

# HOUSE BILL REPORT

## ESB 6726

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**As Passed House:**

March 7, 2002

**Title:** An act relating to complaints against dairy farms.

**Brief Description:** Protecting dairy farmers from unwarranted complaints.

**Sponsors:** By Senators Rasmussen and Honeyford.

**Brief History:**

**Committee Activity:**

Agriculture & Ecology: 2/28/02 [DP].

**Floor Activity:**

Passed House: 3/7/02, 93-0.

**Brief Summary of Engrossed Bill**

- Provides the Department of Ecology with discretionary authority to not conduct certain dairy farm inspections.

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### HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

**Majority Report:** Do pass. Signed by 13 members: Representatives Linville, Chair; Hunt, Vice Chair; Schoesler, Ranking Minority Member; Chandler, Cooper, Delvin, Dunshee, Grant, Holmquist, Kirby, Quall, Roach and Sump.

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

**Background:**

In 1993 it became mandatory for the Department of Ecology to investigate complaints filed against dairy farms for alleged violations of water quality laws. Written complaints are to be investigated within three working days and a written report of the department's finding is to be issued. The report must include any water quality measurements, photographs, or other pertinent information.

In 1998 the state enacted the Dairy Nutrient Management Act that provides for the inspection of dairy farms. In addition, dairy farms must develop dairy nutrient

management plans. These plans must be approved by the local conservation district by July 1, 2002, unless federal and state funding to support technical assistance is insufficient. A plan must be fully implemented by December 31, 2003.

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**Summary of Bill:**

The Department of Ecology (department) has the discretionary authority to not conduct an inspection of a dairy farm that has been the subject of a complaint if the same or similar complaint has been filed by the same person against the same farm within a six month period, and the inspection prompted by the initial complaint did not find a violation. If the department decides not to conduct an inspection, it must document the reasons for that decision within 20 days and inform both the complainant and the dairy farm of the decision.

The report of findings of any inspection, or the decision not to conduct an inspection, must be placed in the department's administrative records.

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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:** Dairy farms are in a unique position in that all of the complaints that are filed against them must be investigated by the Department of Ecology. Oftentimes the complaints are frivolous or harassing and the farm is doing nothing wrong, yet an investigation still has to occur. The frivolous complaints cost the farmer money and time. Frivolous or harassing complaints occur statewide, with a significant collection of events occurring in the Yakima Valley.

The Department of Ecology receives over 100 complaints a year, and only about one-half of the complaints lead to the discovery of a violation. Only a few farms have received more than five complaints against them.

**Testimony Against:** This bill ties the citizens hands unfairly and blocks legitimate complaints. Often a violation occurs, but before the Department of Ecology can investigate the situation, the evidence has either been covered up or has naturally dissipated. Citizens need the right to file complaints and have their complaints be taken seriously and followed up on.

Most dairy operators follow the law, but the state should not limit the few tools that citizens have to protect their communities from the handful of bad actors that push and

violate the law. The effects of the violations are significant, and range from erosion problems, to water pollution and foul odors. Dairy pollution laws should be strengthened, and this bill goes in the opposite direction.

**Testified:** (In support) Dave Peeter, Department of Ecology; and Chris Cheney, Dairy Federation.

(Opposed) Ted Cantrell, Washington farmer; Helen Reddout, Community Association of Restoration of Environment; and Lorre Gefre, citizen.