

FINAL BILL REPORT

2SSB 5253

C 278 L 21
Synopsis as Enacted

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

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

Senate Committee on Agriculture, Water, Natural Resources & Parks

Senate Committee on Ways & Means

House Committee on Rural Development, Agriculture & Natural Resources

House Committee on Appropriations

Background: Washington State Department of Agriculture Pollinator Health Program. In 2019, the Legislature passed SSB 5552 which directed the Department of Agriculture (WSDA) to establish a program to promote and protect pollinator habitat and the health and sustainability of pollinator species. The program provides technical and financial assistance to state agencies, local governments, and private landowners to implement practices promoting habitat for managed pollinators, as well as beekeeper and grower best management practices.

The legislation also directed WSDA to establish a pollinator health task force including representatives from various state agencies, agricultural industries, Washington State University (WSU), pesticide distributors and applicators, conservation organizations, beekeeping organizations, a youth representative, and members of the public. The task force submitted recommendations to the Legislature in November 2020.

Pollinator Habitat. The legislation passed in 2019 also directed the Department of Natural Resources, the Department of Fish and Wildlife (WDFW), the Department of Transportation, State Parks, and the Recreation and Conservation Funding Board to consider pollinator habitat when managing lands or habitat.

Legislation passed in 2020 directed the Conservation Commission (Commission) to develop

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a Sustainable Farms and Fields Grant Program (program) in consultation with WSDA, WSU, and the Natural Resources Conservation Service within the United States Department of Agriculture. The Commission must develop and approve a prioritization metric to guide the distribution of funds under the program.

Summary: Washington State Department of Agriculture Pollinator Health Program. The purpose of this act is to implement the recommendations of the Pollinator Health Task Force created in SSB 5552. WSDA must create and chair a Pollinator Health Task Force that includes representatives from various state agencies, agricultural industries, 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 assist with implementation of the recommendations of the previous task force. 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. In consultation with WDFW, WSDA must:

- review, in consultation with WSU, education needs related to pollinator education and develop a plan that outlines the goals related to pollinator education and the necessary partners, personnel, and other resources;
- evaluate and complete an analysis of critical impacts and needed best management practices for managed and wild pollinators in partnership with WSU, and in collaboration with WDFW and the Commission;
- document, in consultation with WSU, the bee species in the state and survey beekeepers whether to expand the apiary program;
- provide economic and environmental impacts of weed listing and pollinator health impacts to county noxious weed control boards and educate the public through plant nurseries about the necessity for blooming nectar plants to be available to wild and managed pollinators throughout their respective active seasons;
- continue and maintain partnerships with federal agencies and neighboring states to promote pollinator health;
- provide materials about certification programs that support pollinator health and increase the availability of pollinator-related resources on WSDA's website and other state agencies' websites as appropriate;
- review guidelines on state-managed lands to protect native pollinators and improve transparency for state-managed land areas which may permit managed honey bees so that impacts to wild pollinators from honey bees may be minimized; and
- review the Open Space Taxation Act, in consultation with the Department of Revenue, and provide recommendations to the Legislature on options to include pollinator habitat in the current open space property tax classification.

The task force expires January 1, 2024. WSDA must provide information related to implementation of the state pollinator health strategy and a recommendation of whether to extend the task force beyond January 1, 2024, to the Legislature by December 1, 2022.

WSDA Pesticide Program. WSDA must continue to evaluate and update pesticide regulatory and education programs focused on measures to protect pollinator health. WSDA must consult with WDFW about considerations for native pollinator species when evaluating and updating pesticide regulatory and education programs. WSDA must also:

- evaluate and adapt pesticide training and drift reduction technical assistance programs to include protection measures for pollinators;
- support WSU's pesticide education programs incorporation of pollinator protection measures;
- coordinate with WSU to conduct investigations and share annual findings from pesticide-related investigations with the task force;
- evaluate and, if necessary, update the pesticide civil penalty matrix related to pollinator death or damage due to the misuse of pesticides and ensure pollinator health protections are included when evaluating either pesticide investigation violations or penalties; and
- report to the Legislature recommendations for measures to mitigate the risks of harm to bees and other pollinators from the use of neonicotinoid pesticides and treated seeds.

Pollinator Habitat. WSU Extension must develop a pollinator extension education and outreach program and develop a pollinator education plan. The plan should emphasize pollinator best management practices for both native and managed species. It is unlawful for someone to introduce or move non-native managed bumble bees into Washington to be used in open-field agricultural use. If a public works project includes landscaping, at least 25 percent of the planted area must be pollinator habitat to the extent practicable. WSDA, in consultation with the Commission and WDFW, must develop a list of native forage plants that are nectar-rich or pollen-rich for use in landscaping on public works projects. WDFW must evaluate various restoration techniques with the goal of improving habitat for native pollinators where practicable when making habitat improvements or for riparian restoration. The Commission, when administering the Sustainable Farms and Fields Grant Program, must consult with WDFW and prioritize applicants that create or maintain pollinator habitat, compared to other grant applications that perform similarly under the prioritization metrics developed by the Commission.

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.

Votes on Final Passage:

Senate	49	0
House	97	0 (House amended)
Senate	48	0 (Senate concurred)

Effective: July 25, 2021