

HB 2965 -3, -5 STAFF MEASURE SUMMARY

House Committee On Agriculture, Land Use, Natural Resources, and Water

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 2/26

WHAT THE MEASURE DOES:

The measure establishes requirements for aquaculture facilities and creates the Aquatic Animals Fund.

Detailed Summary

I. Definitions

- Defines ‘aquaculture’ as the farming of aquatic animals or aquatic plants for the primary purpose of producing food for humans and specifies that the definition excludes activities of state-owned or operated hatcheries.
- Defines ‘aquaculture facility’ as a facility that engages in specified aquaculture activities either on land or in a natural or artificial water body, for the primary purpose of producing food for humans and specifies that the definition excludes state owned or operated hatcheries.
- Defines ‘aquatic animal’ as certain finfish, as well as cephalopods, and certain other game fish or food fish, as designated by the Oregon Fish and Wildlife Commission and specifies that the definition excludes certain sea urchins, as well as clams, mussels, oysters, and scallops.
- Defines ‘genetically engineered’ as produced through the modification, cloning, or manipulation of genes using biotechnology, including gene editing techniques and specifies that the definition excludes selective breeding.

II. Requirements for aquaculture facilities (facilities)

- Requires facilities to address water quality at the facility by providing aeration and oxygen, removing or filtering water to maintain certain conditions, and by remediating the effects of feed in the water.
- Prohibits facilities from (1) stocking aquatic animals at density levels that exceed certain limits; (2) raising finfish in marine or estuarine waters in nets, cages, or other vessels; (3) discharge water or water into marine waters or estuaries; (4) using, growing, or harvesting genetically engineered aquatic animals; and (5) taking lethal action against predators to further facility operations.
- Requires facilities to provide aquatic animals with an appropriate, evidence-based environment regarding swimmable water volume.
- Exempts independently owned and operated businesses with annual gross revenues of less than \$500,000 from limits on animal stocking density.

III. Record keeping and reporting requirements

- Requires facilities to keep detailed records of (1) Medications or vaccinations administered to aquatic animals; (2) Any outbreaks of infectious disease; (3) Water quality tests and (4) any violations of aquaculture requirements and prohibitions, submit these records annually to the Oregon Department of Fish and Wildlife (ODFW), and make them available to the public.
- Requires ODFW to post received facility records to their website.
- Requires facilities to immediately report any outbreak of infectious disease to the Oregon Department of Environmental Quality and the Oregon Department of Fish and Wildlife.
- Directs ODFW to implement record keeping and reporting requirements through rulemaking in consultation with scientific experts, representatives of the aquaculture industry, and environment and animal welfare advocates.

IV. Establishment of the Aquatic Animals Fund

Establishes the Aquatic Animals Fund (fund), consisting of moneys appropriated by the Legislative Assembly, transferred to the fund from other sources, and accrued interest, and continuously appropriates fund moneys to ODFW for:

- Implementation of aquaculture facility regulations
- Actions and activities benefitting aquatic animals, including education regarding their humane treatment.
- Grants for facilities seeking transition to more humane methods of operations.
- Grants for facilities seeking to transition to aquaculture related to aquatic plants instead of aquatic animals.

V. Implementation, enforcement, and operative date

- Directs ODFW to adopt rules as needed to implement aquaculture facility regulations by January 1, 2027.
- Authorizes specified entities to apply to the relevant circuit court for temporary or permanent injunction requiring a facility in violation of aquaculture facility regulations to refrain from such activities and to remedy the violation.
- Becomes operative on January 1, 2027.
- Authorizes ODFW to take any actions required for implementation on or after January 1, 2026.

FISCAL: May have fiscal impact, but no statement yet issued

REVENUE: May have revenue impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-3 The amendment replaces the measure and prohibits aquaculture facilities from raising finfish in a marine or estuarine water body in Oregon in nets, cages, or other similar containers while specifying that the prohibition does not apply to the raising of shellfish and purple sea urchins.

Detailed Summary

I. Definitions

- Defines 'aquaculture' as the farming of aquatic animals or aquatic plants for the primary purpose of producing food for humans.
- Defines 'aquaculture facility' as a facility that engages in specified aquaculture activities either on land or in a natural or artificial water body, for the primary purpose of producing food for humans and specifies that the definition excludes hatcheries that are owned, managed, or operated by the state.
- Defines 'finfish' as finfish belonging to the classes Agnatha (jawless fishes), Chondrichthyes (cartilaginous fishes), and Osteichthyes (bony fishes).

II. Requirements for finfish aquaculture

- Prohibits aquaculture facilities from raising finfish in a marine or estuarine water body in Oregon in nets, cages, or other similar containers.
- Specifies that this prohibition does not apply to the raising of shellfish, including oysters, clams, mussels, scallops, crabs, or shrimp and sea urchins that belong to the species *Strongylocentrotus purpuratus* (purple sea urchins).

III. Enforcement

- Authorizes specified entities to apply for a temporary or permanent injunction in either the circuit court of the county where the facility is located, or in an adjacent county if the facility is offshore, to compel a facility in violation of regulations to cease the violating activities and remedy the violation.
- Authorizes the circuit court to award reasonable attorney fees to a prevailing plaintiff.

IV. Operative Date

- Becomes operative on January 1, 2027
- Authorizes the Oregon Department of Fish and Wildlife to take any actions required for implementation on or after January 1, 2026.

FISCAL: May have fiscal impact, but no statement yet issued

REVENUE: May have revenue impact, but no statement yet issued

-5 The amendment mirrors the -3 amendment and additionally excludes facilities permitted by the Oregon Department of Fish and Wildlife for the purpose of implementing the salmon and trout enhancement program, or for the purpose of providing adaptive management actions related to Columbia River fish management from the definition of 'aquaculture facility'.

FISCAL: May have fiscal impact, but no statement yet issued

REVENUE: May have revenue impact, but no statement yet issued

BACKGROUND:

Aquaculture is the breeding, rearing, and harvesting of fish, shellfish, plants, algae, and other organisms in fresh or salt water. Existing aquaculture farms in Oregon raise oysters, clams, Pacific dulse seaweed, certain Tilapia species, certain warmwater fish, as well as some Salmonids. Shellfish plats in estuaries approved for oyster farming are managed by the Oregon Department of Agriculture while private fishponds are regulated by the Oregon Department of Fish and Wildlife.