification Program.

Pursuant to statutory authorization, WSDA rules regulate the reporting of livestock transactions. WSDA rules require a certificate of permit, i.e., a "transportation permit" or "haul slip" to 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:

- at any point of private sale, trade, gift, barter, or any other action that constitutes a change of ownership (with limited exception);
- 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); and
- 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.

However, 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.

Also, 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 Bill:

Electronic Cattle Transaction Reporting System.

The Washington State Department of Agriculture (WSDA) is authorized to establish a new cattle transaction reporting system in which cattle transactions are reported to the WSDA.

Transactions that may be reported include any sale, trade, gift, barter, or any other transaction that constitutes a change of ownership of cattle. The system is an alternative to the mandatory cattle inspections under current law that are implemented pursuant to WSDA rule. In order to electronically report cattle transactions, a person needs an electronic cattle transaction reporting

license issued by the WSDA. The WSDA may establish an application fee for the license. A licensee is required to keep accurate records of all cattle transactions on the property, which must be made available for inspection by the WSDA upon request. Further, those records must be kept for at least three years.

Washington State Department of Agriculture 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.

Washington State Department of Agriculture's Rulemaking Authority.

The WSDA may adopt rules that designate conditions of licensure and use of the cattle transaction reporting system and establish an initial application fee, license renewal fee, and fees to be paid by a licensee for reporting cattle transactions to the cattle transaction 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.

Appropriation: None.

Fiscal Note: Available.

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