

# HOUSE BILL REPORT

## SSB 6155

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**As Reported by House Committee On:**  
Fisheries, Ecology & Parks

**Title:** An act relating to the prevention of horticultural pests and diseases.

**Brief Description:** Preventing the spread of horticultural pests and diseases.

**Sponsors:** Senate Committee on Agriculture (originally sponsored by Senators Parlette, Hewitt and Mulliken).

**Brief History:**

**Committee Activity:**

Fisheries, Ecology & Parks: 2/19/04, 2/27/04 [DPA].

**Brief Summary of Substitute Bill**  
**(As Amended by House Committee)**

- Specifies that the term "ongoing agricultural burning" includes the burning of cultivated orchard trees regardless of whether the owner or operator of the land intends to replant trees on the land.

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### HOUSE COMMITTEE ON FISHERIES, ECOLOGY & PARKS

**Majority Report:** Do pass as amended. Signed by 8 members: Representatives Cooper, Chair; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck, Hatfield, O'Brien, Pearson and D. Simpson.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Upthegrove, Vice Chair.

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

**Background:**

Outdoor burning, or the combustion of material in an open fire without providing for emissions control, is prohibited in many areas of the state. In particular, one is prohibited from burning in any area where the federal or state ambient air quality limits are exceeded for the pollutants associated with outdoor burning. In addition, outdoor

burning is prohibited within the urban growth boundary of any city with a population of greater than 5,000 residents, regardless of air current air quality, as well as any city located within or contiguous to any area that has been identified as having a history of poor air quality.

There are certain circumstances when outdoor burning is allowed in areas where the activity is otherwise prohibited. These can include the burning of storm or flood-related debris, and certain agricultural burning. A person located in the urban growth area of a city with a population greater than 5,000 residents may still conduct agricultural burning if that burning is normal, necessary, and customary to ongoing agricultural activities, and not conducted during a period of impaired air quality. Also, the agricultural activities associated with the burning must have been occurring on the land preceding the designation of the land within an urban growth area. All other state requirements for agricultural burning must be satisfied before a landowner can burn within an urban growth area.

The Department of Ecology (Ecology) has defined in rule that agricultural burning excludes the burning of trees, stumps, shrubbery, or other natural vegetation from projects that clear the land surface so it can be developed, used for a different purpose, or left unused. This activity has been defined by the department as being "land clearing burning."

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**Summary of Amended Bill:**

The term "ongoing agricultural activities," as it is used to permit some outdoor burning, is specified to include the burning of cultivated orchard trees. Cultivated trees may be burned and still satisfy the criteria for "ongoing agricultural activities" regardless of whether the owner or operator of the land intends to replant the land with trees if a horticultural pest and disease board, a Washington State University extension agent, or an entomologist from the Department of Agriculture agree that burning is an appropriate pest control method.

**Amended Bill Compared to Substitute Bill:**

The bill as passed by the Senate allowed the burning of removed cultivated orchard trees in areas of the state where outdoor burning is not generally prohibited if the legislative authority of the county determines that burning will help prevent or control the spread of horticultural pests or diseases.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** Many orchards with urban growth areas have had problems with Ecology when they tried to burn the stumps. Ecology will allow burning if the field will be replanted, but not if the land is going to be developed. The orchard debris cannot remain on the land or diseases and pests will spread, but chipping is very expensive.

**Testimony with Concerns:** Burning should be allowed when it is necessary, but agricultural and horticultural experts should make that determination, not locally elected commissioners. The language will more precisely address the expressed issues if it is moved into the section of code that deals with burning within urban growth areas.

**Persons Testifying:** (In Support) Senator Parlette, Prime Sponsor.

(With Concerns) Stu Clark, Department of Ecology.

**Persons Signed In To Testify But Not Testifying:** None.