

HOUSE BILL REPORT

SSB 5552

As Reported by House Committee On:
Rural Development, Agriculture, & Natural Resources
Appropriations

Title: An act relating to the protection of all pollinators, including honey bees.

Brief Description: Concerning the protection of all pollinators, including honey bees.

Sponsors: Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Lias, Warnick, Van De Wege, Short, Rolfes, Schoesler, Wagoner, Honeyford, Hawkins and Hunt).

Brief History:

Committee Activity:

Rural Development, Agriculture, & Natural Resources: 3/19/19, 4/3/19 [DP];
Appropriations: 4/8/19 [DPA].

Brief Summary of Substitute Bill
(As Amended by Committee)

- Requires the Department of Agriculture to establish a program to promote and protect pollinator habitat and the health and sustainability of pollinator species.
- Establishes a pollinator health task force that must develop a state pollinator health strategy.
- Provides various specified state agencies consider pollinator habitat when managing lands or habitat.
- Allows a city, town, or county to authorize the use of vacant or blighted land for the purpose of community gardening.

HOUSE COMMITTEE ON RURAL DEVELOPMENT, AGRICULTURE, & NATURAL RESOURCES

Majority Report: Do pass. Signed by 14 members: Representatives Blake, Chair; Shewmake, Vice Chair; Dent, Assistant Ranking Minority Member; Chapman, Dye, Fitzgibbon, Kretz, Lekanoff, Orcutt, Pettigrew, Ramos, Schmick, Springer and Walsh.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Robert Hatfield (786-7117).

Background:

Each person owning one or more hives with bees, brokers renting hives, and apiarists residing in other states who operate hives in Washington must register annually with the Department of Agriculture (WSDA). Fees for owners range from \$5 for one to five colonies to \$300 for 1,001 or more colonies. Fees for brokers range from \$100 for between one and 500 colonies, and up to \$300 for 1,001 or more colonies. The WSDA issues each registered apiarist or broker an apiarist identification number.

Legislation enacted in 2013 directed the WSDA to convene a work group to address challenges facing the honey bee industry and to develop a report outlining solutions that bolster the use of Washington honey bees to pollinate tree fruits, berries, and seeds. The WSDA delivered the required report on December 12, 2014. In the report, the issue of bee forage and nutrition was identified as one of four main issues affecting honey bee health. The report concluded that access to diverse pollen and nectar sources, provided through access to diverse forage habitat, is essential for honey bees to properly meet their protein, carbohydrate, and other nutritional needs.

Legislation enacted in 2015 directed the Noxious Weed Control Board (Weed Board) to conduct a pilot project evaluating the advantages of replacing pollen-rich noxious weeds with noninvasive forage plants that can produce similar levels of seasonally balanced pollen and nectar to support honey bee populations. The goal of the pilot project was to develop optional guidance and best practices for landowners and land managers. In developing the pilot project, the Weed Board was directed to seek to maximize the dual public benefits of reducing noxious weeds and supporting agricultural production through access to pollen-rich and nectar-rich forage for honey bees and other pollinators.

As part of the mandate for state agencies to control noxious weeds on the land they manage, state agencies must, when conducting planned projects, give preference to replacing pollen-rich and nectar-rich noxious weeds with native pollinator-friendly forage plants when deemed appropriate by the agency and its targeted resource-management goals.

Summary of Bill:

The Washington State Department of Agriculture (WSDA) must establish a program to promote and protect pollinator habitat and the health and sustainability of pollinator species. The program must provide technical and financial assistance to state agencies, local governments, and private landowners to implement practices promoting habitat for managed pollinators, as well as beekeeper and grower best management practices. The program must be administered in coordination with the Apiary Program, the Honey Bee Commission, and programs administered by the Conservation Commission and conservation districts.

The WSDA must develop educational materials regarding the best practices for avoiding adverse effects from pesticides on populations of bees and other pollinating insects. The

educational materials must include, but not be limited to, measures that anyone applying pesticides can take to protect bees.

The WSDA must establish a pollinator health task force including representatives from various state agencies, agricultural industries, the Washington State University, pesticide distributors and applicators, conservation organizations, beekeeping organizations, a youth representative from an organization that encourages students in agricultural education, and two members of the public. Additionally, one or more representatives of Washington tribes must also be invited to participate on the task force. The task force must develop a state pollinator health strategy that includes:

- a research action plan to focus state efforts on understanding, preventing, and recovering from pollinator losses;
- a plan to expand and coordinate public education programs to help address the loss of pollinators;
- a plan to expand research on and education related to varroa mites and other pests and diseases that affect bees;
- recommendations for developing partnerships to encourage pollinator protection and increase habitat and forage for pollinators;
- specific targets and plans that state agencies should adopt to enhance pollinator habitat on their managed lands and facilities;
- recommendations for promoting seed banks and native plants beneficial for pollinators;
- recommendations for developing a plan to improve communication between beekeepers, landowners, and pesticide applicators; and
- recommendations for legislative, administrative, or budgetary actions necessary to implement the strategy.

The Department of Natural Resources (DNR) must consider, among other considerations, maintenance of pollinator habitat and habitat beneficial for the feeding, nesting, and reproduction of pollinators, including honey bees, when fulfilling the obligations of managing trust lands. The DNR must consider pollinator habitat when adopting a multiple-use land resource allocation plan or updating its land use data bank. The Department of Fish and Wildlife (WDFW) must implement practices necessary to maintain pollinator habitat on WDFW-owned and managed agricultural and grazing lands where practicable.

When managing state park lands, land must be managed to preserve and maintain, among other considerations, habitat that will protect and promote habitat beneficial for the feeding, nesting, and reproduction of pollinators, including honey bees. When planting shrubbery along the right-of-way of state highways or under the Adopt-a-Highway program, applicants should use native forage plants that are pollen-rich or nectar-rich and beneficial for all pollinators, including honey bees. When considering acquisition projects or riparian projects, the Recreation and Conservation Funding Board must consider certain criteria, including habitat benefits for the feeding, nesting, and reproduction of all pollinators, including honey bees.

A city, town, or county may authorize the use of vacant or blighted land for the purpose of community gardening by ordinance. The ordinance must require that a portion of the community garden include habitat beneficial for the feeding, nesting, and reproduction of

pollinators, including honey bees. A city or town may adopt an ordinance establishing an urban agriculture zone within its city or town limits.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) One-third of Washington's crops require pollinators. There have been threats to pollinators, such as colony collapse disorder. This bill looks for the easiest solutions that would assist pollinators. The bill encourages the creation of nectar-rich habitat. Washington is one of the few states that does not have a dedicated apiary program, and this bill would help to establish a state apiary program. Bees are not the only pollinators in Washington; this bill focuses on all pollinators. There was initial concern about this bill from apiarists, but the bill has been amended to address those concerns.

There should be cooperation between aerial pesticide applicators and beekeepers. Aerial applicators do not want to spray where they see beehives. Pilots cannot land with a full load of pesticides. Improving communications will help everyone.

(Opposed) None.

(Other) The bill would allow for more work and conversations on topics of importance to pollinator health. Habitat loss is a real threat to native and managed pollinators. The bill will help to identify opportunities to establish pollen-rich habitat. Updating pesticide education materials to address pollinators will benefit all parties.

Persons Testifying: (In support) Senator Liias, prime sponsor; and Heather Hansen, Washington Friends of Farms and Forests.

(Other) Kelly McLain, Washington State Department of Agriculture.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended. Signed by 32 members: Representatives Ormsby, Chair; Bergquist, 2nd Vice Chair; Robinson, 1st Vice Chair; Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier, Chandler, Cody, Dolan, Dye, Fitzgibbon, Hansen, Hoff, Hudgins, Jinkins, Kraft, Macri, Mosbrucker, Pettigrew, Pollet, Ryu, Schmick, Senn, Springer, Stanford, Steele, Sullivan, Sutherland, Tarleton, Tharinger and Ybarra.

Staff: Dan Jones (786-7118).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Rural Development, Agriculture, & Natural Resources:

The Appropriations Committee recommended an amendment making the bill null and void unless specific funding is provided by June 30, 2019 in the omnibus appropriations act.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony:

(In support) None.

(Opposed) None.

Persons Testifying: None.

Persons Signed In To Testify But Not Testifying: None.