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**Fisheries, Ecology & Parks  
Committee**

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**HB 2545**

**Brief Description:** Clarifying the meaning of ongoing agricultural activities.

**Sponsors:** Representatives Condotta, Chase, Armstrong, Sump, Hunt, Chandler, Newhouse, Hinkle, Kristiansen, Holmquist, Clements, Schoesler and Skinner.

**Brief Summary of Bill**

- Specifies that the term "ongoing agricultural burning" includes the burning of crops to prevent and control pests and diseases and the burning of cultivated trees regardless of whether the owner or operator of the land intends to replant trees or other crops on the land.

**Hearing Date:** 2/5/04

**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 [RCW 70.94.743(1)(a)]. 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. Beginning January 1, 2007, outdoor burning will be prohibited statewide [RCW 70.94.743(1)(b)].

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 [RCW 70.94.743(1)(c)], and certain agricultural burning [RCW 70.94.743(1)(d)]. 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 has defined in rule agricultural burning to exclude 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" [WAC 173-425-030(9)].

**Summary of Bill:**

The term "ongoing agricultural activities," as it is used to permit some outdoor burning, is specified to include the burning of agricultural crops to prevent and control pest and disease infestations, and the burning of cultivated 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 or another agricultural crop.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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