

SENATE BILL REPORT

SB 5322

As of January 29, 2025

Title: An act relating to addressing the impacts of burrowing shrimp on bottom culture shellfish farming through integrated pest management research.

Brief Description: Addressing the impacts of burrowing shrimp on bottom culture shellfish farming through integrated pest management research.

Sponsors: Senators Chapman, Wilson, J., MacEwen, Hasegawa and Nobles.

Brief History:

Committee Activity: Agriculture & Natural Resources: 1/27/25.

Brief Summary of Bill

- Directs the Washington State Department of Agriculture to establish an integrated pest management research program to address the impacts of burrowing shrimp on bottom culture shellfish farming.
- Creates the Burrowing Shrimp Research Account, with the legislative intent of appropriating \$2 million from the Model Toxics Control Account to support the research program.

SENATE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Staff: Jeff Olsen (786-7428)

Background: The Washington State Department of Agriculture (WSDA) administers the state Pesticide Control Act and Pesticide Application Act. The WSDA's activities under both acts include adopting rules requiring the registration and restricted use of pesticides, testing and certifying pesticide applicators, issuing handler and worker pesticide training documentation, and providing technical assistance to pesticide applicators and workers.

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.

The federal Clean Water Act establishes the National Pollutant Discharge Elimination System (NPDES), which regulates discharges of pollutants to surface waters. In Washington, NPDES permitting authority is delegated to the state, allowing the Department of Ecology (Ecology) to issue NPDES permits. In addition to delegated NPDES permitting authority, state law provides Ecology with parallel authority to regulate discharges to state waters. In 2018, Ecology denied a request by shellfish growers to use the pesticide imidacloprid on shellfish beds to control burrowing shrimp in Willapa Bay and Grays Harbor.

In 2018, Ecology denied a request by shellfish growers to use the pesticide imidacloprid on shellfish beds to control burrowing shrimp in Willapa Bay and Grays Harbor. In 2019, Ecology and the Willapa-Grays Harbor Oyster Growers Association signed a settlement agreement to study and monitor the impacts of burrowing shrimp on commercial oyster and clam harvesting in Willapa Bay and Grays Harbor. In the 2023-25 Operating budget, the WSDA received \$2 million from the Model Toxics Control Account for research on a suitable replacement for the insecticide imidacloprid to address the impacts of burrowing shrimp on shellfish cultivation in Willapa Bay and Grays Harbor.

The Model Toxics Control Account is used for hazardous waste planning and management, public education about hazardous waste, financial assistance for local waste programs, oil and hazardous spill prevention and training, and other similar uses. The Model Toxics Control Account may be used for agriculture and health programs for the safe use, reduction, recycling, or disposal of pesticides.

Summary of Bill: The WSDA must establish and administer an Integrated Pest Management Research Program (Program) that focuses on addressing the impacts of burrowing shrimp on bottom culture shellfish farming. The Program must work towards the following objectives:

- support and recommend funding for research efforts focused on enhancing the resilience and productivity of shellfish farming and the marine ecosystem in the face of burrowing shrimp infestations; and
- facilitate and enhance collaboration between researchers, shellfish farmers, regulatory agencies, and relevant stakeholders to ensure permanent, practical, and effective solutions.

To accomplish its objectives, the Program must:

- solicit researchers with expertise in marine biology, agriculture, ecology, engineering, and related fields to submit proposals for burrowing shrimp control research projects;
- identify and provide ground for controlled research that explores diverse control methods including both chemical and mechanical control;
- identify funding mechanisms for future equipment needs based on tool and technology development; and
- provide permitting assistance for shellfish growers to use identified control methods.

The WSDA, in collaboration with legislators representing districts that border the Pacific Ocean and an association that supports oyster growers in Willapa Bay and Grays Harbor, must establish a governing board to oversee the Program. The governing board shall consist of representatives from the following:

- one member each from the WSDA, Ecology, Department of Natural Resources, Department of Fish and Wildlife, Washington Department of Commerce, and the State Conservation Commission;
- five shellfish growers of varying sizes located in the Willapa Bay and Grays Harbor region;
- two shellfish processors located in the Willapa Bay and Grays Harbor region;
- Shoalwater Bay Indian tribe;
- the executive director of an association supporting oyster growers in the Willapa Bay and Grays Harbor region;
- one member representing a nonprofit organization that develops and disseminates scientific and technical shellfish-related environmental and health and safety information; and
- one member from an ecosystem-based management collaborative in the Willapa Bay and Grays Harbor area, to serve in an ex officio capacity.

Members of the governing board must have a clear stake or vested interest in the preservation and sustainability of the shellfish industry, be knowledgeable about the impacts of burrowing shrimp on shellfish farming, and have a special interest in identifying tools to control burrowing shrimp with an emphasis on bottom culture shellfish farming. The governing board must meet monthly and members are eligible for reimbursement for subsistence, lodging, and travel expenses incurred in the performance of their duties.

The Burrowing Shrimp Research Account (Account) is created to support the activities of the Program. It is the intent of the Legislature to appropriate \$2 million per biennium from the Model Toxics Control Account into the non-appropriated Account. Only the director of the WSDA or the director's designee may authorize expenditures from the Model Toxics Control Account, and the new Account will retain its proportionate share of interest earnings.

The Program, governing board, and the Account expire July 1, 2035.

Appropriation: None.

Fiscal Note: Requested on January 21, 2025.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.