



STATE OF WASHINGTON

DEPARTMENT OF AGRICULTURE

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February 19, 2009

To: Conservation District Staff
Conservation Commission Staff

From: Nora Mena

Subject: WSDA adoption of the 'Range Rule' for public disclosure use

The purpose of this letter is to inform the Conservation Districts about adoption of the rule by Department of Agriculture (WSDA) regarding the public disclosure of certain information about livestock operations in ranges. This rule is applicable to WSDA only. However, based on the legislative language that required the rule, it may be possible for other state and local agencies to make use of the established ranges as well. That use will be left for each agency to determine.

For Conservation Districts, where the provisions adopted by the legislature in 2006 do require information to be disclosed when requested, Districts may wish to consider if they would like to make use of the ranges.

Background

The 2005 legislature adopted Substitute Senate Bill No. 5602 which added a new section to chapter 42.17 RCW directing WSDA to adopt a rule regarding public disclosure of information about livestock operations. The rule would be used by state and local agencies when providing certain information in plans, records and reports regarding dairies, other animal feeding operations and concentrated animals feeding operations not required to apply for a national pollutant discharge elimination system (NPDES) permit. The rule was to establish ranges for certain information that would then be provided instead of any operation specific numbers. The ranges were to be meaningful to the public while still protecting confidentiality of the operation.

The 2006 legislature then adopted Senate Bill 6617 which added a new section to chapter 89.08 RCW and amended RCW 42.56.270. One of the main elements of this bill was that Conservation Districts did not need to disclose farm plans and related documents in response to a public disclosure request if they had developed the plan and did not have authorization from the landowner, **and** the plan was not required by a permit or enforcement under chapter 90.48 RCW, the Water Pollution Control Act.

Rule Development

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The Department of Agriculture staff worked with stakeholders during 2006 and 2007 to develop appropriate ranges. Several approaches were considered until agreement was reached on a set of ranges that met the legislative requirements, stakeholder needs and could be implemented relatively easily by the agency.

The final rule proposal was publicized during the fall of 2008, was adopted on January 12, 2009 and became effective on February 13, 2009. Public disclosure requests received by WSDA for individual livestock operations will include the ranges in place of any operation specific numbers for the 5 categories of information.

Rule Language and Web Site to access Rule

<http://apps.leg.wa.gov/WAC/default.aspx?cite=16-06-210>

WAC 16.06 Department of Agriculture
Public Records

WAC 16-06-210 Exemptions.

(29) Under RCW 42.56.610 and 90.64.190, information identifying the number of animals; volume of livestock nutrients generated; number of acres covered by the plan or used for land application of livestock nutrients; livestock nutrients transferred to other persons; and crop yields in plans, records, and reports obtained by state and local agencies from dairies, animal feeding operations, and concentrated animal feeding operations not required to apply for a National Pollutant Discharge Elimination System permit is disclosable in the following ranges:

(a) Number of animals: Beef cattle

1 to 19
20 to 159
160 to 299
300 to 999
1,000 to 5,999
6,000 to 10,999
11,000 to 15,999
16,000 to 20,999
21,000 to 25,999
26,000 to 31,199
31,200 to 37,439
37,440 to 44,999
45,000 and above

(b) Number of animals: Mature dairy cattle

1 to 37
38 to 199
200 to 699
700 to 1,699
1,700 to 2,699
2,700 to 3,699

3,700 to 4,699
4,700 to 5,699
5,700 to 6,839
6,840 and above

(c) Number of animals: Dairy heifers

1 to 49
50 to 149
150 to 299
300 to 999
1,000 to 1,999
2,000 to 2,999
3,000 to 3,999
4,000 and above

(d) Number of animals: Swine (fifty-five pounds or greater)

1 to 19
20 to 159
160 to 399
400 to 749
750 to 2,499
2,500 to 4,249
4,250 to 5,999
6,000 to 7,749
7,750 and above

(e) Number of animals: Swine (less than fifty-five pounds)

1 to 99
100 to 499
500 to 1,099
1,100 to 1,999
2,000 to 2,999
3,000 to 9,999
10,000 to 16,999
17,000 to 23,999
24,000 to 30,999
31,000 and above

(f) Number of animals: Layers (all ages)

1 to 199
200 to 999
1,000 to 10,999
11,000 to 24,999
25,000 to 81,999
82,000 to 138,999
139,000 to 195,999
196,000 to 252,999
253,000 to 309,999
310,000 to 371,999
372,000 to 446,399

446,400 to 535,679
535,680 to 642,815
642,816 to 771,379
771,380 to 925,655
925,656 to 1,110,787
1,110,788 to 1,332,945
1,332,946 and above

(g) Number of animals: Broilers (all ages)

1 to 199
200 to 999
1,000 to 17,999
18,000 to 37,499
37,500 to 124,999
125,000 to 212,499
212,500 to 299,999
300,000 and above

(h) Number of animals: Horses

1 to 19
20 to 79
80 to 149
150 to 499
500 to 849
850 to 1,199
1,200 to 1,549
1,550 and above

(i) Livestock nutrients generated or exported by volume
(ft³/day)

1 to 74
75 to 134
135 to 299
300 to 449
450 to 749
750 to 1,499
1,500 to 2,499
2,500 to 4,999
5,000 to 8,499
8,500 to 11,999
12,000 to 15,999
16,000 and above

(j) Livestock nutrients generated or exported by weight
(tons/year)

1 to 5,256
5,257 to 10,512
10,513 to 21,024
21,025 to 42,048
42,049 to 84,096
84,097 to 164,184