
OLR Bill Analysis

sHB 6318

AN ACT CONCERNING THE CULTIVATION OF SEAWEED.

SUMMARY:

By law, the agriculture commissioner must license and inspect aquaculture producers who cultivate and harvest aquatic animals. This bill expands the definition of aquaculture producer to include one who cultivates and harvests aquatic plants, including seaweed, for various purposes (e.g., food, feed, or fertilizer). To receive an aquaculture producer license, seaweed or aquatic plant producers must (1) be registered with the U.S. Food and Drug Administration as a food facility, (2) pass inspection by the Department of Consumer Protection, and (3) receive species approval from the agriculture commissioner. The law allows the commissioner to assess civil penalties, up to \$2,500 per violation and \$250 per day of a continuing violation (CGS § 22-7). He may also issue cease and desist orders (CGS § 22-4d).

The bill also allows the agriculture commissioner to issue a license to anyone who wants to plant and cultivate seaweed within Connecticut's coastal waters. A seaweed license must be nontransferable, up to five years in duration, and subject to an annual fee of \$25 per acre. Someone who has a shellfish grounds lease is exempt from this seaweed license fee. Anyone issued a seaweed license can buy, possess, ship, transport, or sell seaweed approved by the commissioner.

The bill prohibits the commissioner from granting a seaweed license if it would conflict with an "established right" of fishing or shellfishing. The bill does not indicate how someone receives a right. Presumably, a right is established when a person is granted a privilege through a license or contract. The bill specifies that any seaweed license that interferes with established rights is void. Anyone who

interferes with a person's enjoyment of his or her seaweed license will be fined up to \$500, imprisoned up to six months, or both.

The bill authorizes the commissioner to adopt implementing regulations.

EFFECTIVE DATE: Upon passage

AQUATIC PLANTS

The bill defines "aquatic plants" as fresh or saltwater algae and plants, including aquatic macrophyte, microalgae, macroalgae (i.e., seaweed) species intended for sea vegetable, biofuel, animal feed, fertilizer, medical, industrial, or other commercial applications. "Seaweed" is a marine macroalgae species the commissioner approves for cultivation in Long Island Sound.

SEAWEED LICENSE

Anyone issued a seaweed license must make a good faith effort to cultivate and harvest seaweed from the licensed area. A license can be renewed. A licensee who meets his or her obligations under the license will be given preference for license renewal for a similar term and purpose as the original license. But the commissioner is prohibited from renewing a license if the licensee fails to pay the required license fee. Also, a license renewal cannot be granted unless the commissioner advertises the pendency of the renewal application. The commissioner can deny a license renewal if, for cause, he decides to stop licensing the grounds for seaweed cultivation.

The bill allows the Department of Agriculture's Bureau of Aquaculture, Department of Energy and Environmental Protection's Office of Long Island Sound Programs, and the Army Corps of Engineers to subject any seaweed licensee to the laws that require permits and authorizations for dredging and erecting and maintaining structures.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 28 Nay 0 (03/04/2013)