

HOUSE BILL REPORT

2SSB 5253

As Reported by House Committee On:

Rural Development, Agriculture & Natural Resources

Title: An act relating to implementing the recommendations of the pollinator health task force.

Brief Description: Implementing the recommendations of the pollinator health task force.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Liias, Warnick, Das, Dhingra, Hasegawa, Hunt, Lovelett, Rolfes, Saldaña, Van De Wege and Wagoner).

Brief History:

Committee Activity:

Rural Development, Agriculture & Natural Resources: 3/17/21, 3/24/21 [DPA].

Brief Summary of Second Substitute Bill (As Amended By Committee)

- 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 to submit a plan for the implementation of the pollinator health strategy to the Legislature by December 31, 2021.
- Implements various recommendations from the 2020 Pollinator Health Task Force report to the Legislature.

HOUSE COMMITTEE ON RURAL DEVELOPMENT, AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass as amended. Signed by 15 members: Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent,

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

Assistant Ranking Minority Member; Fitzgibbon, Klicker, Kloba, Kretz, Lekanoff, McEntire, Morgan, Orcutt, Ramos, Schmick and Springer.

Staff: Robert Hatfield (786-7117).

Background:

In 2019 the Legislature directed the Department of Agriculture (WSDA) to establish a pollinator health task force including representatives from state agencies, agricultural industries, Washington State University (WSU), pesticide distributors and applicators, conservation organizations, beekeeping organizations, and others. The task force was tasked with developing a state pollinator health strategy that includes, among other things, a research action plan to focus state efforts on preventing pollinator losses, and recommendations for legislative actions necessary to implement the strategy.

The Pollinator Health Task Force (Task Force) issued its recommendations in November 2020. The Task Force grouped its recommendations into five broad categories: habitat, pesticides, education, managed pollinators, and research.

Pollinator Habitat.

Legislation passed in 2019 also directed the Department of Natural Resources, the Department of Fish and Wildlife, the Department of Transportation, Washington State Parks, and the Recreation and Conservation Funding Board to consider pollinator habitat when managing lands or habitat.

Sustainable Farms and Fields Grant Program.

Legislation passed in 2020 directed the State Conservation Commission to develop a Sustainable Farms and Fields Grant Program in consultation with the WSDA, WSU, and the Natural Resources Conservation Service within the United States Department of Agriculture.

Summary of Amended Bill:

Pollinator Health Task Force.

The Department of Agriculture (WSDA) must create and chair a Pollinator Health Task Force (Task Force) that includes representatives from various state agencies, agricultural industries, Washington State University (WSU), 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.

The Task Force must assist with the development of an implementation plan to implement the state pollinator health strategy and must assist with implementation of the recommendations of the previous task force. The WSDA must submit the implementation plan to the Legislature by December 31, 2021. The implementation plan must include the 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.

Washington State Department of Agriculture Pollinator Health Program.

Subject to the availability of funds appropriated for this specific purpose, the WSDA, in consultation with the Department of Fish and Wildlife (WDFW), must undertake a number of specified actions related to pollinator health, including:

- continue and maintain partnerships with federal agencies and neighboring states to promote pollinator health;
- evaluate and complete an analysis of critical impacts and needed best management practices for managed and wild pollinators;
- educate the public through plant nurseries about the necessity for blooming nectar plants to be available to pollinators throughout their respective active seasons; and
- survey registered beekeepers to determine whether the current apiary program should be expanded to include apiary inspections or registration of apiary yards.

Washington State Department of Agriculture Pesticide Program.

The WSDA must continue to evaluate and update, as necessary, pesticide regulatory and education programs focused on measures to protect pollinator health. In addition, subject to the availability of funds appropriated for this purpose and in consultation with the WDFW with regard to considerations for native pollinator species, the WSDA must also take other specified actions related to pesticides and pollinator health, including:

- evaluate and adapt pesticide training and drift reduction technical assistance programs to include protection measures for pollinators; and
- report to the Legislature on recommendations for measures to mitigate the risks of harm to bees and other pollinators from the use of neonicotinoid pesticides.

Nonnative Managed Bumble Bees.

It is unlawful for a person to introduce or move nonnative managed bumble bees into this state to be used in open-field agricultural use.

Pollinator Extension Education and Outreach Program.

The WSU extension program must develop a pollinator extension education and outreach

program and develop a statewide, science-based, pollinator education plan to educate beekeepers, agricultural producers, land managers, licensed pesticide applicators, other professionals, and the public.

Public Works Projects—Pollinator Habitat.

If a public works project includes landscaping, at least 25 percent of the planted area must be pollinator habitat to the extent practicable. The WSDA, in consultation with the State Conservation Commission (Commission) and the WDFW, must develop a list of native forage plants that are nectar-rich or pollen-rich for use in landscaping on public works projects.

Washington Department of Fish and Wildlife—Pollinator Habitat.

The WDFW must evaluate various restoration techniques with the goal of improving habitat for native pollinators. The WDFW must update its riparian habitat recommendations to encourage development of pollinator habitat where practicable when making habitat improvements or for riparian restoration.

State Conservation Commission—Pollinator Habitat Grants.

The Commission must establish a small grants program, subject to the availability of amounts appropriated, to provide funding to conservation districts to educate residents and community groups in urban, suburban, and rural nonfarm areas about the value of pollinator habitat for both managed and native pollinators. Educational efforts should include the benefits of habitat diversity, especially pollen-rich and nectar-rich flowering forbs and shrubs. Preference for pollinator plants should be given to native plants or noninvasive, nonnative plants. Criteria to rank applicants include, for example, demonstrated funding needs, value to at-risk native pollinators, and plans for long-term maintenance.

In addition, the Commission, in administering the Sustainable Farms and Fields Grant Program, must consult with the WDFW and must prioritize applicants that create or maintain pollinator habitat, compared to other grant applications that perform similarly under the prioritization metrics developed by the Commission.

Amended Bill Compared to Second Substitute Bill:

The striking amendment makes the following changes to the underlying bill:

- requires the Department of Agriculture's (WSDA) pollinator health program to address all pollinators, both managed and wild;
- requires the WSDA to consult with the Department of Fish and Wildlife (WDFW) in the course of taking certain actions to implement the pollinator health program;
- requires the WSDA to lead, in partnership with Washington State University (WSU), and in collaboration with the WDFW and the State Conservation Commission

- (Commission), an effort to evaluate and complete an analysis of critical impacts and needed best management practices for managed and wild pollinators;
- requires the WSDA to make the resources produced pursuant to the evaluation effort described above available to the public on the WSDA's website, as well as through WSU and the state's conservation districts;
 - requires the WSDA to review guidelines on state-managed lands to protect native pollinators and improve transparency for state-managed land areas which may permit managed honey bees;
 - requires the WSDA to consult with the WDFW in the course of implementing certain actions with regard to pesticide training and pollinator protections;
 - directs the WSDA, in consultation with the Commission and the WDFW, to adopt a list of native forage plants that are pollen-rich or nectar-rich for use in landscaping on public works projects, rather than adopt guidelines for how pollinator plants and habitat should be designed and maintained after installation;
 - adds the WDFW to the list of agencies with which the Commission is required to consult when awarding grants under the Sustainable Farms and Fields Grants Program (Program); and
 - requires the Program to prioritize projects based on their ability to integrate native vegetation where practicable and appropriate.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on March 24, 2021.

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

Staff Summary of Public Testimony:

(In support) Pollinators are vital to healthy ecosystems. Landowners are working hard to improve the quality of their lands. This bill will help beekeepers. It would be good to add more beekeepers to the Pollinator Health Task Force (Task Force).

(Opposed) The bill offers many good things for pollinators. Section 3(2)(a) of the bill is very concerning. There is a concern about online database of apiary locations. Online databases are not well suited to mobile beekeeping. Many beekeepers are not interested in having their addresses in a centralized database. The value of beehives has increased considerably over the years, which in turn creates a significant theft risk. The destruction of beehives is also a concern. Direct communication between stakeholders would be better. Online mapping would also have huge privacy impacts. There are no conditions or parameters on the potential database of locations, and there need to be. Otherwise this is a great bill.

(Other) There were more than 40 meetings related to the Task Force in 2020. Pollinators are vitally important to Washington's agriculture economy and environmental health. More stakeholder work, and communications improvement, is needed. Moving forward with the Task Force will benefit all Washington residents. The Department of Agriculture will not make any independent decisions about what communication tools will be used between pesticide applicators and beekeepers but will instead bring that decision back to the Task Force. There could be a voluntary communication program that beekeepers could choose to opt into, but that is not pre-decided.

Persons Testifying: (In support) Senator Lias, prime sponsor; Ezra Eickmeyer, Skalitude Bee Sanctuary; and Shelby Brighthouse, Pixie Honey Company.

(Opposed) Tim Hiatt, Washington State Beekeepers Association; Jason Kardong, Woodland Bee Company; and Jennifer Short, Sanctuary Farms Apiary.

(Other) Alison Halpern, Washington State Conservation Commission; and Kelly McLain, Department of Agriculture.

Persons Signed In To Testify But Not Testifying: None.