

SENATE BILL REPORT

HB 2682

As Passed Senate, February 27, 2018

Title: An act relating to exempting hop grower lot information used in the state department of agriculture export document from public disclosure.

Brief Description: Exempting hop grower lot information used in the state department of agriculture export document from public disclosure.

Sponsors: Representatives Buys, Blake, Dent, Chandler and Fitzgibbon; by request of Department of Agriculture.

Brief History: Passed House: 2/12/18, 97-0.

Committee Activity: Agriculture, Water, Natural Resources & Parks: 2/19/18, 2/22/18 [DP].

Floor Activity:

Passed Senate: 2/27/18, 48-0.

Brief Summary of Bill

- Exempts from public disclosure, hop grower lot numbers and associated laboratory results used by the Washington Department of Agriculture (WSDA) to issue export documents.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Majority Report: Do pass.

Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

Staff: Karen Epps (786-7424)

Background: The Public Records Act (PRA), enacted in 1972 as part of Initiative 276, requires that all state and local government agencies make all public records available for public inspection and copying unless certain statutory exemptions apply. Over 500 specific references in the PRA or other statutes remove certain information from application of the PRA, provide exceptions to the public disclosure and copying of certain information, or

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designate certain information as confidential. The provisions requiring public records disclosure must be interpreted liberally while the exemptions are interpreted narrowly to effectuate the general policy favoring disclosure.

Exemptions in the PRA for certain information relating to agriculture and livestock include:

- information on the purchase, sale, or production of individual American ginseng growers or dealers;
- information for issuance of certificates of compliance for packers and shippers of fruits and vegetables;
- certain herd inventory management information for animal disease traceability submitted to WSDA by an individual or business; and
- financial statements used to determine whether an applicant meets the minimum net worth requirements to operate a public livestock market.

The Chemical and Hop Laboratory, a part of the Plant Protection Division of the WSDA, conducts physical grading and chemical analysis of hops, by lot, for several reasons including to determine if a lot meets label guarantees. Laboratory data is included in export documents issued by the WSDA.

Summary of Bill: Hop grower lot numbers and associated laboratory results used by the WSDA to issue export documents are exempt from public disclosure under the PRA.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill provides a narrow exemption from public disclosure to protect sensitive trade information used for hop export documentation. All lots of Washington hops destined for sale are sampled and rated at the time of harvest by the WSDA and a variety of information is collected as a result of the agency's laboratory work. Inspected hops are tracked by unique grower and lot numbers that are used to document and retrieve inspection and laboratory results. Hop dealers, brokers, or other sellers provide WSDA with grower lot numbers for overseas shipments and WSDA verifies that the hops were inspected to the appropriate standards. Providing WSDA with grower lot numbers creates a record that contains information that could be used to reverse engineer contracts and other business dealings that concern the hop industry. This exemption would allow WSDA to provide needed export documentation without exposing certain trade information.

Persons Testifying: PRO: Brad White, WSDA.

Persons Signed In To Testify But Not Testifying: No one.