

HB

315

<TARGET><BILL>HB 315</BILL><SUBJECT>HB
315</SUBJECT><COMM>HJUD30</COMM></TARGET>

STATE CAPITOL
P.O. Box 110001
Juneau, AK 99811-0001
907-465-3500
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Governor Bill Walker
STATE OF ALASKA

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January 25, 2018

The Honorable Bryce Edgmon
Speaker of the House
Alaska State Legislature
State Capitol, Room 208
Juneau, AK 99801-1182

Dear Speaker Edgmon,

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill relating to confidentiality of animal and crop records.

The bill would make confidential certain records of animal or crop importation and lab testing. Farmers in Alaska must provide certain practices and information in order to comply with federal and state regulations. Commonly, farmers disclose animal importation records, farm locations, test results, and animal identification to the State. Farmers may be reluctant to participate in voluntary testing of animals in order to protect their information and competitive advantage, which increases the risk of animal disease outbreaks. Providing confidentiality for these records will promote farmer participation in voluntary testing. Confidentiality would also limit a competitor's unfair advantage in the market by not making available information regarding trade secrets and proprietary business information. Confidential records may still be disclosed if there is a threat to the health or safety of an animal, crop, or to the public. This bill also provides a definition for 'varietal'.

I urge your prompt and favorable action on this bill.

Sincerely,

A handwritten signature in blue ink that reads "Bill Walker".

Bill Walker
Governor

Enclosure

Fiscal Note

State of Alaska
2018 Legislative Session

Bill Version:	HB 315
Fiscal Note Number:	1
(H) Publish Date:	1/26/2018

Identifier: DEC-EHL-01-25-18
 Title: CONFIDENTIALITY OF ANIMAL & CROP RECORDS
 Sponsor: RLS BY REQUEST OF THE GOVERNOR
 Requester: Rules by Request of the Governor

Department: Department of Environmental Conservation
 Appropriation: Environmental Health
 Allocation: Laboratory Services
 OMB Component Number: 2065

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2019 Appropriation Requested	Included in Governor's FY2019 Request	Out-Year Cost Estimates					
			FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2018) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2019) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version/comments:

Not applicable, initial version.

Prepared By:	Christina Carpenter, Director	Phone:	(907)269-7645
Division:	Environmental Health	Date:	01/25/2018 10:30 AM
Approved By:	Alice Edwards, Deputy Commissioner	Date:	01/25/18
Agency:	Department of Environmental Conservation		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2018 LEGISLATIVE SESSION

Analysis

This bill would make confidential certain records of animal importation and laboratory testing. Confidential records may still be disclosed if there is a threat to the health or safety of an animal or the public. The duties related to the Office of the State Veterinarian within the Environmental Health Laboratory are unchanged with this legislation, so there would be no fiscal impact to the Department.

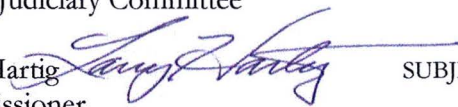
MEMORANDUM

State of Alaska

Department of Environmental Conservation
Office of the Commissioner

TO: Representative Matt Claman, Chair
House Judiciary Committee

DATE: January 26, 2018

FROM: Larry Hartig 
Commissioner

SUBJECT: HB315 Bill hearing request

I respectfully request hearing in the House Judiciary Committee of House Bill 315, "An Act relating to the confidentiality of certain records on animals and crops; and providing for an effective date."

Alida Bus is the DEC staff working on this bill. Phone: 465-5871. Email: alida.bus@alaska.gov.

Attachments:

- Signed transmittal letter (Sponsor statement)
- (Sectional analysis not applicable)
- Most recent version of the bill
- (Explanation of changes not applicable / original version of the bill)
- Current fiscal note
- (No specialized Information Technology equipment is requested)
- List of individuals to testify
- (Additional documentation forthcoming)



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Environmental Conservation

OFFICE OF THE COMMISSIONER

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HB315 – Confidentiality of Animal & Crop Records

List of individuals to testify

Dr. Bob Gerlach, State Veterinarian

Division of Environmental Health
Department of Environmental Conservation
Bob.Gerlach@alaska.gov
(907) 375-8214

Christina Carpenter, Director

Division of Environmental Health
Department of Environmental Conservation
Christina.Carpenter@alaska.gov
(907) 269-7645

Arthur Keyes, Director

Division of Agriculture
Department of Natural Resources
Arthur.Keyes@alaska.gov
(907) 761-3867



HB315: Confidentiality of Animal & Crop Records

Office of the State Veterinarian

House Judiciary Committee

Christina Carpenter
Division Director
Dr. Robert Gerlach, VMD
State Veterinarian

February 9, 2018



HB315: Confidentiality of Records

- To keep the Alaska agricultural sector healthy, to encourage its growth, and to prevent unfair competitive practices requires a change to the Alaska Statutes, specifically to keep certain information about agricultural imports, animal identification, premise, and test results confidential
- Amends 03.05 to add a new section that would make certain records held by DEC and DNR confidential
- This bill would provide agriculture producers with similar confidentiality protection already afforded to other commercial industries (commercial fisheries, e.g.)
- Coordinated effort between the Departments of Environmental Conservation and Natural Resources



HB 315: Need Overview

- Farmers are reluctant to subject their animals and crops to voluntary testing for disease because the results of those tests are not proprietary as they are in other states.
- Public disclosure of this information can have potentially negative impacts on their business, and since they are not mandated tests, they opt not to test at all.
- An outbreak of disease could cause significant threats to animal health (both wild and domestic), public health, the environment or the food supply.
- Holding animal import health records, import permit information and voluntary disease testing or product quality testing as proprietary allows farmers to keep this business information confidential.





Office of the State Veterinarian

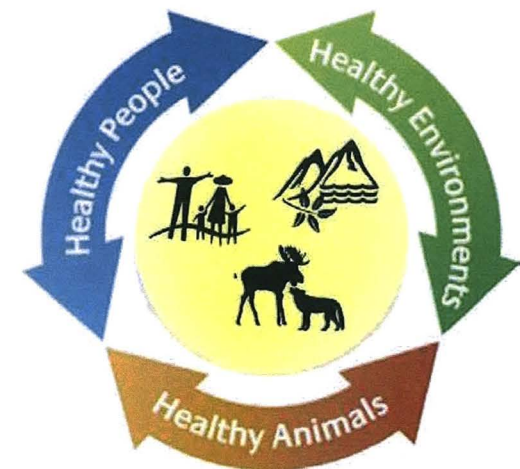
The Office of the State Veterinarian is responsible for the prevention, control and eradication of animal diseases in all animals in the state including livestock and pets, safeguarding the health and food production capacity of the State's livestock, reindeer, and poultry and preventing the transmission of animal diseases to humans.





Program Functions and Record Examples

- “One Health” Animal Disease and Traceability
 - Import Regulations for Animals
 - Disease Surveillance and Investigation
 - Movi Study – Wild and Domestic Sheep and Goats
- Dairy
 - Sanitation at Dairy Farms and Milk Facilities
 - Dairy Products Safe for Human Consumption
 - New Recipes
- Reindeer Slaughter
- FSMA Produce Safety Rule
- Fish Tissue Monitoring





Alaska Animal Imports: OSV Records

		Cattle	Sheep/ Goats	Equine	Swine	Poultry
FY2014	# Permits	6	26	77	19	220
	# Animals	37	92	203	2,050	14,000
FY2015	# Permits	5	21	63	13	490
	# Animals	22	38	118	668	30,623
FY2016	# Permits	14	22	203	31	1,645
	# Animals	169	298	352	2,668	128,372
FY2017	# Permits	22	17	192	37	1,230
	# Animals	401	85	366	2,319	91,929

*These numbers do not include imports that do not require a permit (i.e. pets), but do require a health certificate from the state or country of origin.



Disease Outbreaks in Alaska

- Brucellosis
 - ~20% of cases are associated with recreational and subsistence hunting
- Domestic Animals
 - Pet Foods (brucellosis canis, leptospirosis, rabies, avian, swine, and canine influenza)
 - Poultry (Marek's Disease, fowl cholera, avian influenza)
 - Baby Chicks (salmonella)
 - Outbreaks at the Fair (Strep. suis, Malignant Catharral Fever)
 - Domestic Rabbits (herpes virus)
- Treats & Raw Foods
 - Poultry Deaths (SouthCentral; toxin)
 - Horses (Kodiak; aflatoxin)
 - Domestic Pets (salmonella, chemical contaminants)
- Records can still be disclosed if there is a threat to the health or safety of an animal, crop, or the public





HB 315: Sectional Analysis

Section 1:

- Makes certain animal and crop records maintained by the Departments of Environmental Conservation and Natural Resources exempt from the Alaska Public Records Act if they
 - 1) are importation records that identify a particular animal, crop, business, or individual;
 - 2) contain animal or crop test results if certain conditions are met; or
 - 3) are trade secrets or proprietary business or financial information.
- Allows the Departments to disclose the above described records in the case that the Departments determine that there is a threat to the health or safety of an animal, crop, or the public.
- Provides the definition of “varietal”.

Section 2:

- Allows the Departments of Environmental Conservation and Natural Resources to adopt regulations to implement the Act.

Section 3:

- Provides for an immediate effective date for Section 2.



HB 315: Benefits

- Routine surveillance testing may encourage better animal husbandry and crop management, resulting in a higher quality product for sale and increased production efficiency.
- Early identification and testing of sick or dead animals and crops decreases the potential for more serious outbreaks and spread of disease to other farms, plants or wildlife.
- Confidentiality of proprietary data prevents unfair advantage to a competitor regarding product development, marketing strategy, and source of animal inventory.





Questions?



<http://dec.alaska.gov/eh/vet.aspx>
<http://list.state.ak.us/mailman/listinfo/akstatevetnews>

Lizzie Kubitz

From: Jan Flora <grewingk@gmail.com>
Sent: Friday, February 09, 2018 11:41 AM
To: House Judiciary
Subject: HB315 Letter of Support

Dear Representative Claman:

As a farmer and stockgrower, I'm writing in support of HB315, Confidentiality of Animal and Crop Records.

I was very surprised to discover that our crop and animal health records aren't protected in statute, as our right to privacy enjoys vigorous protections in the Constitution of the State of Alaska.

The five beef cattle herds on the Kachemak are currently disease-free, but we remain very vigilant, as a warming climate may bring emerging diseases with it. We need ranchers to feel confident that the state will protect our privacy as we work with animal health professionals to do surveillance and testing as necessary.

I encourage your committee to protect the confidentiality of our records, so farmers and stockgrowers will feel comfortable working with our DEC food safety professionals and with the Office of our State Veterinarian.

I support passage of HB315.

Thank you for your time and consideration.

Sincerely,

Jan Flora

Swift Creek Ranch
Homer, Alaska



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of Environmental
Conservation**

DIVISION OF ENVIRONMENTAL HEALTH
Director's Office

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February 9, 2018

The Honorable Senator Meyer, Chair, Senate State Affairs Committee
The Honorable Senator Giessel, Chair, Senate Resources Committee
State Capitol Rooms 103, 427
Juneau, AK 99801

Dear Senators Meyer and Giessel,

During the Department's presentation on SB 164 in the State Affairs Committee, questions were raised by Senator Coghill about the Alaska Grown marketing program, and how the records being proposed for confidentiality under the bill would be used to verify that a producer was eligible to use the Alaska Grown trademark and logo. Below is some clarifying information about this topic.

Current practice is that, upon request from the Department of Natural Resources, DEC would share records and information about animal imports that would assist them in determining if the animals had spent the required amount of their lives in Alaska to be labeled "Alaska Grown". These records may include the importation permit and health certificate, which would list the animal ID, the age of the animal, the source of the animal, and the date that the animal entered Alaska.

Under SB 164, both DNR and DEC would still be able to release these records if either Department determined that there was a threat to the health or safety of an animal, crop, or the public. If the issue was not related to health or safety, such as determining eligibility for the Alaska Grown program, the Department of Natural Resources could still require that the producer prove eligibility by providing those records or other records directly to them. Since the Alaska Grown program is voluntary, the producer could choose to submit the proof or not. If they did submit the records to DNR, they would be exempt from the Alaska Public Records Act as outlined in the bill.

Please let me know if you have additional questions.

Sincerely,

A handwritten signature in blue ink that reads "Carpenter".

Christina Carpenter
Director

cc: Dr. Robert Gerlach, State Veterinarian, DEC Division of Environmental Health
Arthur Keyes, Director, DNR Division of Agriculture