

CERTIFICATION OF ENROLLMENT  
**SECOND SUBSTITUTE SENATE BILL 5253**

67th Legislature  
2021 Regular Session

Passed by the Senate April 14, 2021  
Yeas 48 Nays 0

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**President of the Senate**

Passed by the House April 7, 2021  
Yeas 97 Nays 0

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**Speaker of the House of  
Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 5253** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SECOND SUBSTITUTE SENATE BILL 5253**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2021 Regular Session

**State of Washington                      67th Legislature                      2021 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Lias, Warnick, Das, Dhingra, Hasegawa, Hunt, Lovelett, Rolfes, Saldaña, Van De Wege, and Wagoner)

READ FIRST TIME 02/22/21.

1            AN ACT Relating to implementing the recommendations of the  
2 pollinator health task force; amending RCW 43.23.300, 17.24.081,  
3 77.12.058, and 89.08.620; adding a new section to chapter 43.23 RCW;  
4 adding a new section to chapter 17.21 RCW; adding a new section to  
5 chapter 28B.30 RCW; adding a new section to chapter 39.04 RCW; adding  
6 a new section to chapter 89.08 RCW; creating a new section; and  
7 providing an expiration date.

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

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

14            (2) The task force provided recommendations to help prioritize  
15 and enact policy changes for pollinators in Washington. The  
16 recommendations are organized under five broad categories: (a)  
17 Habitat; (b) pesticides; (c) education; (d) managed pollinators; and  
18 (e) research.

19            (3) The task force met for the first time the same week that the  
20 Asian giant hornet was first discovered in Washington and the week  
21 after the Houdini fly was also reported for the first time in

1 Washington. Asian giant hornets primarily hunt honey bees and destroy  
2 entire honey bee hives. The Houdini fly threatens native mason bee  
3 populations as well as managed mason bees. Washington is home to over  
4 400 different species of native bees, 65 species of butterflies, as  
5 well as moths, wasps, beetles, flies, and hummingbirds. The loss of  
6 pollinators, managed and unmanaged, can lead to decreased yields of  
7 many fruits, nuts, and vegetables. Washington is currently the top  
8 producer in the United States of apples, sweet cherries, alfalfa,  
9 blueberries, and pears. In Washington state, honey bees and other  
10 pollinators are responsible for the production of tree fruits, small  
11 fruits, and other crops.

12 (4) The legislature intends by this act to implement various  
13 recommendations from the pollinator health task force to protect and  
14 expand the habitat upon which pollinators depend, by providing  
15 technical and financial assistance to public and private landowners,  
16 and by coordinating with state agencies and local governments in  
17 promoting practices to ensure sustainable, healthy populations of  
18 managed and native pollinators.

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

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

- 25 (a) The conservation commission;
- 26 (b) The department of natural resources;
- 27 (c) The department of fish and wildlife;
- 28 (d) The state parks and recreation commission;
- 29 (e) The Washington state department of transportation;
- 30 (f) The state noxious weed control board;
- 31 (g) The tree fruit industry;
- 32 (h) The seed industry;
- 33 (i) The berry industry;
- 34 (j) Other agricultural industries dependent upon pollinators;
- 35 (k) Washington State University;
- 36 (l) Pesticide distributors and applicators;
- 37 (m) Conservation organizations;
- 38 (n) Organizations representing beekeepers or apiarists;

1 (o) A member of the public from west of the crest of the Cascade  
2 mountains; and

3 (p) A member of the public from east of the crest of the Cascade  
4 mountains.

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

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

10 (4) The task force shall build upon existing pollinator research  
11 and pollinator habitat plans at the national and state level  
12 including, but not limited to, the state-managed pollinator plan, to  
13 assist with the development of an implementation plan to implement  
14 the state pollinator health strategy.

15 (5) The task force shall assist, as practicable, with  
16 implementation of the recommendations of the task force submitted to  
17 the legislature in November 2020.

18 (6) The department shall provide the implementation plan to the  
19 appropriate committees of the senate and house of representatives by  
20 December 31, 2021, in compliance with RCW 43.01.036. The  
21 implementation plan must include the task force's evaluation and  
22 development of protocols that would increase communications between  
23 beekeepers, farmers and growers, and pesticide applicators including,  
24 but not limited to, education and outreach to beekeepers, farmers and  
25 growers, and pesticide applicators.

26 (7) The department shall provide information related to  
27 implementation of the state pollinator health strategy and a  
28 recommendation of whether to extend the task force beyond January 1,  
29 2024, to the appropriate committees of the senate and house of  
30 representatives by December 1, 2022, in compliance with RCW  
31 43.01.036.

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

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

35 (1) The department shall establish a program to promote and  
36 protect pollinator habitat and the health and sustainability of  
37 pollinator species. As funds are made available, the program must  
38 provide technical and financial assistance to state agencies, local  
39 governments, and private landowners to implement practices that

1 promote habitat for (~~managed~~) all pollinators, including native  
2 species, as well as beekeeper and grower best management practices.  
3 The program must be administered in coordination with the apiary  
4 program established in chapter 15.60 RCW, the honey bee commission  
5 authorized in chapter 15.62 RCW, and programs administered by the  
6 conservation commission and conservation districts.

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

10 (a) Review, in consultation with Washington State University,  
11 education needs related to pollinator education and develop a plan  
12 that outlines the goals related to pollinator education and the  
13 necessary partners, personnel, and other resources;

14 (b) Evaluate and complete an analysis of critical impacts and  
15 needed best management practices for managed and wild pollinators.  
16 The department shall lead this effort in partnership with Washington  
17 State University, and in collaboration with the department of fish  
18 and wildlife and the state conservation commission. The effort must  
19 utilize the framework established in the state's managed pollinator  
20 protection plan as a guide for formal recommendations and education  
21 opportunities. The analysis must address food insecurities, habitat  
22 loss, virus and disease, pests, and pesticides, which may play a role  
23 in pollinator health decline. The department shall make the resources  
24 produced pursuant to this subsection available to the public on the  
25 department's website, as well as through Washington State University  
26 and the state's conservation districts;

27 (c) Document, in consultation with Washington State University,  
28 the bee species within the state and map their distributions as  
29 practicable;

30 (d) Provide economic and environmental impacts of weed listing  
31 and categorization on pollinator health to county noxious weed  
32 control boards in consultation with the state noxious weed control  
33 board and annually submit a report to the noxious weed control board  
34 describing pollinator health issues;

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

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

4 (g) Survey registered beekeepers to determine whether the current  
5 apiary program should be expanded to include apiary inspections or  
6 registration of apiary yards;

7 (h) Continue and maintain partnership with federal agencies and  
8 neighboring states to promote and enhance the implementation of the  
9 national strategy to promote the health of honey bees and improve  
10 pollinator health;

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

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

18 (k) In consultation with the department of revenue, review the  
19 open space taxation act and provide recommendations to the  
20 legislature, in compliance with RCW 43.01.036, on options to include  
21 pollinator habitat in the current open space property tax  
22 classification.

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

25 (1) The department shall continue to evaluate and update, as  
26 necessary, pesticide regulatory and education programs focused on  
27 measures to protect pollinator health. This work by the department,  
28 when appropriate, must be coordinated with Washington State  
29 University pesticide education programs to limit duplication and  
30 ensure consistent information sharing.

31 (2) Subject to the availability of amounts appropriated for this  
32 specific purpose, and in consultation with the department of fish and  
33 wildlife with regard to considerations for native pollinator species,  
34 the department must:

35 (a) Evaluate and adapt pesticide training and drift reduction  
36 technical assistance programs to include up-to-date protection  
37 measures for pollinators;

38 (b) Support Washington State University's pesticide education  
39 programs continued incorporation of pollinator protection measures

1 during their training and certification classes, and coordinate on  
2 presented research, new protection measures, technological  
3 advancements, and any other significant science-based information;

4 (c) Coordinate with pollinator health staff in the department and  
5 at Washington State University to conduct investigations and share  
6 annual findings from pesticide-related investigations with the  
7 pollinator health task force;

8 (d) Evaluate and, if necessary, update the pesticide civil  
9 penalty matrix related to pollinator death or damage due to the  
10 misuse of pesticides and ensure pollinator health protections are  
11 included;

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

14 (3) By December 31, 2021, the department shall provide a report  
15 to the appropriate committees of the senate and house of  
16 representatives, in compliance with RCW 43.01.036, that includes  
17 recommendations for measures to mitigate the risks of harm to bees  
18 and other pollinators from the use of neonicotinoid pesticides and  
19 treated seeds. The department shall evaluate and incorporate the  
20 reviews scheduled for completion by the United States environmental  
21 protection agency during 2021, including recommended mitigation  
22 measures from that agency. The department shall also review  
23 neonicotinoid pesticide use restrictions and labeling requirements  
24 adopted in other states and include in the report any recommendations  
25 for adoption of similar requirements in this state.

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

28 It shall be unlawful for a person to:

29 (1) Sell, offer for sale, or distribute a noxious weed or a plant  
30 or plant product or regulated article infested or infected with a  
31 plant pest declared by rule to be a threat to the state's forest,  
32 agricultural, horticultural, floricultural, or beekeeping industries  
33 or environment;

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

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

7 (4) Knowingly conceal or willfully withhold available information  
8 regarding an infected or infested plant, plant product, regulated  
9 article, or noxious weed;

10 (5) Introduce or move into this state, or to move or dispose of  
11 in this state, a plant, plant product, or other item included in a  
12 quarantine, except under rules as may be prescribed by the  
13 department, after a quarantine order has been adopted under this  
14 chapter against a place, nursery, orchard, vineyard, apiary, other  
15 agricultural establishment, county of this state, another state,  
16 territory, or a foreign country as to a plant pest, bee pest, or  
17 noxious weed or genetically engineered plant or plant pest organism,  
18 until such quarantine is removed;

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

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

23 The Washington State University extension program must develop a  
24 pollinator extension education and outreach program and develop a  
25 statewide, science-based, pollinator education plan to educate  
26 beekeepers, agricultural producers, land managers, licensed pesticide  
27 applicators, other professionals, and the public. The plan should  
28 emphasize pollinator best management practices for both native and  
29 managed species.

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

32 If a public works project includes landscaping, at least 25  
33 percent of the planted area must be pollinator habitat to the extent  
34 practicable. For purposes of this section, "pollinator habitat" means  
35 an area of land that is or may be developed as habitat beneficial for  
36 the feeding, nesting, and reproduction of all pollinators, including  
37 honey bees. The department of agriculture, in consultation with the  
38 conservation commission and the department of fish and wildlife, must



1 develop a list of native forage plants that are pollen-rich or  
2 nectar-rich and beneficial for all pollinators, including honey bees.

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

5 (1) The department must implement practices necessary to maintain  
6 pollinator habitat on department-owned and managed agricultural and  
7 grazing lands where practicable. ((For the purposes of this section,  
8 "pollinator habitat" means an area of land that is or may be  
9 developed as habitat beneficial for the feeding, nesting, and  
10 reproduction of all pollinators, including honey bees, as determined  
11 by the department.))

12 (2) The department must evaluate various restoration techniques  
13 with the goal of improving habitat for native pollinators. The  
14 department must update its riparian habitat recommendations to  
15 encourage development of pollinator habitat where practicable when  
16 making habitat improvements or for riparian restoration.

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

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

23 (1) When prioritizing grant recipients, the commission, in  
24 consultation with the department of agriculture, Washington State  
25 University, the department of fish and wildlife, and the United  
26 States department of agriculture natural resources conservation  
27 service, shall seek to maximize the benefits of the grant program by  
28 leveraging other state, nonstate, public, and private sources of  
29 money. The primary metrics used to rank grant applications must be  
30 made public by the commission.

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

33 (a) Increase the quantity of organic carbon in topsoil through  
34 practices including, but not limited to, cover cropping, no-till and  
35 minimum tillage conservation practices, crop rotations, manure  
36 application, biochar application, compost application, and changes in  
37 grazing management;

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

1 (c) Intentionally integrate trees, shrubs, seaweed, or other  
2 vegetation into management of agricultural and aquacultural lands,  
3 with preference for native vegetation where practicable and  
4 appropriate;

5 (d) Reduce or avoid carbon dioxide equivalent emissions in or  
6 from soils;

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

9 (f) Increase usage of precision agricultural practices.

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

14 (4) Applicants that create riparian buffers along waterways, or  
15 otherwise benefit fish habitat, must receive an enhanced  
16 prioritization compared to other grant applications that perform  
17 similarly under the prioritization metrics developed by the  
18 commission.

19 (5) (a) Applicants that create or maintain pollinator habitat must  
20 receive an enhanced prioritization compared to other grant  
21 applications that perform similarly under the prioritization metrics  
22 developed by the commission.

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

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

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

33 (1) Subject to the availability of amounts appropriated for this  
34 specific purpose, the commission is authorized to develop an ongoing  
35 small grants program to provide funding to the conservation districts  
36 to educate residents and community groups in urban, suburban, and  
37 rural nonfarm areas about the value of habitat for both managed and  
38 native pollinators, and to provide the necessary technical and  
39 financial assistance and materials to create it.

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

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

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

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