

2SSB 5253 - H COMM AMD

By Committee on Rural Development, Agriculture & Natural Resources

ADOPTED 04/07/2021

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The purpose of this act is to
4 implement the recommendations of the pollinator health task force
5 created by section 3, chapter 353, Laws of 2019, entitled
6 "Recommendations of the Pollinator Health Task Force - for Pollinator
7 Health in Washington" (November 2020).

8 (2) The task force provided recommendations to help prioritize
9 and enact policy changes for pollinators in Washington. The
10 recommendations are organized under five broad categories: (a)
11 Habitat; (b) pesticides; (c) education; (d) managed pollinators; and
12 (e) research.

13 (3) The task force met for the first time the same week that the
14 Asian giant hornet was first discovered in Washington and the week
15 after the Houdini fly was also reported for the first time in
16 Washington. Asian giant hornets primarily hunt honey bees and destroy
17 entire honey bee hives. The Houdini fly threatens native mason bee
18 populations as well as managed mason bees. Washington is home to over
19 400 different species of native bees, 65 species of butterflies, as
20 well as moths, wasps, beetles, flies, and hummingbirds. The loss of
21 pollinators, managed and unmanaged, can lead to decreased yields of
22 many fruits, nuts, and vegetables. Washington is currently the top
23 producer in the United States of apples, sweet cherries, alfalfa,
24 blueberries, and pears. In Washington state, honey bees and other
25 pollinators are responsible for the production of tree fruits, small
26 fruits, and other crops.

27 (4) The legislature intends by this act to implement various
28 recommendations from the pollinator health task force to protect and
29 expand the habitat upon which pollinators depend, by providing
30 technical and financial assistance to public and private landowners,
31 and by coordinating with state agencies and local governments in

1 promoting practices to ensure sustainable, healthy populations of
2 managed and native pollinators.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.23
4 RCW to read as follows:

5 (1) The department shall create and chair a pollinator health
6 task force. The department shall appoint the members of the task
7 force, which must include, but is not limited to, representatives of
8 the following interests, organizations, and state agencies:

- 9 (a) The conservation commission;
- 10 (b) The department of natural resources;
- 11 (c) The department of fish and wildlife;
- 12 (d) The state parks and recreation commission;
- 13 (e) The Washington state department of transportation;
- 14 (f) The state noxious weed control board;
- 15 (g) The tree fruit industry;
- 16 (h) The seed industry;
- 17 (i) The berry industry;
- 18 (j) Other agricultural industries dependent upon pollinators;
- 19 (k) Washington State University;
- 20 (l) Pesticide distributors and applicators;
- 21 (m) Conservation organizations;
- 22 (n) Organizations representing beekeepers or apiarists;
- 23 (o) A member of the public from west of the crest of the Cascade
24 mountains; and
- 25 (p) A member of the public from east of the crest of the Cascade
26 mountains.

27 (2) One or more representatives of Washington tribes must also be
28 invited to participate on the task force.

29 (3) One youth representative from an organization that encourages
30 students to engage in agricultural education must also be invited to
31 participate on the task force when available.

32 (4) The task force shall build upon existing pollinator research
33 and pollinator habitat plans at the national and state level
34 including, but not limited to, the state-managed pollinator plan, to
35 assist with the development of an implementation plan to implement
36 the state pollinator health strategy.

37 (5) The task force shall assist, as practicable, with
38 implementation of the recommendations of the task force submitted to
39 the legislature in November 2020.

1 (6) The department shall provide the implementation plan to the
2 appropriate committees of the senate and house of representatives by
3 December 31, 2021, in compliance with RCW 43.01.036. The
4 implementation plan must include the task force's evaluation and
5 development of protocols that would increase communications between
6 beekeepers, farmers and growers, and pesticide applicators including,
7 but not limited to, education and outreach to beekeepers, farmers and
8 growers, and pesticide applicators.

9 (7) The department shall provide information related to
10 implementation of the state pollinator health strategy and a
11 recommendation of whether to extend the task force beyond January 1,
12 2024, to the appropriate committees of the senate and house of
13 representatives by December 1, 2022, in compliance with RCW
14 43.01.036.

15 (8) This section expires January 1, 2024.

16 **Sec. 3.** RCW 43.23.300 and 2019 c 353 s 2 are each amended to
17 read as follows:

18 (1) The department shall establish a program to promote and
19 protect pollinator habitat and the health and sustainability of
20 pollinator species. As funds are made available, the program must
21 provide technical and financial assistance to state agencies, local
22 governments, and private landowners to implement practices that
23 promote habitat for ((managed)) all pollinators, including native
24 species, as well as beekeeper and grower best management practices.
25 The program must be administered in coordination with the apiary
26 program established in chapter 15.60 RCW, the honey bee commission
27 authorized in chapter 15.62 RCW, and programs administered by the
28 conservation commission and conservation districts.

29 (2) Subject to the availability of funds appropriated for this
30 specific purpose, and in consultation with the department of fish and
31 wildlife, the department must:

32 (a) Review, in consultation with Washington State University,
33 education needs related to pollinator education and develop a plan
34 that outlines the goals related to pollinator education and the
35 necessary partners, personnel, and other resources;

36 (b) Evaluate and complete an analysis of critical impacts and
37 needed best management practices for managed and wild pollinators.
38 The department shall lead this effort in partnership with Washington
39 State University, and in collaboration with the department of fish

1 and wildlife and the state conservation commission. The effort must
2 utilize the framework established in the state's managed pollinator
3 protection plan as a guide for formal recommendations and education
4 opportunities. The analysis must address food insecurities, habitat
5 loss, virus and disease, pests, and pesticides, which may play a role
6 in pollinator health decline. The department shall make the resources
7 produced pursuant to this subsection available to the public on the
8 department's website, as well as through Washington State University
9 and the state's conservation districts;

10 (c) Document, in consultation with Washington State University,
11 the bee species within the state and map their distributions as
12 practicable;

13 (d) Provide economic and environmental impacts of weed listing
14 and categorization on pollinator health to county noxious weed
15 control boards in consultation with the state noxious weed control
16 board and annually submit a report to the noxious weed control board
17 describing pollinator health issues;

18 (e) Provide materials, where practicable and in consultation with
19 Washington State University, about certification programs that
20 support pollinator health, biodiversity, and low-impact pesticide
21 application to the public;

22 (f) Educate the public through plant nurseries about the
23 necessity for blooming nectar plants to be available to wild and
24 managed pollinators throughout their respective active seasons;

25 (g) Survey registered beekeepers to determine whether the current
26 apiary program should be expanded to include apiary inspections or
27 registration of apiary yards;

28 (h) Continue and maintain partnership with federal agencies and
29 neighboring states to promote and enhance the implementation of the
30 national strategy to promote the health of honey bees and improve
31 pollinator health;

32 (i) Increase the availability of pollinator-related resources on
33 the department's website, as practicable, and other state agencies'
34 websites as appropriate;

35 (j) Review guidelines on state-managed lands to protect native
36 pollinators and improve transparency for state-managed land areas
37 which may permit managed honey bees so that impacts to wild
38 pollinators from honey bees may be minimized; and

39 (k) In consultation with the department of revenue, review the
40 open space taxation act and provide recommendations to the

1 legislature, in compliance with RCW 43.01.036, on options to include
2 pollinator habitat in the current open space property tax
3 classification.

4 NEW SECTION. **Sec. 4.** A new section is added to chapter 17.21
5 RCW to read as follows:

6 (1) The department shall continue to evaluate and update, as
7 necessary, pesticide regulatory and education programs focused on
8 measures to protect pollinator health. This work by the department,
9 when appropriate, must be coordinated with Washington State
10 University pesticide education programs to limit duplication and
11 ensure consistent information sharing.

12 (2) Subject to the availability of amounts appropriated for this
13 specific purpose, and in consultation with the department of fish and
14 wildlife with regard to considerations for native pollinator species,
15 the department must:

16 (a) Evaluate and adapt pesticide training and drift reduction
17 technical assistance programs to include up-to-date protection
18 measures for pollinators;

19 (b) Support Washington State University's pesticide education
20 programs continued incorporation of pollinator protection measures
21 during their training and certification classes, and coordinate on
22 presented research, new protection measures, technological
23 advancements, and any other significant science-based information;

24 (c) Coordinate with pollinator health staff in the department and
25 at Washington State University to conduct investigations and share
26 annual findings from pesticide-related investigations with the
27 pollinator health task force;

28 (d) Evaluate and, if necessary, update the pesticide civil
29 penalty matrix related to pollinator death or damage due to the
30 misuse of pesticides and ensure pollinator health protections are
31 included;

32 (e) When possible, the department must provide credits for
33 pesticide courses focused on pollinator protection measures.

34 (3) By December 31, 2021, the department shall provide a report
35 to the appropriate committees of the senate and house of
36 representatives, in compliance with RCW 43.01.036, that includes
37 recommendations for measures to mitigate the risks of harm to bees
38 and other pollinators from the use of neonicotinoid pesticides and
39 treated seeds. The department shall evaluate and incorporate the

1 reviews scheduled for completion by the United States environmental
2 protection agency during 2021, including recommended mitigation
3 measures from that agency. The department shall also review
4 neonicotinoid pesticide use restrictions and labeling requirements
5 adopted in other states and include in the report any recommendations
6 for adoption of similar requirements in this state.

7 **Sec. 5.** RCW 17.24.081 and 1991 c 257 s 12 are each amended to
8 read as follows:

9 It shall be unlawful for a person to:

10 (1) Sell, offer for sale, or distribute a noxious weed or a plant
11 or plant product or regulated article infested or infected with a
12 plant pest declared by rule to be a threat to the state's forest,
13 agricultural, horticultural, floricultural, or beekeeping industries
14 or environment;

15 (2) Knowingly receive a noxious weed, or a plant, plant product,
16 bees, bee hive or appliances, or regulated article sold, given away,
17 carried, shipped, or delivered for carriage or shipment within this
18 state, in violation of the provisions of this chapter or the rules
19 adopted under this chapter;

20 (3) Fail to immediately notify the department and isolate and
21 hold the noxious weed, bees, bee hives or appliances, plants or plant
22 products, or other thing unopened or unused subject to inspection or
23 other disposition as may be provided by the department, where the
24 item has been received without knowledge of the violation and the
25 receiver has become subsequently aware of the potential problem;

26 (4) Knowingly conceal or willfully withhold available information
27 regarding an infected or infested plant, plant product, regulated
28 article, or noxious weed;

29 (5) Introduce or move into this state, or to move or dispose of
30 in this state, a plant, plant product, or other item included in a
31 quarantine, except under rules as may be prescribed by the
32 department, after a quarantine order has been adopted under this
33 chapter against a place, nursery, orchard, vineyard, apiary, other
34 agricultural establishment, county of this state, another state,
35 territory, or a foreign country as to a plant pest, bee pest, or
36 noxious weed or genetically engineered plant or plant pest organism,
37 until such quarantine is removed;

38 (6) Introduce or move nonnative managed bumble bees into this
39 state to be used in open-field agricultural use.

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 28B.30
2 RCW to read as follows:

3 The Washington State University extension program must develop a
4 pollinator extension education and outreach program and develop a
5 statewide, science-based, pollinator education plan to educate
6 beekeepers, agricultural producers, land managers, licensed pesticide
7 applicators, other professionals, and the public. The plan should
8 emphasize pollinator best management practices for both native and
9 managed species.

10 NEW SECTION. **Sec. 7.** A new section is added to chapter 39.04
11 RCW to read as follows:

12 If a public works project includes landscaping, at least 25
13 percent of the planted area must be pollinator habitat to the extent
14 practicable. For purposes of this section, "pollinator habitat" means
15 an area of land that is or may be developed as habitat beneficial for
16 the feeding, nesting, and reproduction of all pollinators, including
17 honey bees. The department of agriculture, in consultation with the
18 conservation commission and the department of fish and wildlife, must
19 develop a list of native forage plants that are pollen-rich or
20 nectar-rich and beneficial for all pollinators, including honey bees.

21 **Sec. 8.** RCW 77.12.058 and 2019 c 353 s 8 are each amended to
22 read as follows:

23 (1) The department must implement practices necessary to maintain
24 pollinator habitat on department-owned and managed agricultural and
25 grazing lands where practicable. ((For the purposes of this section,
26 "pollinator habitat" means an area of land that is or may be
27 developed as habitat beneficial for the feeding, nesting, and
28 reproduction of all pollinators, including honey bees, as determined
29 by the department.))

30 (2) The department must evaluate various restoration techniques
31 with the goal of improving habitat for native pollinators. The
32 department must update its riparian habitat recommendations to
33 encourage development of pollinator habitat where practicable when
34 making habitat improvements or for riparian restoration.

35 (3) For the purposes of this section, "pollinator habitat" means
36 an area of land that is or may be developed as habitat beneficial for
37 the feeding, nesting, and reproduction of all pollinators, including
38 honey bees, as determined by the department.

1 **Sec. 9.** RCW 89.08.620 and 2020 c 351 s 4 are each amended to
2 read as follows:

3 (1) When prioritizing grant recipients, the commission, in
4 consultation with the department of agriculture, Washington State
5 University, the department of fish and wildlife, and the United
6 States department of agriculture natural resources conservation
7 service, shall seek to maximize the benefits of the grant program by
8 leveraging other state, nonstate, public, and private sources of
9 money. The primary metrics used to rank grant applications must be
10 made public by the commission.

11 (2) The grant program must prioritize or weight projects based on
12 consideration of the individual project's ability to:

13 (a) Increase the quantity of organic carbon in topsoil through
14 practices including, but not limited to, cover cropping, no-till and
15 minimum tillage conservation practices, crop rotations, manure
16 application, biochar application, compost application, and changes in
17 grazing management;

18 (b) Increase the quantity of organic carbon in aquatic soils;

19 (c) Intentionally integrate trees, shrubs, seaweed, or other
20 vegetation into management of agricultural and aquacultural lands,
21 with preference for native vegetation where practicable and
22 appropriate;

23 (d) Reduce or avoid carbon dioxide equivalent emissions in or
24 from soils;

25 (e) Reduce nitrous oxide and methane emissions through changes to
26 livestock or soil management; and

27 (f) Increase usage of precision agricultural practices.

28 (3) The commission shall develop and approve a prioritization
29 metric to guide the distribution of funds appropriated by the
30 legislature for this purpose, with the goal of producing cost-
31 effective carbon dioxide equivalent impact benefits.

32 (4) Applicants that create riparian buffers along waterways, or
33 otherwise benefit fish habitat, must receive an enhanced
34 prioritization compared to other grant applications that perform
35 similarly under the prioritization metrics developed by the
36 commission.

37 (5) (a) Applicants that create or maintain pollinator habitat must
38 receive an enhanced prioritization compared to other grant
39 applications that perform similarly under the prioritization metrics
40 developed by the commission.

1 (b) For the purposes of this subsection, "pollinator habitat"
2 means an area of land that is or may be developed as habitat
3 beneficial for the feeding, nesting, and reproduction of all
4 pollinators, including honey bees, as determined by the department of
5 agriculture.

6 (6) The commission shall downgrade a specific grant proposal
7 within its prioritization metric if the proposal is expected to cause
8 significant environmental damage to fish and wildlife habitat.

9 NEW SECTION. Sec. 10. A new section is added to chapter 89.08
10 RCW to read as follows:

11 (1) Subject to the availability of amounts appropriated for this
12 specific purpose, the commission is authorized to develop an ongoing
13 small grants program to provide funding to the conservation districts
14 to educate residents and community groups in urban, suburban, and
15 rural nonfarm areas about the value of habitat for both managed and
16 native pollinators, and to provide the necessary technical and
17 financial assistance and materials to create it.

18 (2) Educational efforts should include the benefits of habitat
19 diversity, especially pollen-rich and nectar-rich flowering forbs and
20 shrubs. Preference for pollinator plants should be given to native
21 plants or noninvasive, nonnative plants.

22 (3) Planting projects should provide diverse native or nonnative,
23 noninvasive plants of high quality for pollinator foraging, nesting,
24 and overwintering, as determined by site suitability. Options may
25 include, but are not limited to, bee or eco-lawns, flowering meadow
26 gardens, xeriscaping, shrub plantings, tree plantings, rain gardens,
27 riparian restoration, and other pollinator-friendly landscaping.

28 (4) Criteria to rank applicants should include a detailed budget
29 demonstrating funding needs, resource concerns addressed, value to
30 at-risk native pollinators, multiple-use benefits of habitat, planned
31 project longevity, and plans for long-term maintenance."

32 Correct the title.

EFFECT: Reestablishes the Pollinator Health Task Force to assist
with implementation of the prior task force's recommendations and the
pollinator health strategy.

Requires the Department of Agriculture (WSDA) to implement the
pollinator health program in consultation with the Department of Fish
and Wildlife (WDFW).

Requires the WSDA to submit a plan for the implementation of the pollinator health strategy to the Legislature by December 31, 2021.

Requires the WSDA, in the implementation plan it is required to submit to the Legislature, to include the pollinator health task force's evaluation and development of protocols that would increase communications between beekeepers, farmers and growers, and pesticide applicators including, but not limited to, education and outreach to beekeepers, farmers and growers, and pesticide applicators.

Implements various recommendations from the 2020 Pollinator Health Task Force report to the Legislature.

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