
HOUSE BILL 1037

State of Washington

66th Legislature

2019 Regular Session

By Representative Walsh

Prefiled 12/10/18. Read first time 01/14/19. Referred to Committee on Environment & Energy.

1 AN ACT Relating to the use of chemicals to prevent the decline of
2 aquaculture production; adding a new section to chapter 43.21A RCW;
3 and creating new sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** This act may be known and cited as the
6 aquaculture fairness act.

7 NEW SECTION. **Sec. 2.** (1) The laws authorize the controlled use
8 of pesticides to ensure that food can be produced, especially for
9 commercial purposes.

10 (2) Imidacloprid is found in lawn care products that the people
11 of Washington may purchase without permit and frequently apply to
12 yards. The runoff from the yards pours into storm drains in urban
13 areas and is carried out to the sea with unknown quantities of
14 imidacloprid.

15 (3) The Code of Federal Regulations (40 C.F.R. Sec. 122.25
16 (2018)) authorizes permits for discharge of controlled substances
17 into aquaculture projects based on scientific evidence when such an
18 activity is expected to increase the aquaculture crop.

19 (4) Burrowing shrimp, *Neotrypaea californiensis* and *Upogebia*
20 *pugettensis*, are a threat to commercial oyster and clam beds along

1 the Pacific coast of Washington. The department of ecology identified
2 that taking no action to control the burrowing shrimp is expected to
3 result in the decline of shellfish productivity to the order of sixty
4 to eighty percent over the subsequent four to six-year period.

5 (5) The department of ecology issued a final supplemental
6 environmental impact statement that states "Studies performed since
7 the 1950s and particularly from about the year 2000, have failed to
8 find a non-chemical approach to controlling burrowing shrimp that was
9 both effective, and economically feasible on a commercial scale."

10 (6) Washington State University, after a decade of collaborative
11 scientific research, issued a statement that imidacloprid was the
12 only commercially viable solution to control the burrowing shrimp.

13 (7) The legislature supports farmers' ability to control pests
14 using chemicals approved for use by the federal government and this
15 act directs the department of ecology to act in accordance with this
16 public policy.

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.21A
18 RCW to read as follows:

19 The director must approve a chemical that is authorized for use
20 to control burrowing shrimp in the waters of western Washington.

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