

## Washington State Laws Affected by H.R. 4879

- I. Food
  - a. Food Safety
    - i. Date Label Laws
      - 1. These laws require and regulate “sell-by” date labels on food items. They are intended to promote both food quality and safety.
      - 2. Wash. Rev. Code Ann. § 69.04.905
    - ii. Alteration of Dating Labels
      - 1. These regulations prohibit manufacturers from altering “sell-by” labels in certain ways. They are intended to protect transparency and the integrity of the label.
      - 2. Wash. Admin. Code 16-142-150
    - iii. Sale of Expired Foods
      - 1. These regulations prohibit or restrict the sale of food items past their expiration date. Most of these laws apply generally to many types of food items and are intended to protect quality and safety.
      - 2. Wash. Admin. Code 246-215-03265
  - b. Shellfish
    - i. Date Labels
      - 1. These laws require shellfish containers be marked with a “sell-by,” “best if used by,” or “date shucked” label to indicate to consumers when the product was packaged or the date by which it should be consumed.
      - 2. Wash. Admin. Code 246-215-03265
    - ii. Sourcing Requirements
      - 1. These regulations impose requirements on the sourcing of shellfish. Most often, they stipulate that molluscan shellfish received into the state through interstate commerce must be from sources approved by the Interstate Certified Shellfish Shippers List.
      - 2. Wash. Admin. Code 246-215-03220
  - c. Mushrooms
    - i. Sale of Wild Mushrooms
      - 1. These regulations impose identification requirements on the sale of mushrooms harvested from the wild. Often, they mandate that wild mushrooms must be positively identified by a mushroom identification expert in order to be sold for human consumption in order to protect the public from accidental poisoning caused by the ingestion of toxic mushrooms.
      - 2. WAC 246-215-03225
  - d. Prepackaged Foods
    - i. Date Labels

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1. These regulations impose date labeling requirements on foods or drinks that have been pre-packaged prior to sale.
  2. Wash. Rev. Code Ann. § 69.04.905
  3. Wash. Admin. Code 16-142-150
- e. Cottage Food Production
- i. Labeling, Production, and Restriction of Sale
    1. These laws place conditions or restrictions the production and sale of cottage foods—those foods not produced in a commercial kitchen but instead created in home kitchens or small-scale production facilities. They are intended to ensure that the food is safe and properly labeled.
    2. West's RCWA 69.22.040
    3. WAC 16-149-080
    4. WAC 16-149-120
    5. WAC 16-149-040
    6. WAC 16-149-110
- II. Alcohol
- a. Beer, Wine, and Liquor
    - i. Content Requirements
      1. These laws impose content requirements on alcoholic products offered for sale within the state. However, it should be noted that the Twenty-First Amendment may protect a state's ability to enforce such regulations even if they would otherwise be preempted by PICA.
      2. WAC 314-24-050
- III. Drugs
- a. Tobacco
    - i. Fire Safety Standards
      1. These state laws require that any cigarettes offered for sale or sold in the state be tested in accordance with specific test methods and meet certain flammability standards. They are intended to reduce the risk of unintended fires caused by discarded cigarettes.
      2. Wash. Rev. Code § 19.305.020
      3. Wash. Rev. Code § 19.305.030
      4. Wash. Rev. Code § 19.305.040
      5. Wash. Rev. Code § 19.305.050
      6. Wash. Rev. Code § 19.305.060
      7. Wash. Rev. Code § 19.305.070
- IV. Fishing
- a. Ocean Fishing: Commercial and Sport Fishing
    - i. Beyond State Waters
      1. These laws not only regulate fishing activities within a state's territorial waters (which generally extend three nautical miles

from shore), but also fishing that takes place in certain areas of the ocean beyond that zone. These statutes impose licensing or other regulatory requirements on individuals fishing beyond the state waters.

2. Wash. Rev. Code Ann. § 77.12.047
  3. Wash. Rev. Code Ann. § 77.70.370
  - ii. License or Permit Requirements
    1. These laws require anyone who lands commercial fish within the state to be licensed, obtain a landing permit, or in some other way be regulated. These regulations require permits or impose other regulations on non-resident, commercial fishing operations that first bring fish to shore in the state.
    2. Wash. Admin. Code 220-360-300
    3. Wash. Admin. Code 220-351-010
    4. Wash. Rev. Code Ann. § 77.65.010
  - iii. Equipment Requirements, Harvest Techniques, and Prohibitions
    1. These laws impose equipment requirements or prescribe special harvesting techniques for out-of-state fishing operations that bring their catch to shore in the state. They are intended to prohibit the use of unsporting or environmentally damaging fishing practices and ensure a safe and sustainable harvest.
    2. Wash. Admin. Code 220-356-040
  - iv. Harvest and Size Limits
    1. These laws impose harvest or size limits on fishing catches first landed in the state. Typically these regulations limit the amount or type of fish that can be harvested and may set minimum or maximum size limitations for certain species. They are intended to support sustainable catch limits and protect local populations from overfishing.
    2. Wash. Admin. Code 220-356-040
- V. Wood and Lumber
- a. None
- VI. Home Goods and Products
- a. Chlorinated TRIS (TDCPP) and TCEP
    - i. These laws restrict the use or impose requirements on the use of chlorinated TRIS and other flame-retardant chemicals in children's products, upholstery, and other goods offered for sale within the state. They are intended to protect consumers from the chemicals' potentially toxic or carcinogenic effects, to which young children are particularly susceptible. These laws could be preempted to the extent that TDCPP or TCEP are applied to agricultural products, which may include items such as furniture, changing pads, and bedding.
    - ii. West's RCWA 70.240.025
    - iii. West's RCWA 70.240.040

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### VII. Live Animal Imports

#### a. Aquaculture

##### i. Infectious Salmon Anemia

1. Infectious salmon anemia (ISA) is a viral disease of Atlantic salmon that affects fish farms, causing severe losses to infected farms. Federal regulations apply only to Maine producers (see 9 C.F.R. § 53.1), but other states have implemented additional laws that prohibit the importation of fish exposed to the disease or otherwise restrict the movement of particular fish.
2. WAC 220-370-190
3. WAC 220-370-050

#### b. Birds

##### i. Avian Influenza and Newcastle Disease

1. Highly Pathogenic Avian Influenza is a contagious virus most often spread by contact between infected and healthy birds (including wild birds). Humans also can contract this disease. The 2014-15 avian influenza outbreak required the destruction of 50 million birds costing the industry \$3.3 billion in losses. Similarly, Newcastle disease is a contagious viral bird disease affecting the poultry industry and wild avians that is transmissible to humans. States have imposed laws requiring testing, reporting, and regulating imports of poultry to control these diseases, that work in conjunction with federal restrictions.
2. WAC 16-54-145
3. WAC 16-70-020t

#### c. Cattle and Bison

##### i. Anthrax

1. Anthrax is an infectious bacterial disease often found in cattle and sheep that causes sudden death and is transmissible to humans. Most often, it is spread through exposure to the spores formed during the decay of deceased animals. Federal regulation prohibits the interstate movement of animals affected by anthrax. However, states impose further restrictions on the importation of animals that have been or may have been exposed to the disease.
2. WAC 16-54-030
3. WAC 16-54-032
4. WAC 16-70-020

##### ii. Brucellosis

1. Brucellosis is a contagious and costly disease typically affecting cattle, bison, cervids (elk and deer), and swine that also affects humans. It is a bacterial infection that spreads from animals to people most often through ingestion of unpasteurized milk, cheese, and other dairy products. All 50 states participate in a voluntary program with the federal government to control

brucellosis in cattle, and many states impose additional regulations requiring testing, reporting, and regulating of imports.

2. WAC 16-54-083

iii. Bovine Tuberculosis

1. In the early 19th century, bovine tuberculosis caused more deaths of cattle than all other diseases combined. It is a chronic bacterial disease of cows that can spread to humans, typically by the inhalation of aerosols or the ingestion of unpasteurized milk. All 50 states participate in a voluntary program administered in conjunction with the federal government requiring testing, quarantine, and destruction of diseased animals. In addition many states have enacted special legislation addressing the importation of cattle into the state.

2. WAC 16-54-085

iv. Rabies

1. Rabies can occur in all warm-blooded animals and is always fatal if not treated promptly after exposure. All forms of livestock and companion animals are at risk for contracting the disease. Transmission often occurs through a bite from a rabid animal and as such the disease can travel between wild and domestic species. These laws prohibit the importation of animals exposed to rabies or impose additional restrictions to prevent the spread of this disease.

2. WAC 16-54-030

3. WAC 16-54-032

4. WAC 16-70-020

d. Cervids

i. Chronic Wasting Disease (“CWD”): Restrictions

1. These laws impose import restrictions and other requirements to ensure that cervids entering the state are not carriers of chronic wasting disease. Some regulations require that only cervids that have been enrolled in a voluntary CWD Herd Certification Program and have undergone testing for the disease may enter the state. These laws are intended to protect local deer producers and wild deer populations.

2. WAC 16-70-020

3. WAC 220-413-030

e. Bees

i. Import Requirements and Health Certifications

1. These laws impose certification, permitting, or registration requirements prior to the movement of bees into the state. They are intended to ensure the health of bee colonies prior to import in order to protect the health of local bee populations and prevent the spread of disease.

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2. West's RCWA 15.60.021
- f. Horses
    - i. Equine Infectious Anemia
      1. Equine Infectious Anemia (“EIA” or “Swamp Fever”) is a viral disease that is extremely contagious, spread through fly bites, and leads to severe, chronic disease or death. Federal regulations restrict the interstate movement of horses once they test positive for EIA but impose no testing requirement. States regulate the importation of horses, often requiring a negative EIA test prior to import.
      2. WAC 16-54-071
  - g. Sheep and Goats
    - i. Scrapie
      1. Scrapie is a fatal, degenerative disease that affects the nervous systems of infected sheep and goats. It is one of several transmissible spongiform encephalopathies (“TSEs”)—which are related to bovine spongiform encephalopathy (“BSE” or “mad cow disease”) and chronic wasting disease in deer. Some states participate in the voluntary National Scrapie Eradication Program to test and destroy animals that test positive for scrapie. In addition, many states require negative testing or certification prior to importation.
      2. WAC 16-54-101
      3. WAC 16-89-010
  - h. Swine
    - i. Pseudorabies
      1. Pseudorabies is an infectious, herpes-virus disease of the central nervous system that causes convulsions, intense itching, and is generally fatal. Some states participate in the voluntary Pseudorabies Eradication State-Federal-Industry Program which includes surveillance, herd certification, and herd cleanup once an animal tests positive. Additionally, many states require testing or certification prior to import.
      2. WAC 16-54-111
      3. WAC 16-54-180
    - ii. Swine Vesicular Disease
      1. Swine vesicular disease causes lesions on the feet, snout, and mouth of swine, and is economically costly because it must be distinguished from foot-and-mouth disease. These laws restrict the importation of pigs to prevent the spread of swine vesicular disease.
      2. WAC 16-54-030
      3. WAC 16-54-032
      4. WAC 16-70-020

## Washington State Laws Affected by H.R. 4879

- i. Pig Semen and Ova
  - i. Gamete Importation
    - 1. These laws impose regulations and restrictions on the importation of semen and ova from swine to be used for breeding purposes. They are intended to prevent the transmission of disease and ensure that animals produced from imported stock are healthy.
    - 2. WAC 16-54-111
    - 3. WAC 16-54-071
  - j. Exotic Meats
    - i. Ostrich and Other Ratites
      - 1. These regulations require that ostrich and other ratites be accompanied by a certification of veterinary inspection prior to import. They are intended to protect local ostrich farming operations and ensure that ostrich meat and other products are healthy and free from disease.
      - 2. WAC 16-54-145
    - ii. Boar
      - 1. These regulations prohibit the importation of boars into the state. They are intended to protect public health and safety as well as local livestock and pastureland.
      - 2. WAC 220-640-020
    - iii. Camelids: Camel, Alpaca, and Llama
      - 1. These regulations require health certificates prior to the importation of camels, alpacas, and/or llamas.
      - 2. WAC 16-54-105
    - iv. Reindeer
      - 1. These regulations prohibit the importation of reindeer. They are intended to prohibit the spread of disease and protect local cervid populations.
      - 2. WAC 220-640-020
- VIII. Companion Animals
  - a. Dogs and Cats
    - i. Veterinary Inspection Requirements
      - 1. These laws impose veterinary health screening or permit requirements prior to selling dogs, cats, and other companion animals, or importing them into the state. They are intended to reduce the spread of communicable disease from one state to another.
      - 2. WA ST 16.36.140
      - 3. WAC 16-54-170
- IX. Products for Animals
  - a. Pet Food
    - i. Requirements of Manufacturers

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1. These laws impose licensing requirements on pet food manufacturers who wish to sell products within the state.
  2. Wash. Rev. Code Ann. § 15.53.9014
- X. Dead Animals and Animal Parts
- a. Shark Fins
    - i. Possession or Sale
      1. These laws prohibit the sale of shark fins for human consumption or the possession of a detached shark fin within the state. (It should be noted that sharks are a class of fish and, as a result, are likely to be considered an agricultural product within the meaning of PICA).
      2. RCWA 77.15.770
- XI. Invasive Pests, Plants, and Disease
- a. Oak, Aspen, and Other Species of Tree
    - i. Gypsy Moth
      1. These regulations declare gypsy moths to be a pest. They are intended to supplement federal standards and provide for additional quarantines on plant imports or further prohibit the importation of regulated articles in order to contain the moths' spread. Gypsy moths affect hundreds of different plant species and cause the defoliation of millions of acres annually. These regulations seek to protect local plant populations.
      2. WAC 16-470-030
  - b. Noxious Weeds
    1. These laws augment and supplement the federal list of noxious weeds according to the concerns of a particular state. Some prohibit any importation of a plant or seedling, while others set maximum allowances for noxious weed seeds that may be intermixed with any other agricultural seed sold within the state. They are intended to inhibit the spread of undesirable plants and weeds throughout the United States.
    2. WAC 16-750-001
  - c. Biosolids / "Night Soil" / Human Waste as Fertilizer
    1. These laws regulate the labeling, content, or sale of human waste as fertilizer. They are intended to increase transparency.
    2. WAC 16-200-703
- XII. Procurement
- a. Agricultural Goods
    1. These laws regulate government bid and solicitation preferences for products or services. Often they impose preferences for in-state producers of agricultural products.
    2. West's RCWA 39.26.260
- XIII. General Prohibitions
- a. Chemicals of Concern



## Washington State Laws Affected by H.R. 4879

1. These laws impose general prohibitions, or in some cases registration or warning label requirements, on products containing certain substances thought to be toxic or otherwise harmful to human health. They apply to a broad range of products and children's products, but could be preempted by PICA with respect to any item that may be considered an agricultural good.
  2. West's RCWA 70.240.020
  3. West's RCWA 70.240.025
- b. Toxins in Packaging
- i. Materials Used to Package Agricultural Products
    1. Some states have made it illegal to sell products in packaging that contains certain heavy metals, regardless of whether the product was manufactured or packaged within the state. This is because packaging with heavy metals can contaminate a state's landfills and expose citizens of the state to health hazards. These laws prohibit the sale of products or packaging materials containing dangerous toxins.
    2. West's RCWA 70.95G.060
- XIV. Miscellaneous
- a. None