

SENATE BILL REPORT

SB 5552

As Reported by Senate Committee On:
Agriculture, Water, Natural Resources & Parks, February 21, 2019
Ways & Means, February 26, 2019

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

Brief Description: Concerning the protection of native pollinators, including bees. **[Revised for 1st Substitute:** Concerning the protection of all pollinators, including honey bees.]

Sponsors: Senators Liias, Warnick, Van De Wege, Short, Rolfes, Schoesler, Wagoner, Honeyford, Hawkins and Hunt.

Brief History:

Committee Activity: Agriculture, Water, Natural Resources & Parks: 2/14/19, 2/21/19 [DPS-WM, w/oRec].
Ways & Means: 2/25/19, 2/26/19 [DPS (AWNPN)].

Brief Summary of First Substitute Bill

- Requires the Department of Agriculture (WSDA) 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 that the Department of Natural Resources, the Department of Fish and Wildlife, the Department of Transportation, State Parks, and the Recreation and Conservation Funding Board consider pollinator habitat when managing lands or habitat.
- Allows a city, town, code city, or county to authorize the use of vacant or blighted land for the purpose of community gardening by ordinance.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Majority Report: That Substitute Senate Bill No. 5552 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

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.

Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; McCoy, Rolfes and Short.

Minority Report: That it be referred without recommendation.

Signed by Senator Honeyford.

Staff: Karen Epps (786-7424)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Bailey, Becker, Billig, Carlyle, Conway, Darneille, Hasegawa, Hunt, Keiser, Liias, Palumbo, Pedersen, Rivers, Schoesler, Van De Wege, Wagoner, Warnick and Wilson, L..

Staff: Jed Herman (786-7346)

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). In 2018 fees for owners range from \$5 for one to five colonies and up to \$300 for 1001 or more colonies. Fees for brokers range from \$100 for one to 500 colonies and up to \$300 for 1001 or more colonies. WSDA issues each registered apiarist or broker an apiarist identification number.

The 2013 Legislature directed 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. WSDA delivered the required report on December 12, 2014. In the report, bee forage and bee 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.

In 2015, the Legislature directed the Noxious Weed Control Board (board) to conduct a pilot project evaluating the advantages of replacing pollen-rich noxious weeds with non-invasive forage plants that can produce similar levels of seasonally balanced pollen and nectar to support honey bee populations. The goal of the pilot project is to develop optional guidance and best practices for landowners and land managers. In developing the pilot project, the board must 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 (First Substitute): 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.

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.

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. 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 must implement practices necessary to maintain pollinator habitat on department-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, code city, or county may authorize the use of vacant or blighted land for the purpose of community gardening by ordinance. The ordinance must require a portion of the community garden include habitat beneficial for the feeding, nesting, and reproduction of pollinators, including honey bees. A city, town, or code city may adopt an ordinance establishing an urban agriculture zone within its city or town limits.

EFFECT OF CHANGES MADE BY AGRICULTURE, WATER, NATURAL RESOURCES & PARKS COMMITTEE (First Substitute):

- Amends the bill to apply to all pollinators, including honey bees.
- Adds that the task force must include recommendations for developing a plan to improve communication between beekeepers, landowners, and pesticide applicators, including a draft policy for the director to consider that would allow release of contact information for registered apiarists when requested by a landowner or pesticide applicator in order to protect the apiary when possible when developing a state pollinator health strategy.
- Removes the requirement that the director of WSDA maintain a map of locations of apiaries and make that information available to certain people when requested.
- Provides that, 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.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Proposed Substitute (Agriculture, Water, Natural Resources & Parks): *The committee recommended a different version of the bill than what was heard.* PRO: This bill asks state agencies to incorporate pollinator friendly habitat when managing state lands. The task force brings together scientists and experts, including young people, to talk about what can be done to promote pollinator health into the future. The bill creates a state apiary program, which is critical in Washington because of the importance of agriculture to our economy and because of the importance of pollinators to agriculture. Having a statewide program that is working with business, conservationists, and others to make sure that pollinator habitat is promoted will be good for the pollinators. This

bill is designed to apply to all pollinators, not only bees, but also hummingbirds, bats, butterflies, moths, and all other pollinators.

CON: There is concern that the bill refers to native pollinators including bees, which would not include honey bees as they are not native to Washington. The bill should be changed to all pollinators or pollinators, including honey bees. There are also concern about the map provision in this bill that would make a map of the location of apiaries available to landowners, farm operators, aerial applicators, and certified applicators. This map would encourage squatting by other beekeepers, and could lead to theft of honey bees or vandalism of the hives.

OTHER: It would be better to include habitat for native pollinators in the criteria section where all the other criteria used to evaluate and prioritize projects in the habitat conservation account are listed. WSDA recognizes that habitat loss is a threat to pollinators both native and managed and an apiary program would allow for more state wide coordination on important topics in the managed pollinator industry. This bill also instructs WSDA to convene a task force to better identify opportunities for establishing pollen rich habitat on both state and private lands. State agency land management partners can provide a significant amount of expertise to this process.

Persons Testifying (Agriculture, Water, Natural Resources & Parks): PRO: Senator Marko Liias, Prime Sponsor; Heather Hansen, Washington Friends of Farms and Forests.

CON: Tim Hiatt, Washington State Beekeepers Association.

OTHER: Wendy Brown, Recreation and Conservation Office; Hannah Street, WSDA.

Persons Signed In To Testify But Not Testifying (Agriculture, Water, Natural Resources & Parks): No one.

Staff Summary of Public Testimony on First Substitute (Ways & Means): None.

Persons Testifying (Ways & Means): No one.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.