

SENATE BILL REPORT

EHB 2545

As Reported By Senate Committee On:
Agriculture, February 26, 2004

Title: An act relating to clarifying the meaning of ongoing agricultural activities.

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 History:

Committee Activity: Agriculture: 2/24/04, 2/26/04 [DPA].

SENATE COMMITTEE ON AGRICULTURE

Majority Report: Do pass as amended.

Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Staff: Evan Sheffels (786-7486)

Background: Outdoor burning is generally not allowed in: (1) any area of the state where federal or state ambient air quality standards are exceeded for pollutants emitted by outdoor burning; or (2) urban growth areas, with limited exceptions.

Agricultural burning is the burning of vegetative debris from an agricultural operation as necessary for disease or pest control, crop propagation, or crop rotation, and may include the burning of fields, prunings, weeds, irrigation and drainage ditches, fence rows or other essential pathways. Within urban growth areas outdoor burning that is normal, necessary, and customary to ongoing agricultural activities that preceded urban growth designation is allowed if numerous conditions are met.

Agricultural burning may only be permitted in the absence of air pollution episodes or determinations of air quality impairment. An agricultural burning permit applicant must show that burning is the most reasonable procedure available or is reasonably necessary to carry out the agricultural enterprise.

Ecology has defined in rule that agricultural burning excludes "land clearing 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. Land clearing burning is generally not allowed within the urban growth boundary.

Summary of Amended Bill: If a legislative authority of a county with a population below 250,000 determines, in writing, that the burning of orchard tear-outs will help prevent or control plant pests or diseases, such burning is allowed without a permit unless an air pollution episode or stage of impaired air quality has been declared.

Amended Bill Compared to Original Bill: The striking amendment addresses a different statutory provision and replaces language allowing the burning of cultivated orchard trees as an ongoing agricultural activity, whether or not agricultural crops will be replanted on the land, if a horticultural pest and disease board, a WSU extension agent, or a Department of Agriculture entomologist determines, in writing, that burning is an appropriate pest control method.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: These orchard trees pile up and become a pest problem. Ecology is in agreement with the bill as it passed the House. There are a lot of safeguards. Making another disposal alternative available is necessary.

Testimony Against: None.

Testified: Representative Cary Condotta, prime sponsor (pro).