

HOUSE BILL REPORT

HB 2147

As Reported by House Committee On:

Agriculture and Natural Resources
Appropriations

Title: An act relating to agriculture pest and disease response.

Brief Description: Concerning agriculture pest and disease response.

Sponsors: Representatives Dent, Chapman, Schmick and Reeves; by request of Department of Agriculture.

Brief History:

Committee Activity:

Agriculture and Natural Resources: 1/12/24, 1/19/24 [DP];
Appropriations: 2/2/24, 2/5/24 [DPS].

Brief Summary of Substitute Bill

- Creates the Agricultural Pest and Disease Response Account (Account).
- Modifies the procedure for appointing emergency advisory committee members.
- Requires the Director of the Washington State Department of Agriculture to evaluate emergency measures taken no less than once every 60 days instead of once every 10 days.

HOUSE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Majority Report: Do pass. Signed by 11 members: Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba, Kretz, Lekanoff, Orcutt, Schmick and Springer.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Staff: Rebecca Lewis (786-7339).

Background:

Department of Agriculture.

The Washington State Department of Agriculture (WSDA) was created in 1913 and is organized into five divisions, including commodity inspection, food safety, pesticide management, plant protection, and the state veterinarian. The WSDA has a duty to promote and protect agriculture and its dependent rural community in Washington. The WSDA must carry out its assigned regulatory responsibilities to protect public health and welfare.

Agricultural Pest and Disease Response.

Plant Pests and Diseases.

The Director of WSDA has authority to declare a quarantine as necessary to protect the forest, agricultural, horticultural, floricultural, beekeeping, or environmental interests of the state. The Director of WSDA may declare a quarantine against:

- an area, place, nursery, orchard, vineyard, apiary, or other agricultural establishment;
- a county or counties within the state;
- other states, territories, or foreign countries; or
- a portion of any of these areas.

The Director of WSDA may prohibit movement of all regulated articles from quarantined places, or from areas that are likely to contain such plant pests or noxious weeds or genetically engineered plant, plant pest, or bee pest organisms.

If the Director of WSDA finds that there is imminent danger of infestation of plant pests or plant diseases which seriously endangers the agricultural or horticultural industries of Washington, or which seriously threatens life, health, or economic well-being, the Director of WSDA must request that the Governor order measures to prevent or abate an infestation.

After a Governor-declared emergency, the Director of WSDA may appoint a committee to review emergency measures necessary and make recommendations to the Governor through the Director of WSDA. Committee members must include representatives of agricultural industries, state and local government, public health interests, technical service providers, and environmental organizations. The Director of WSDA must evaluate emergency measures taken at least once every 10 days and immediately advise the Governor if the Director of WSDA finds that the emergency no longer exists or of certain measures should be discontinued.

Animal Health.

The purpose of the Animal Health Program, administered by the WSDA, is to protect the people of the state, their livestock, and other animals from harmful animal diseases. The program administers livestock disease eradication programs in cooperation with United States Department of Agriculture and regulates the movement and testing of animals

coming into the state and being sold within the state. The Director of WSDA may adopt rules that prevent the introduction or spread of infectious diseases into the state. This includes the authority to adopt rules regarding the inspection and testing of all animals in the state or being imported into the state.

The Director of WSDA may issue a quarantine order and enforce the quarantine of any animal or its reproductive products when any animal or its reproductive products are affected with or have been exposed to disease or when there is reasonable cause to investigate whether any animal or its reproductive products are affected with or have been exposed to disease, either within or outside the state.

Summary of Bill:

Agricultural Pest and Disease Response Account.

The Agricultural Pest and Disease Response Account (Account) is created. Expenditures from the Account may be spent only after appropriation and may be used only for activities necessary to respond to emerging agricultural pest and disease threats. When a declaration of emergency or quarantine order is declared by the Director of the WSDA, the State Treasurer must transfer from the general fund to the Account the amount necessary to bring the balance of the Account to \$2 million, based upon the determination from the Office of Financial Management (OFM). A transfer may be made only once per fiscal year. By October 1 of any year where expenditures were made from the Account, the WSDA must provide a close-out cost summary of expenditures to the Director of the OFM.

Plant Pest and Disease Response.

Instead of requiring certain entities to be represented on the advisory committee to review emergency measures in the case of a declared emergency due to plant pests or diseases, the bill specifies that invitations to participate on the advisory committee must be made to federally recognized tribes, impacted agricultural industries, state and local governments, public health interests, technical service providers, and environmental organizations. The Director of the WSDA must evaluate emergency measures taken in response to an imminent danger of infestation of plant pests or plant diseases and report to the Governor at least every 60 days instead of 10 days.

Appropriation: None.

Fiscal Note: Available.

Effective Date: 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 Department of Agriculture (WSDA) worked closely with members of the Ag-Forestry Class 44 on this legislation. This bill will empower the WSDA to prepare for and respond to infestations and diseases that impact agricultural industries like how the state addresses drought preparedness. If an emergency occurs and the Legislature is not in session, funding may not be immediately available to respond to an infestation or disease. It is critical that the state has the tools to respond to agricultural pests and diseases because they can spread very quickly and have devastating impacts on human and animal health and on important products produced in Washington such as potatoes, hops, and poultry. In the past, diseases have even originated from household gardens, backyard flocks, and pets. Farms are critical to support the economies of rural communities. Marginalized and underrepresented communities are overrepresented in agricultural labor and are often adversely affected when there are outbreaks. At the same time, they can also catch signs of agricultural pests early to help respond before an outbreak spreads and more aggressive measures need be taken, possibly reducing the need to use harmful pesticides.

(Opposed) None.

Persons Testifying: Representative Tom Dent, prime sponsor; Maggie Elliot, Washington Hop Commission; Amber Itle and Kelly McLain, Department of Agriculture; Rosa Dekker, East Columbia Basin Irrigation District; and Tyler West.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 30 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Connors, Assistant Ranking Minority Member; Couture, Assistant Ranking Minority Member; Berg, Callan, Chopp, Davis, Dye, Fitzgibbon, Harris, Lekanoff, Pollet, Riccelli, Rude, Ryu, Sandlin, Schmick, Senn, Simmons, Slatter, Springer, Stokesbary, Stonier, Tharinger and Wilcox.

Staff: Dan Jones (786-7118).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Agriculture and Natural Resources:

The substitute bill:

- removes the requirement that the State Treasurer transfer from the General Fund the amounts necessary to bring the balance of the Agricultural Pest and Disease Response Account to \$2 million in each year that there is a qualifying emergency or quarantine;

and

- removes the null and void clause, which would have made the bill null and void if not funded in the operating budget by June 30, 2024.

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) None.

(Opposed) None.

Persons Testifying: None.

Persons Signed In To Testify But Not Testifying: None.