

# SENATE BILL REPORT

## SSB 6036

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As Passed Senate, February 9, 2024

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

**Brief Description:** Concerning agriculture pest and disease response.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Muzzall, Braun, Liias, Nobles and Van De Wege; by request of Department of Agriculture).

**Brief History:**

**Committee Activity:** Agriculture, Water, Natural Resources & Parks: 1/11/24, 1/18/24 [DP-WM].

Ways & Means: 2/01/24, 2/05/24 [DPS].

**Floor Activity:** Passed Senate: 2/9/24, 49-0.

### Brief Summary of First Substitute Bill

- Establishes the Agricultural Pest and Disease Response Account (account).
- Directs the state treasurer, upon the issuance of a declaration of emergency related to the infestation of plant pests or plant diseases or issuance of a quarantine order related to animal diseases or plant pests and diseases, to transfer to the account the amount needed to bring the balance of the account to up to \$2 million.

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## SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Muzzall, Ranking Member; Liias, Shewmake, Short, Stanford, Wagoner and Warnick.

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*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:** Karen Epps (786-7424)

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## SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Substitute Senate Bill No. 6036 be substituted therefor, and the substitute bill do pass.

Signed by Senators Robinson, Chair; Mullet, Vice Chair, Capital; Nguyen, Vice Chair, Operating; Wilson, L., Ranking Member, Operating; Gildon, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Rivers, Assistant Ranking Member, Capital; Warnick, Assistant Ranking Member, Capital; Billig, Boehnke, Braun, Conway, Dhingra, Hasegawa, Hunt, Keiser, Muzzall, Pedersen, Randall, Saldaña, Torres, Van De Wege, Wagoner and Wellman.

**Staff:** Jed Herman (786-7346)

**Background:** The Washington 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. WSDA has a duty to promote and protect agriculture and its dependent rural community in Washington State. WSDA must carry out its assigned regulatory responsibilities to protect the public health and welfare.

The Director of WSDA (Director) has authority to impose quarantines and to take actions regarding plant pests and diseases under the state's plant pest and disease control laws. If determined to be necessary to protect the forest, agricultural, horticultural, floricultural, beekeeping, or environmental interests of this state, the Director 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 may prohibit the movement of all regulated articles from such quarantined places or areas likely to contain such plant pests or noxious weeds or genetically engineered plant, plant pest, or bee pest organisms.

The Animal Health Program, administered by WSDA, exists 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 is authorized to adopt rules that prevent the introduction of spreading 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 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.

If the Director determines there exists an imminent danger of an infestation of plant pests or plant diseases that seriously endangers the agricultural or horticultural industries of the state, or that seriously threatens life, health, economic well-being, or the environment, the Director must request the Governor order emergency measures to control the pests or plant diseases—Declaration of Emergency.

If an emergency is declared, the Director may appoint a committee to advise the Governor and the Director, review emergency measures, and make recommendations. The committee must include representatives of the agricultural industries, state and local government, public health interests, technical service providers, and environmental organizations.

**Summary of First Substitute Bill:** The Agricultural Pest and Disease Response Account (account) is created in the state treasury. Following a Declaration of Emergency or issuance of a quarantine order related to animal diseases or plant pests and diseases, expenditures from the account may be used only for activities necessary to respond to emerging agricultural pest and disease threats in order to protect the food and agricultural economy of the state, the public health of the state, or the environment of the state.

Upon the issuance of a Declaration of Emergency or issuance of a quarantine order related to animal diseases or plant pests and diseases, the state treasurer must transfer amounts necessary to bring the balance of the account to \$2 million from the general fund to the account, based upon the determination of the transfer amount from the Office of Financial Management (OFM). OFM must determine the fund balance of the account as of the previous fiscal month before the issuance of a declaration of emergency or a quarantine order. OFM must promptly notify the state treasurer and WSDA of the account balance and the necessary transfer amount once a determination is made. A transfer based on the determination by OFM may be made only once every fiscal year.

By October 1st following any fiscal year in which expenditures were made from the account, WSDA must provide the Director of OFM with a close-out cost summary of expenditures authorized for that fiscal year.

Invitations to participate on the committee must include representatives of the affected agricultural industries, state and local government, federally recognized tribes, public health interests, technical service providers, and environmental organizations.

**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 on Original Bill (Agriculture, Water, Natural Resources & Parks):** PRO: After what the state has seen with bird flu, this bill is a good step to prepare WSDA to respond to new pests or diseases in Washington. This bill will empower the WSDA with funding to detect and eradicate identified threats before they become established. In 2021 a citizen of Grandview reported an infestation of Japanese beetles. WSDA had no funding allocated to control the problem early, so they trapped the adults and monitored the situation. Over 24,000 beetles were detected the next year and WSDA implemented a 49 mile quarantine zone in the area. This bill mimics the creation of the drought account from last year. When there is an emergency, funds are transferred and made available to WSDA. This bill will allow WSDA to respond to animal, plant, and pest disease issues when they happen rather than waiting for legislative session to occur and that response could save the state money. Washington has a robust and thriving agricultural industry with over 35,000 individual farms that contributed \$12.8 billion to the state economy in 2022, and this bill will go a long way to protect those farms and the industry. Rapid detection, containment, and eradication is critical to protect animal welfare, our economy, and environmental health. WSDA has spent the last two years leading response efforts against avian influenza in 46 flocks across 17 counties, killing 1.3 million birds. This bill secures funding to support eradication of pests or disease before they become established to promote healthy animals, healthy environments, and healthy communities.

**Persons Testifying (Agriculture, Water, Natural Resources & Parks):** PRO: Senator Ron Muzzall, Prime Sponsor; Maggie Elliot, Washington Hop Commission; Amber Itle, WSDA State Veterinarian; Tim Hiatt, Washington State Beekeepers Association; Tyler West; Kelly McLain, Washington State Department of Agriculture.

**Persons Signed In To Testify But Not Testifying (Agriculture, Water, Natural Resources & Parks):** No one.

**Staff Summary of Public Testimony on Original Bill (Ways & Means):** *The committee recommended a different version of the bill than what was heard.* PRO: This bill is modeled similar to the drought bill. We need to be better prepared for any new outbreaks of pests and diseases. The bill will provided emergency resources for confronting outbreaks, especially if the outbreak occurs in a timeframe that is outside of legislative session. We believe this will save the state millions of dollars in the long run.

**Persons Testifying (Ways & Means):** PRO: Senator Ron Muzzall, Prime Sponsor; Kelly McLain, Washington State Department of Agriculture.

**Persons Signed In To Testify But Not Testifying (Ways & Means):** No one.