

# HOUSE BILL REPORT

## EHB 2478

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### As Amended by the Senate

**Title:** An act relating to supporting agricultural production, including that of apiarists, through the preservation of forage for pollinators.

**Brief Description:** Supporting agricultural production, including that of apiarists, through the preservation of forage for pollinators.

**Sponsors:** Representatives Peterson, Stambaugh, Buys, Dent, Gregerson, Riccelli, Orwall, Stanford, Blake, Sawyer, Tharinger, Fitzgibbon, Walkinshaw, Tarleton, McBride, Moscoso, Bergquist, Pollet, S. Hunt, Goodman and Wilcox.

### Brief History:

#### Committee Activity:

Agriculture & Natural Resources: 1/19/16, 1/26/16 [DP].

#### Floor Activity:

Passed House: 2/10/16, 96-1.

Senate Amended.

Passed Senate: 3/1/16, 47-0.

### Brief Summary of Engrossed Bill

- Commissions a pilot project by the Washington State Noxious Weed Control Board that evaluates the advantages of replacing pollen-rich and nectar-rich noxious weeds with seasonally balanced forage plants that can produce similar levels of pollen to support pollinator populations.
- Requires state agencies, as part of their mandate to control noxious weeds on the land they manage, to give preference to replacing pollen-rich and nectar-rich noxious weeds with native pollinator-friendly forage plants when deemed appropriate by the agency and its targeted resource management goals.

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### HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** Do pass. Signed by 13 members: Representatives Blake, Chair; Walkinshaw, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler, Hurst, Kretz, Lytton, Orcutt, Pettigrew, Schmick, Stanford and Van De Wege.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Jason Callahan (786-7117).

**Background:**

Noxious Weeds.

A noxious weed is a plant that, when established, is highly destructive, competitive, or difficult to control. The state maintains an active list of noxious weeds present in Washington and categorizes the plants on the list into one of three categories. These categories are designated as class A, class B, and class C.

Class A weeds are those noxious weeds that are not native to Washington and are of limited distribution, or are unrecorded in Washington yet could cause a serious threat if established. Class B weeds are non-native plants that are of limited distribution in a region of the state that could cause a serious threat in that region. Class C weeds are all other noxious weeds. Noxious weeds are identified and listed by the Washington State Noxious Weed Control Board (Weed Board). The Weed Board is required to adopt a statewide noxious weed list at least once a year following a public hearing. Once the state noxious weed list is adopted, county noxious weed control boards must select weeds identified on the state list for inclusion on the local noxious weed list for that county. Each county is empowered to have a noxious weed control board within its jurisdiction.

Once a weed is included on a county's weed list, certain responsibilities apply to landowners within that county. Landowners are responsible for eradicating all class A weeds as well as controlling the spread of class B and class C weeds listed on the county list. The enforcement of violations of these duties is the responsibility of the county weed boards.

All state agencies are required to control noxious weeds on lands that they manage. This weed control must be done through integrated pest-management practices outlined in plans developed in cooperation with county noxious weed control boards.

Honey Bees.

The 2013 Legislature directed the Washington State Department of Agriculture (WSDA) to convene a work group to address challenges facing the honey bee industry and to develop a report outlining solutions that bolster the use of Washington honey bees to pollinate tree fruits, berries, and seeds. The WSDA delivered the required report on December 12, 2014. In the report, bee forage and bee nutrition was identified as one of four main issues affecting honey bee health. The report concluded that access to diverse pollen and nectar sources, provided through access to diverse forage habitat, is essential for honey bees to properly meet their protein, carbohydrate, and other nutritional needs.

The report went on to cite the loss of forage to weed control as one of the challenges facing honey bees in their search for adequately diverse forage. Of the 142 plants listed as noxious weeds, at least 27 of them are identified in the report as plants that provide valuable bee forage.

**Summary of Engrossed Bill:**

Pilot Project.

The Weed Board is directed to conduct a pilot project that evaluates the advantages of replacing pollen-rich noxious weeds with native forage plants, or non-native and non-invasive forage plants, that can produce similar levels of seasonally balanced pollen and nectar to support honey bee populations. The goal of the pilot project is to develop optional guidance and best practices for landowners and land managers. In developing the pilot project, the Weed Board must seek to maximize the dual public benefits of reducing noxious weeds and supporting agricultural production through access to pollen-rich and nectar-rich forage for honey bees and other pollinators. The Weed Board may choose to coordinate with the Washington State Conservation Commission or individual conservation districts if coordination would be beneficial; however, it must coordinate with any applicable county level weed boards.

The Weed Board must, as part of the pilot project, coordinate with willing landowners to provide plant starts, seed packs, and other goods or services necessary to replace noxious weeds with native plants or non-native plants that are not invasive. The Weed Board may also work with willing landowners and local noxious weed control boards to create new seasonally balanced forage patches.

Priority participation in the pilot project must be given to interested private landowners located in areas of the state where the dual public benefits of the pilot project can be maximized. However, no landowner may be required to participate in the pilot project directly or as a condition of a permit or other governmental action. In addition to private landowners, public land managers may also be selected for participation. There is an expectation that pilot project partners will be located in both eastern and western Washington.

The Weed Board must report the findings from the pilot project to the Legislature by October 31, 2020. The report must include a list of suitable pollen-rich forage plants that are alternatives to noxious weeds, a list of plant suppliers, guidelines for replacing noxious weeds, an assessment scale that rates the usefulness of various approaches, and any other recommendations for extending the pilot project or implementing the lessons learned through the pilot project.

#### State Land Management.

As part of the mandate for state agencies to control noxious weeds on the land they manage, state agencies must, when conducting planned projects, give preference to replacing pollen-rich and nectar-rich noxious weeds with native pollinator-friendly forage plants when deemed appropriate by the agency and its targeted resource-management goals. This directive also applies to projects undertaken by the Washington Conservation Corps.

#### **EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment requires all seed providers identified by the State Noxious Weed Control Board as a supplier capable of providing pollen-rich alternatives to noxious weeds to be willing to ensure the identify and purity of their seeds through testing performed by the Department of Agriculture or another qualifying organization.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Washington is the number two state in terms of pollinated agriculture, so the health of pollinator populations is of utmost importance. One of every three bites of food taken are the product of pollinated agriculture. Bees have been under stress for a long time and for a variety of reasons. Lack of forage is one of those reasons.

Pollinators do not only serve large agriculture. Pollinator health is key for small scale agriculture and urban farming as well. Supporting pollinators is good food policy and allows people to continue to buy healthy, local foods and support local economies. Pollinators are critical to a stable food supply. The apiary industry is a growing industry. The industry runs the gamut from hobbyist beekeepers, to small-scale honey producers, to commercial applications.

Some noxious weeds have a high forage value for pollinators. People care about bees, and there are landowners who want to help support bees, but they have access to little information available as to how noxious weeds can be replaced with non-native, pollinator-friendly plant species. Guidelines are needed so that landowners can transition effectively and know what works and what does not work. It is possible to control weeds and simultaneously support pollination. Doing so creates a win-win situation on the land.

It never hurts to remind state agencies that they have a duty to control the noxious weeds on the land that they manage. Existing limited budgets would limit the effectiveness of the bill.

(Opposed) None.

**Persons Testifying:** Representative Peterson, prime sponsor; Tim Hiatt, Washington State Bee Keepers Association; and Alison Halpern, Washington State Noxious Weed Control Board.

**Persons Signed In To Testify But Not Testifying:** None.