

SENATE BILL REPORT

SB 5253

As Reported by Senate Committee On:
Agriculture, Water, Natural Resources & Parks, February 4, 2021
Ways & Means, February 22, 2021

Title: An act relating to implementing the recommendations of the pollinator health task force.

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

Sponsors: Senators Liias, Warnick, Das, Dhingra, Hasegawa, Hunt, Lovelett, Rolfes, Saldaña, Van De Wege and Wagoner.

Brief History:

Committee Activity: Agriculture, Water, Natural Resources & Parks: 2/02/21, 2/04/21 [DPS-WM].
Ways & Means: 2/19/21, 2/22/21 [DP2S, w/oRec].

Brief Summary of Second Substitute Bill

- Reestablishes the Pollinator Health Task Force to assist with implementation of the prior task force's recommendations and the pollinator health strategy.
- Requires the Department of Agriculture to submit an implementation plan for the implementation of the pollinator health strategy to the Legislature by December 31, 2021.
- Implements various recommendations from the 2020 Pollinator Health Task Force report to the Legislature.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Majority Report: That Substitute Senate Bill No. 5253 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

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.

Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford, Rolfes, Short and Stanford.

Staff: Karen Epps (786-7424)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5253 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Honeyford, Assistant Ranking Member, Capital; Braun, Carlyle, Conway, Darneille, Dhingra, Gildon, Hasegawa, Hunt, Keiser, Liias, Mullet, Muzzall, Pedersen, Rivers, Van De Wege, Wagoner, Warnick and Wellman.

Minority Report: That it be referred without recommendation.

Signed by Senator Schoesler, Assistant Ranking Member, Capital.

Staff: Jed Herman (786-7346)

Background: Washington State Department of Agriculture Pollinator Health Program. In 2019, the Legislature passed SSB 5552 and 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, 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 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 of Bill (Second Substitute): 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. Additionally, WSDA must:

- evaluate and develop communication protocols that would increase communication between beekeepers, farmers and growers, and pesticide applicators;
- review education needs related to pollinator education, create a catalog of pollinator health resources, educate the public about blooming nectar plants, and increase availability of pollinator-related resources on the WSDA website and other state agencies' websites as appropriate;
- document the bee species in the state, survey beekeepers whether to expand the apiary program, and provide materials about certification programs that support pollinator health;
- provide economic and environmental impacts of weed listing and pollinator health impacts to county noxious weed control boards;
- continue and maintain partnerships with federal agencies and neighboring states to promote pollinator health;
- increase the availability of pollinator-related resources on WSDA's website;
- develop guidelines for allowing beekeeping on state managed lands; 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 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 on research for reducing pollinator health impacts associated with pesticides and on pesticide-related investigations;

- 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;
- evaluate the inclusion of pollinator protection course materials for pesticide license credit issuance; and.
- report to the Legislature on recommendations for measures to mitigate the risks of harm to bees and other pollinators from the use of neonicotinoid pesticides.

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. The Department of Fish and Wildlife must evaluate various restoration techniques with the goal of improving habitat for native pollinators where practicable when making habitat improvements or for riparian restoration. Applicants that create or maintain pollinator habitat must receive enhanced prioritization under the Sustainable Farms and Fields Grant Program.

The Conservation 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.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Second Substitute):

- Removes the provision that, when WSDA evaluates and develops communication protocols between beekeepers, farmers and growers, and pesticide applicators, the protocols would be voluntary and with protected access.

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

- Amends the requirement that WSDA develop communication protocols to require that WSDA evaluate and develop communication protocols that would be voluntary and with protected access, but that could increase communication between

- beekeepers, farmers and growers, and pesticide applicators.
- Requires WSDA, in consultation with the Department of Revenue, review the Open Space Taxation Act and provide recommendations to the Legislature on options to include pollinator habitat in the current open space property tax classification.
 - Requires WSDA to report to the Legislature on recommendations for measures to mitigate the risks of harm to bees and other pollinators from the use of neonicotinoid pesticides.
 - Amends the provisions related to public works projects to provide that if a public works project includes landscaping, at least 25 percent of the planted area must be pollinator habitat to the extent practicable.
 - Establishes a small grants program, subject to the availability of amounts appropriated, at the Conservation Commission 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.
 - Removes the inclusion of pollinator habitat in the definition of “open space land” in the state Open Space Taxation Act.

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, Water, Natural Resources & Parks): *The committee recommended a different version of the bill than what was heard.* PRO: When the Legislature asks experts to do work, it is our obligation to take that work and implement it. The Pollinator Health Task Force did incredible work and spent a lot of time to bring a set of detailed recommendations. This bill has the recommendations that were task force priorities and that will have the most impact while also considering costs. The bill continues the task force so they can work on implementation. This is an important issue to all of us who eat food as we need pollinators. A third of our crops are dependent on pollination in this state. This bill is important to agriculture, human health, and it is important to bees, butterflies, bats, and hummingbirds. This bill represents a year's work of the task force. There is concern about the impacts of varroa mites on honey bees and the task force could take a closer look at research to eradicate varroa mites from honey bees.

OTHER: There is some concern about the 25 percent mandate of landscaping of a public works project being pollinator habitat, but there is discussion about a possible amendment. Pollinators are vitally important to Washington's agricultural economy. Moving forward with the work of the task force will benefit all Washington residents. This bill will

implement a number of the important recommendations of the task force. One of the top recommendation of the Habitat subcommittee of the task force is to create a small grants program to provide funding to the conservation districts to educate residents and community groups in urban, suburban, and rural non-farm areas about the value of habitat for both managed and native pollinators. It would also provide the necessary technical and financial assistance and materials to create this habitat.

Persons Testifying (Agriculture, Water, Natural Resources & Parks): PRO: Senator Marko Liias, Prime Sponsor; Tim Hiatt, Washington State Beekeepers Association.

OTHER: Heather Hansen, Washington State Nursery and Landscape Association; Kelly McLain, Washington State Department of Agriculture; Alison Halpern, Washington State Conservation Commission.

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

Staff Summary of Public Testimony on First Substitute (Ways & Means): *The committee recommended a different version of the bill than what was heard.* PRO: We support the bill, but would like to have a phrase removed from section 3 so the location of private bee keeper's hives stay private and are not made known publicly and would suggest specificity of the term landscaping to help alleviate others concerns.

OTHER: We had some concerns with how the term landscaping could be interpreted in section 7, and ask for your support for how the bill was amended. The costs we identified for this bill are above the amounts we have in our current budget for this work. If the pesticide fee bill passes, the fiscal cost we assumed for this bill will be reduced.

Persons Testifying (Ways & Means): PRO: Tim Hiatt, Washington State Beekeepers Association.

OTHER: Heather Hansen, Washington State Nursery and Landscape Association; Kelly McLain, Washington State Department of Agriculture.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.