

# HOUSE BILL REPORT

## SSB 6012

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### As Passed House:

May 24, 2001

**Title:** An act relating to customary agricultural practices in the urban growth area.

**Brief Description:** Allowing customary agricultural related burning in an urban growth area.

**Sponsors:** By Senate Committee on Environment, Energy & Water (originally sponsored by Senators Honeyford, Rasmussen, Hochstatter, Hale and Carlson).

### Brief History:

#### Committee Activity:

Agriculture & Ecology: 3/20/01, 3/29/01 [DP].

#### First Special Session

#### Floor Activity:

Passed Senate: 5/16/01, 47-0.

Passed House: 5/24/01, 96-0.

### Brief Summary of Substitute Bill

- Permits normal, necessary, and customary agricultural burning in urban growth areas, provided, such burning is not conducted during air quality episodes or a determination of impaired air quality has not been made and the agricultural activities preceded the designation of the urban growth area.

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## HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

**Majority Report:** Do pass. Signed by 13 members: Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler, Delvin, Dunshee, Grant, Hunt, Quall, Roach, Schoesler and Sump.

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

### Background:

In 1991, legislation was enacted in Washington to immediately disallow outdoor burning

in any area designated as nonattainment or maintenance by the United States Environmental Protection Agency for the chemicals released by burning. These chemicals are reported by the Department of Ecology (DOE) to include carbon monoxide, sulfur dioxide, nitrogen oxides, particulate matter, and various toxic substances. The Legislature defined "outdoor burning" as "the combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion." The 1991 legislation prohibited outdoor burning in any urban growth area defined by the Growth Management Act and in any city with a population greater than 10,000 that is threatened to exceed federal air quality standards and has a reasonably available alternative to burning. The latest date for these burning prohibitions to take effect was on December 31, 2000. The 1998 Legislature extended this deadline to December 31, 2006, for the urban growth area of cities with a population fewer than 5,000 that are not within or contiguous to an actual or threatened nonattainment area.

Agricultural burning is defined as the burning of vegetative debris from agricultural operations necessary for disease or pest control, crop propagation, or crop rotation. The DOE estimates that 2,000 agricultural fires are set each year, burning 250,000 acres of agricultural land. Agricultural burning is only allowed when it is reasonably necessary, proper weather and air conditions exist, and a permit has been obtained from the local air quality agency or a delegated permitting agency. Prior to burning, a grower must call the agricultural burn toll-free number to determine if burning is permitted in his or her county that day.

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**Summary of Bill:**

Normal, necessary, and customary agricultural burning is permitted in urban growth areas. Such burning is not allowed when it is conducted during air quality episodes or if a determination of impaired air quality has been made and the agricultural activities preceded the designation of the urban growth area. All agricultural burning in urban growth areas must comply with the permits and requirements of other agricultural burning operations.

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**Appropriation:** None.

**Fiscal Note:** Not Requested.

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

**Testimony For:** Yakima Valley has some agricultural lands in urban growth area and the farmers are not clear if they can conduct agricultural burning on their land. Agricultural burning is a necessary tool for farmers, especially orchardists. Burning

allows farmers to avoid loading up their vehicles with vegetative material and driving to landfills.

**Testimony Against:** None.

**Testified:** (In support) Senator Jim Honeyford, prime sponsor; Linda Johnson, Farm Bureau; and Stuart Clark, Department of Ecology.