

HOUSE BILL REPORT

SSB 6318

As Reported by House Committee On: Agriculture & Natural Resources

Title: An act relating to clarifying existing law by creating a new intrastate food safety and security chapter from existing intrastate food safety laws and moving certain provisions in the intrastate commerce food, drugs, and cosmetics act to the titles of the agencies that administer the provisions.

Brief Description: Clarifying existing law by creating a new intrastate food safety and security chapter from existing intrastate food safety laws and moving certain provisions in the intrastate commerce food, drugs, and cosmetics act to the titles of the agencies that administer the provisions.

Sponsors: Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Takko, Warnick and Van De Wege; by request of Department of Agriculture).

Brief History:

Committee Activity:

Agriculture & Natural Resources: 2/14/18, 2/20/18 [DP].

Brief Summary of Substitute Bill

- Creates a new chapter in Title 15 RCW, to be known as the Food Safety and Security Act.
- Removes references to food from sections within Chapter 69.04 RCW, the Intrastate Commerce in Food, Drugs, and Cosmetics Act.
- Recodifies sections related to fish and shellfish from Chapter 69.04 RCW, the Intrastate Commerce in Food, Drugs, and Cosmetics Act, to a new chapter in Title 77 RCW.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 10 members: Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon, Lytton, Orcutt, Pettigrew, Robinson and Stanford.

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.

Minority Report: Do not pass. Signed by 2 members: Representatives Schmick and Walsh.

Staff: Robert Hatfield (786-7117).

Background:

The Washington State Department of Agriculture (WSDA) Food Safety Program provides professional technical assistance, food safety public health inspections, licensing services, and food recall assistance for:

- food processors;
- dairy farms and milk producers;
- milk processors;
- food warehouses;
- pastured chicken slaughterers;
- egg handlers and dealers;
- food storage lockers;
- custom meat operations; and
- food companies that are not handled by local county health official jurisdictions.

Food businesses licensed by the State of Washington to produce, warehouse, process, market, sell, and distribute food products are required to follow the safe food production, management and handling practices specified in the Intrastate Commerce in Food, Drugs, and Cosmetics Act and other applicable federal and state food safety laws and regulations.

The WSDA, in consultation with the Washington Department of Fish and Wildlife (DFW), establishes and implements identification standards for species of food fish and shellfish that are sold for human consumption. The WSDA, in consultation with the DFW, also provides procedures for enforcing food fish and shellfish labeling requirements and misbranding prohibitions.

Summary of Bill:

A new chapter in Title 15 RCW, to be known as the Food Safety and Security Act, is created. This new chapter is divided into subchapters and codified according to the following sections of the bill:

- general provisions (sections 101 through 105);
- general quality standards and requirements (sections 201 through 205);
- special quality or labeling requirements (sections 301 and 302);
- licenses (sections 401 through 404);
- investigation, enforcement, and emergency authority (sections 501 through 509); and
- miscellaneous provisions (sections 901 and 902).

The WSDA retains the authority under the Food Safety and Security Act that it had under the Intrastate Commerce in Food, Drugs, and Cosmetics Act, including the authority to:

- adopt standards for food, including, but not limited to, identity, quality, and fill;

- establish tolerance standards for any substance, including pesticides, color additives, and food additives used in or on food;
- set uniform standards for pull date labeling and storage conditions for perishable packaged foods;
- license food businesses;
- investigate violations or possible violations; and
- enforce penalties.

The rules that the WSDA adopted under the Intrastate Food, Drugs, and Cosmetics Act remain effective until June 30, 2022, or until the WSDA repeals or amends the rules, whichever occurs first.

The Intrastate Commerce in Food, Drugs, and Cosmetics Act, chapter 69.04 RCW, is amended to remove references to food.

Various sections throughout the Revised Code of Washington are amended in order to refer to the Food Safety and Security Act, rather than the Intrastate Commerce in Food, Drugs, and Cosmetics Act.

A new chapter is created in Title 77 RCW that includes the provisions from the Intrastate Commerce in Food, Drugs, and Cosmetics Act, chapter 69.04 RCW, relating to fish and shellfish labeling. The authority for the DFW to regulate and enforce provisions relating to fish and shellfish labeling and misbranding is transferred to Title 77 RCW.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This is not a policy bill, rather, its purpose is to move some sections around in the Revised Code of Washington to make things read more easily.

This is legislation requested by the WSDA. The food processing laws have become very difficult to read: they were written in the 1940s; they have been amended multiple times; they are difficult to understand; and it sometimes takes a lawyer to answer what should be a basic question. This bill moves sections related to food processing to Title 15 of the RCW. The bill is nonsubstantive; the standards for food processing would remain the same. The bill makes everything easier for both the agency and the regulated industries. The WSDA worked with the Northwest Food Processors Association on the legislation.

(Opposed) None.

Persons Testifying: Senator Takko, prime sponsor; and Steve Fuller, Department of Agriculture.

Persons Signed In To Testify But Not Testifying: None.