

# HOUSE BILL REPORT

## ESSB 6666

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### As Reported By House Committee On:

Agriculture & Ecology

**Title:** An act relating to nuisance aquatic weeds.

**Brief Description:** Providing for a long-term solution to nuisance aquatic weeds.

**Sponsors:** Senate Committee on Ecology & Parks (originally sponsored by Senators Winsley, Haugen, Fairley, Swecker, McDonald, Fraser, McAuliffe and Rasmussen).

### Brief History:

#### Committee Activity:

Agriculture & Ecology: 2/22/96 [DPA].

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## HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

**Majority Report:** Do pass as amended. Signed by 11 members: Representatives Chandler, Chairman; Koster, Vice Chairman; Chappell, Ranking Minority Member; Boldt; Clements; Delvin; Honeyford; Johnson; Mastin; Robertson and Schoesler.

**Minority Report:** Do not pass. Signed by 6 members: Representatives Linville, Assistant Ranking Minority Member; R. Fisher; Murray; Ogden; Regala and Rust.

**Staff:** Rick Anderson (786-7114).

**Background:** The Department of Ecology regulates the use of aquatic pesticides based primarily on state and federal water quality laws and the State Environmental Protection Act. In addition, the department uses provisions found in state and federal pesticide laws to regulate aquatic pesticides. A local government may also regulate the use of an aquatic herbicide under the Shoreline Management Act.

The department makes decisions on issuing short-term water quality modification permits based on whether or not the proposed use of an aquatic herbicide (a) meets all state and federal label requirements; (b) is applied by a licensed applicator or operator; (c) conforms to the department's programmatic EIS for aquatic plant management; and (d) provides benefits that will offset the potential adverse affects of applying the herbicide.

**Summary of Amended Bill:** Shoreline owners are allowed to use an aquatic herbicide in a lake if the aquatic herbicide or algicide is used in conformance with its federal label requirements and is applied by a licensed applicator. The Department of Ecology is directed to develop a general, long-term plan to maintain lake health using existing agency personnel and resources. The department's plan must include means to fund the long-term plan.

A legislative committee is created to develop a Washington State lake health plan. The committee is to consist of the chair and ranking minority member of six specified House and Senate committees. The report is due by December 1, 1997.

**Amended Bill Compared to Engrossed Substitute Bill:** The striking amendment is identical to HB 2834 as passed by the House. The striking amendment allows aquatic herbicides to be used if federal label requirements are followed. The Senate bill directs the Department of Ecology to expedite permits for the use of herbicides for certain lakes until April 1, 1998. The striking amendment requires a legislative task force and the Department of Ecology to develop separate plans regarding lake health. The Senate bill requires one study involving both the Legislature and the department and appropriates \$30,000 for the study.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Amended Bill:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** (Senate Bill) Nutrient loading is the single leading cause of weed problems in lakes. Spraying herbicides is not a long-term solution. The lake health plan needs to identify the sources of the problem and identify individual and agency responsibilities.

**Testimony Against:** (Senate Bill) None.

**Testified:** Laurie Penders, State Weed Board (in favor); and Larry W. Else, Washington State Lakes Protection Association (pro Senate Bill).