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**HOUSE BILL 1037**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Representative Walsh

AN ACT Relating to the use of chemicals to prevent the decline of aquaculture production; adding a new section to chapter 43.21A RCW; and creating new sections.

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

NEW SECTION. **Sec.**  This act may be known and cited as the aquaculture fairness act.

NEW SECTION. **Sec.**  (1) The laws authorize the controlled use of pesticides to ensure that food can be produced, especially for commercial purposes.

(2) Imidacloprid is found in lawn care products that the people of Washington may purchase without permit and frequently apply to yards. The runoff from the yards pours into storm drains in urban areas and is carried out to the sea with unknown quantities of imidacloprid.

(3) The Code of Federal Regulations (40 C.F.R. Sec. 122.25 (2018)) authorizes permits for discharge of controlled substances into aquaculture projects based on scientific evidence when such an activity is expected to increase the aquaculture crop.

(4) Burrowing shrimp, *Neotrypaea californiensis* and *Upogebia pugettensis*, are a threat to commercial oyster and clam beds along the Pacific coast of Washington. The department of ecology identified that taking no action to control the burrowing shrimp is expected to result in the decline of shellfish productivity to the order of sixty to eighty percent over the subsequent four to six-year period.

(5) The department of ecology issued a final supplemental environmental impact statement that states "Studies performed since the 1950s and particularly from about the year 2000, have failed to find a non-chemical approach to controlling burrowing shrimp that was both effective, and economically feasible on a commercial scale."

(6) Washington State University, after a decade of collaborative scientific research, issued a statement that imidacloprid was the only commercially viable solution to control the burrowing shrimp.

(7) The legislature supports farmers' ability to control pests using chemicals approved for use by the federal government and this act directs the department of ecology to act in accordance with this public policy.

NEW SECTION. **Sec.**  A new section is added to chapter 43.21A RCW to read as follows:

The director must approve a chemical that is authorized for use to control burrowing shrimp in the waters of western Washington.

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