

SB

164

<TARGET><BILL>SB 164</BILL><SUBJECT>SB
164</SUBJECT><COMM>SSTA30</COMM></TARGET>

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 1/26/18

FURTHER: Resources

DATE TURNED
IN TO OFFICE: 2/8/18

State Affairs Committee considered SENATE BILL NO. 164

SB 164 CONFIDENTIALITY OF ANIMAL & CROP RECORDS

"An Act relating to the confidentiality of certain records on animals and crops; and providing for an effective date."

and recommends:

- be replaced with CS _____ (_____) Same Title New Title
- adopt previous CS _____ (_____) Same Title New Title
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
EED	MVA
DEC	DNR
DFG	DPS
GOV	REV
DHS	DOT
AJS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	1

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
DEC			<input checked="" type="checkbox"/>	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Wilson			<input checked="" type="checkbox"/>	
	Giessel			<input checked="" type="checkbox"/>	
	Coghill			<input checked="" type="checkbox"/>	
	[unclear]	<input checked="" type="checkbox"/>			
CHAIR:	MEYER	<input checked="" type="checkbox"/>			

Christine Marasigan

From: Jan Flora <grewingk@gmail.com>
Sent: Thursday, February 08, 2018 12:56 PM
To: Senate State Affairs
Subject: SB164 Letter of Support

Dear Senator Meyer:

As a farmer and stockgrower, I'm writing in support of SB164, 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 SB164.

Thank you for your time and consideration.

Sincerely,

Jan Flora

Swift Creek Ranch
Homer, Alaska

✓ Coakill
- ✓ Equan

Alaska State Senate



Chairman: Senator Kevin Meyer

Senator John Coghill
Senator Cathy Giessel
Senator David Wilson
Senator Dennis Egan

State Capitol Building
Juneau, Alaska 99801-1182
(907) 465-4945 Phone
Senator.Kevin.Meyer@akleg.gov
Senate.State.Affairs@akleg.gov

SENATE STATE AFFAIRS

AGENDA

Tuesday, February 6, 2018

Butrovich 3:30PM

SB 164 Confidentiality of Animal & Crop Records
SB 148 Background Checks for Police & Training

Public Testimony

BILLS PREVIOUSLY SCHEDULED

SB 164 Confidentiality of Animal and Crop Records
Senate Rules by Request of the Governor
SSTA Hearing Request Received: 1/26/2018
Bill Introduced: 1/26/2018

SB 164 Confidentiality of Animal and Crop Records

This bill amends AS 03.05 by making confidential certain records of animal or crop importation and lab testing.

Potential Issues:

Our office has heard from Thor Stacey with the Alaska Chapter of the Wild Sheep Foundation. They have also spoken with Darwin in the administration and Akis with the Senate Resources Committee. They are concerned that some of the language may need to change. This group, which is a conservation group and about hunting wild sheep is most concerned about eliminating a pathogen carried by sheep called "movi" which many domesticated sheep can carry, live carrying it and even be consumed even though they are carriers. The wild population can be susceptible to this pathogen. Testing allows this pathogen to be identified. In general, they seem to support the idea of confidentiality because they understand that it may encourage testing, but for them "the devil's in the details."

Our office has heard from some people who do support the bill, Sen. Hughes' office reached out to the Alaska Farm Bureau and they are supportive of the legislation. Sen. Hughes' office is also reaching out to the Alaska Farmland Trust. However, Sen. Coghill has a constituent who believes that "Alaska Grown" animals aren't truly born in Alaska, they are brought over from Canada, fed for awhile in Alaska and then slaughtered. They feel that the system needs to stay transparent in order to see import records and help identify farmers who abuse the "Alaska Grown" system.

Legislative History

According to legislative liaison to the Department of Environmental Conservation, this bill has been in discussion for some time. According to the DEC liaison Alida Bus, they will have the Alaska Farm Bureau calling in to testify in favor of the bill and have farm owners from Nome, Matsu, Homer, and Delta who plan to write in support of the bill.

According to Sen. Wilson's staff, this was legislation they had considered last year but there were details that the department needed to iron out. I asked their staff if their office supports this bill in its current form since his district definitely has farm owners and folks whose livestock would be affected. According to Wilson's staff the bill is much improved and generally their constituency supports this version.

This bill has an additional referral to Senate Resources. Senator Giessel may have an amendment to offer either in Senate State Affairs or a CS in Senate Resources mostly to deal with the state veterinarian.

The companion bill, HB 315 is scheduled for its first meeting this Friday, 2/9/2018 in House Judiciary. It has an additional referral to House Resources.

Fiscal Impact:

Fiscal Note from DEC: Zero

QUESTIONS:

- If this bill passes, people who deal with livestock still have to file import records, correct? And those are required federal records that can still be requested under Freedom of Information Act, right?
- Does this bill only cover confidentiality issues in regard to vaccinations?
- Would any of this affect marijuana growers?
- What is the urgency in bringing this legislation forward now? Has there been a demand from farm owners?
- What other opposition has there been to implementing confidentiality?
- Will the Department have to rewrite any regulations?
- Aren't there some federal standards that require some of these records to be public?



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907-269-7450
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Governor@Alaska.Gov

Governor Bill Walker
STATE OF ALASKA

January 25, 2018

The Honorable Pete Kelly
President of the Senate
Alaska State Legislature
State Capitol, Room 111
Juneau, AK 99801-1182

Dear President Kelly,

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 black ink that reads 'Bill Walker'.

Bill Walker
Governor

Enclosure



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Environmental Conservation

OFFICE OF THE COMMISSIONER

Post Office Box 111800
410 Willoughby Avenue, Suite 303
Juneau, Alaska 99811-1800
Main: 907.465.5066
Fax: 907.465.5070
www.dec.alaska.gov

SB164 – 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

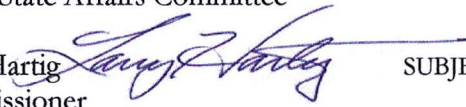
MEMORANDUM

State of Alaska

Department of Environmental Conservation
Office of the Commissioner

TO: Senator Kevin Meyer, Chair
Senate State Affairs Committee

DATE: January 26, 2018

FROM: Larry Hartig 
Commissioner

SUBJECT: SB164 Bill hearing request

I respectfully request hearing in the Senate State Affairs Committee of Senate Bill 164, "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)

A few years ago, John started seeing an increase in "Alaska Grown" animals that weren't truly born and raised in Alaska. People were bringing these animals in at almost slaughter-weight, feeding them for a few days, killing them, and calling them "Alaska Grown".

People bringing cheap swine from Canada don't always use the "Alaska Grown" label. Sometimes they say "locally raised" or something like that.

"In all honestly, it's cheaper to go to Canada. You can pay half the price, bring it into the state, feed it up for a little bit... and you can technically call it locally raised."

Transparency and allowing people like John to see the import records helps identify farmers who are abusing the "Alaska Grown" system. Also, transparency of these importation records helps John get an idea of market trends, competition, and the agriculture industry generally. Every two months, John Anderson requests import records.

This bill would make it harder for people to know about agricultural practices and market trends, and make it easier for bad actors to bamboozle consumers into thinking they're eating something that was bred, born, and raised in Alaska.

Silly aside: Even if we make import records confidential, 90% of that same information can be found on the Federal import records. The only information John cannot get from the Federal import record is the name of the person, but there's an address, which allows John to identify the person's name.

Slightly related:

The state procurement code allows the state to pay inflated costs for "Alaska Grown" food. For example, if DOC wanted to buy food for prisoners, they are statutorily allowed to pay 7% more than market value for that product if it's "Alaska Grown". Geran Tarr's bill, if passed, would make it so the state can pay 15% more than market value.

From
Sen. Coghill's
staff

From: Buddy Whitt
Sent: Wednesday, February 07, 2018 5:25 PM
To: Christine Marasigan <Christine.Marasigan@akleg.gov>
Subject: FW: liability for agritourism

Here you go. Some info from the Alaska Farm Bureau.

I'm reaching out to the Alaska Farmland Trust as well and will let you know if they respond.

Buddy

Buddy Whitt
Staff to Senator Shelley Hughes
Alaska State Legislature District F

-----Original Message-----

From: Amy Seitz [mailto:amy.seitz@gmail.com]
Sent: Wednesday, February 07, 2018 5:22 PM
To: Buddy Whitt <Buddy.Whitt@akleg.gov>
Subject: Re: liability for agritourism

Yes - that is a bill that the Farm Bureau supports and we're working on our letter to be included in the documents to go with it.

Some of the information Division of Ag and Office of the State Vet have is key to farmers businesses and without confidentiality, that information can be FOI'ed.

There are also times like right now dealing with the sheep & goat issue, where producers want to voluntarily test their animals but don't want that information going through the State Vet's office because it could be FOIed and someone could find out who tested, where their farm is and if any animals were positive. When there isn't a health concern, farmers are reluctant to have that information in those offices without there being any confidentiality.

Another issue that's come up is packing with goats. Some owners would like to be able to use their goats for packing, and agree that if traveling in Dall sheep areas they should be certified disease free. It would make sense to have it go through the Office of the State Vet, but until he has confidentiality over these records they don't want to get that program going.

This is a bill that will help protect farmers information, but it still allows for releasing necessary information when there is a health concern.

Hopefully that gives you some information on it. Let me know if you have any questions.

Thanks,
Amy

> On Feb 7, 2018, at 4:52 PM, Buddy Whitt <Buddy.Whitt@akleg.gov> wrote:

>

> Thank you Amy. While I have your attention, can you tell me if you have heard anything about this bill (Senate Bill 164 by the Governor) or this issue?

>

> I haven't heard a peep out of the Agricultural industry in our district.

>

> <http://www.legis.state.ak.us/PDF/30/Bills/SB0164A.PDF>



SB 164: Confidentiality of Animal & Crop Records

Office of the State Veterinarian

Senate State Affairs Committee

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

February 8, 2018



SB 164: 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 with the Departments of Environmental Conservation and Natural Resources



SB 164: Need Overview

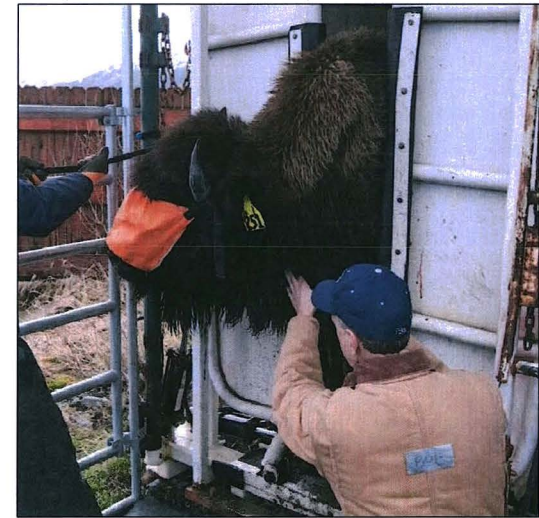
- Farmers are reluctant to subject their animals and crops to voluntary testing for disease because the results of those tests are not proprietary as they are in other states.
- Public disclosure of this information can have potentially negative impacts on their business, and since they are not mandated 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

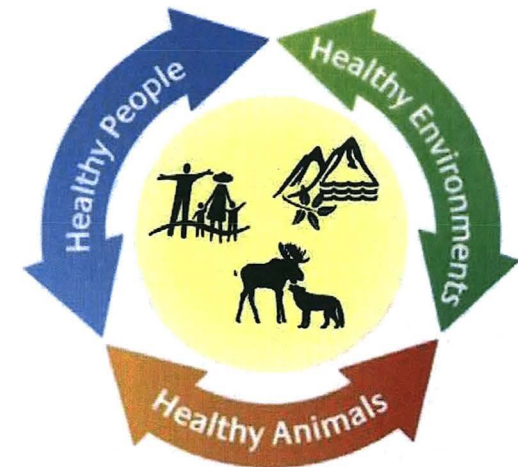
The Office of the State Veterinarian is responsible for the prevention, control and eradication of animal diseases in all animals in the state including livestock and pets, safeguarding the health and food production capacity of the State's livestock, reindeer, and poultry and preventing the transmission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





SB 164: 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.



SB 164: 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>

Christine Marasigan

From: Buddy Whitt
Sent: Wednesday, February 07, 2018 5:25 PM
To: Christine Marasigan
Subject: FW: liability for agritourism

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>

>

> Buddy Whitt

> Staff to Senator Shelley Hughes

> Alaska State Legislature District F

>

> -----Original Message-----

> From: Amy Seitz [mailto:amy.seitz@gmail.com]

> Sent: Wednesday, February 07, 2018 4:46 PM

> To: Buddy Whitt <Buddy.Whitt@akleg.gov>

> Subject: liability for agritourism

>

> Buddy,

>

> Nice chatting with you! I thought I would send you what we are looking at on the agritourism thing. With agritourism becoming more popular, several other states have already taken steps of adding agritourism to similar laws limiting civil liabilities.

>

> Thanks,

> Amy

>

>

>

>

Fiscal Note

State of Alaska
2018 Legislative Session

Bill Version:	SB 164
Fiscal Note Number:	1
(S) 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	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2019 Request	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
OPERATING EXPENDITURES	FY 2019	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
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

Fund Source (Operating Only)

None							
Total	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

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
 Division: Environmental Health
 Approved By: Alice Edwards, Deputy Commissioner
 Agency: Department of Environmental Conservation

Phone: (907)269-7645
 Date: 01/25/2018 10:30 AM
 Date: 01/25/18

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.