

HOUSE BILL REPORT

SSB 5190

As Passed House:

April 5, 2005

Title: An act relating to adulteration of commercial feed.

Brief Description: Concerning adulterated commercial feed.

Sponsors: By Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Fraser, Schoesler, Rasmussen and Swecker).

Brief History:

Committee Activity:

Economic Development, Agriculture & Trade: 3/23/05, 3/25/05 [DP].

Floor Activity:

Passed House: 4/5/05, 93-0.

Brief Summary of Substitute Bill

- Expands the list of adulterated commercial feeds to include ruminant feed containing any animal protein prohibited in ruminant feed that is deemed unsafe under federal Food, Drug, and Cosmetic Act regulations.
- Sets the penalty for intentionally violating the law or rules prohibiting distribution of such adulterated feed at a gross misdemeanor.

HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT, AGRICULTURE & TRADE

Majority Report: Do pass. Signed by 21 members: Representatives Linville, Chair; Pettigrew, Vice Chair; Kristiansen, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Blake, Buri, Chase, Clibborn, Condotta, Dunn, Grant, Haler, Holmquist, Kenney, Kretz, McCoy, Morrell, Newhouse, Quall, Strow and Wallace.

Staff: Meg Van Schoorl (786-7105).

Background:

Bovine Spongiform Encephalopathy (BSE)

The BSE is one variety of "Transmissible Spongiform Encephalopathies" (TSEs), a group of progressive, fatal neurological diseases that affect both humans and animals. The BSE occurs in cattle and was first diagnosed in 1986 in the United Kingdom. The first North American diagnosis was of a single dairy cow native to Canada in May 2003, followed seven months

later by detection in a single dairy cow of Canadian origin located in Washington. Scientists believe cattle are infected when they eat feed that contains remnants of infected animals. The most common human TSE is variant Creutzfeld-Jakob disease, a chronic and fatal neurodegenerative disease that has been linked to the consumption of beef products contaminated with the BSE agent.

Ruminant to Ruminant Feed Ban

The federal departments of Health and Human Services (HHS) and Agriculture (USDA) have implemented a number of measures to protect the public from health risks associated with BSE and to prevent the spread of the disease in U. S. cattle.

In 1997, the Food and Drug Administration (FDA) within HHS initiated a prohibition on the use of certain proteins derived from mammalian tissue in animal feeds given to cattle and other ruminants. Ruminants are an order of animals which have a stomach with four chambers through which feed is digested. Examples are cattle, buffalo, sheep, goats, deer, elk and antelopes.

The feed ban was instituted to prevent recycling of potentially infectious cattle tissues. Exceptions were made for pure pork and pure equine protein from single species processing plants. In addition, the prohibition excluded certain products believed to present a low risk of transmitting BSE: blood and blood products; gelatin; inspected meat products that are cooked and offered for human food and further heat processed for feed (such as plate waste and used cellulosic food casings) and milk products.

Washington's Commercial Feed Law

The Department of Agriculture administers the state's commercial feed laws. Included in current law are descriptions of varieties of commercial feed that are considered adulterated and are prohibited from distribution. It is a misdemeanor to distribute adulterated commercial feed in Washington. The penalty is a fine of between \$50 - \$100 for the first offense and between \$200 - \$500 for a second offense.

Summary of Bill:

The definition of adulterated commercial feed is expanded to include ruminant feed that contains any animal protein prohibited in ruminant feed that is deemed unsafe under current federal Food, Drug, and Cosmetic Act regulations. The penalty for intentionally violating the law or rules prohibiting distribution of such adulterated feed is a gross misdemeanor. The punishment is that provided in Chapter 9A.20.021 RCW -- imprisonment in county jail for a maximum of one year, a maximum fine of \$5,000, or both imprisonment and fine.

Conviction on the charge of distributing the other types of adulterated feed remains a misdemeanor. The punishment is revised to be that provided in Chapter 9A.20.021 RCW, which is imprisonment in county jail for a maximum of 90 days, or a maximum fine of \$1,000, or both imprisonment and fine.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Although this type of feed is already covered in general terms under Section 1 (3) of current law, the Department of Agriculture is supportive of clarifying that ruminant to ruminant feeds specifically are adulterated.

Testimony Against: None.

Persons Testifying: Ted Maxwell, Washington Department of Agriculture.

Persons Signed In To Testify But Not Testifying: None.