

SENATE BILL REPORT

SB 5322

As of February 24, 2025

Title: An act relating to addressing the impacts of burrowing shrimp on bottom culture shellfish farming through integrated pest management research.

Brief Description: Addressing the impacts of burrowing shrimp on bottom culture shellfish farming through integrated pest management research.

Sponsors: Senators Chapman, Wilson, J., MacEwen, Hasegawa and Nobles.

Brief History:

Committee Activity: Agriculture & Natural Resources: 1/27/25, 2/20/25 [DPS-WM].
Ways & Means: 2/26/25.

Brief Summary of First Substitute Bill

- Directs the Washington State Department of Agriculture to establish an integrated pest management research program to address the impacts of burrowing shrimp on bottom culture shellfish farming.

SENATE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: That Substitute Senate Bill No. 5322 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Chapman, Chair; Krishnadasan, Vice Chair; Short, Ranking Member; Lias, Muzzall, Saldaña, Schoesler, Shewmake and Wagoner.

Staff: Jeff Olsen (786-7428)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Jed Herman (786-7346)

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.

Background: The Washington State Department of Agriculture (WSDA) administers the state Pesticide Control Act and Pesticide Application Act. The WSDA's activities under both acts include adopting rules requiring the registration and restricted use of pesticides, testing and certifying pesticide applicators, issuing handler and worker pesticide training documentation, and providing technical assistance to pesticide applicators and workers.

The federal Clean Water Act establishes the National Pollutant Discharge Elimination System (NPDES), which regulates discharges of pollutants to surface waters. In Washington, NPDES permitting authority is delegated to the state, allowing the Department of Ecology (Ecology) to issue NPDES permits. In addition to delegated NPDES permitting authority, state law provides Ecology with parallel authority to regulate discharges to state waters.

In 2018, Ecology denied a request by shellfish growers to use the pesticide imidacloprid on shellfish beds to control burrowing shrimp in Willapa Bay and Grays Harbor. In 2019, Ecology and the Willapa-Grays Harbor Oyster Growers Association signed a settlement agreement to study and monitor the impacts of burrowing shrimp on commercial oyster and clam harvesting in Willapa Bay and Grays Harbor. In the 2023-25 Operating budget, the WSDA received \$2 million from the Model Toxics Control Account for research on a suitable replacement for the insecticide imidacloprid to address the impacts of burrowing shrimp on shellfish cultivation in Willapa Bay and Grays Harbor.

Summary of Bill (First Substitute): The WSDA must establish and administer an Integrated Pest Management Research Program (Program) that focuses on addressing the impacts of burrowing shrimp on bottom culture shellfish farming. The Program must work towards the following objectives:

- support and recommend funding for research efforts focused on enhancing the resilience and productivity of shellfish farming and the marine ecosystem in the face of burrowing shrimp infestations; and
- facilitate and enhance collaboration between researchers, shellfish farmers, regulatory agencies, and relevant stakeholders to ensure permanent, practical, and effective solutions.

To accomplish its objectives, the Program must:

- solicit researchers with expertise in marine biology, agriculture, ecology, engineering, and related fields to submit proposals for burrowing shrimp control research projects;
- identify and provide ground for controlled research that explores diverse control methods;
- identify funding mechanisms for future equipment needs based on tool and technology development; and
- provide permitting assistance for shellfish growers to use identified control methods.

The WSDA, in collaboration with legislators representing districts that border the Pacific Ocean and an association that supports oyster growers in Willapa Bay and Grays Harbor,

must establish a governing board to oversee the Program. The governing board shall consist of representatives from the following:

- one member each from the WSDA, Ecology, Department of Natural Resources, Department of Fish and Wildlife, Washington Department of Commerce, and the State Conservation Commission;
- five shellfish growers of varying sizes located in the Willapa Bay and Grays Harbor region;
- two shellfish processors located in the Willapa Bay and Grays Harbor region;
- Shoalwater Bay Indian tribe;
- the executive director of an association supporting oyster growers in the Willapa Bay and Grays Harbor region;
- one member representing a nonprofit organization that develops and disseminates scientific and technical shellfish-related environmental and health and safety information; and
- one member from an ecosystem-based management collaborative in the Willapa Bay and Grays Harbor area, to serve in an ex officio capacity.

Members of the governing board must have a clear stake or vested interest in the preservation and sustainability of the shellfish industry, be knowledgeable about the impacts of burrowing shrimp on shellfish farming, and have a special interest in identifying tools to control burrowing shrimp with an emphasis on bottom culture shellfish farming. The governing board must meet at least quarterly and members are eligible for reimbursement for subsistence, lodging, and travel expenses incurred in the performance of their duties.

The Program and the governing board expire July 1, 2035.

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

- Directs the WSDA to implement the Program and the governing board subject to the availability of amounts appropriated for those purposes.
- Removes specific reference to the types of control methods that will be researched.
- Removes the creation of the new Burrowing Shrimp Research Account and removes legislative intent language to transfer \$2 million per biennium from the Model Toxics Control Account into the new Burrowing Shrimp Research Account.
- Removes references that the newly created Burrowing Shrimp Research Account retains its proportionate share of interest earnings.
- Specifies that the governing board must meet at least quarterly, rather than monthly.

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 Original Bill (Agriculture & Natural Resources): *The committee recommended a different version of the bill than what was heard.* PRO: Oyster growers in Willapa Bay and Grays Harbor have been dealing with this issue and it is not resolved. Burrowing shrimp have impacted a significant portion of tidelands, not just for oysters but the entire marine habitat that supports eelgrass, salmon and other species. Several oyster farms have closed or have been sold. With the formation of the working group and the continuation of funding in budget provisos, research is being conducted on alternatives. Dedicated funding is needed to continue this research, which is a much needed lifeline for the industry. The goal is to find solutions so the ecosystem can thrive for generations.

CON: It is not fair to jump from a natural policy to a mitigation policy. Homeowners don't get the same treatment.

OTHER: Since the establishment of the settlement agreement, \$4 million and 20 research grants have looked at different control methods including mechanical, chemical, and biological options. Progress has been made but more time is needed to find a suite of tools that can be applied. This bill would allow the work to transition out of the settlement agreement and allow WSDA to continue to administer the program with a collaborative approach.

Persons Testifying (Agriculture & Natural Resources): PRO: Senator Mike Chapman, Prime Sponsor; Kathleen Nisbet Moncy, COO, Goose Point Oyster Company; Marilyn Sheldon, Northern Oyster Company; Diana Carlen, Pacific Coast Shellfish Growers Association.

CON: john worthington.

OTHER: Laura Butler, WSDA.

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