

SENATE BILL REPORT

SSB 6155

As Passed Senate, February 10, 2004

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: Agriculture: 1/22/04, 1/29/04 [DPS].
Passed Senate: 2/10/04, 49-0.

SENATE COMMITTEE ON AGRICULTURE

Majority Report: That Substitute Senate Bill No. 6155 be substituted therefor, and the substitute bill do pass.

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 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

horticultural pests or diseases, such burning is allowed without a permit, unless an air pollution episode or stage of impaired air quality has been declared.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Burning of abandoned and torn out orchards has not been allowed in the East Wenatchee area because of a Department of Ecology distinction between land clearing and ongoing agricultural burning. Chipping, the only option typically allowed in our area, costs about \$500 per acre, or about ten times what it costs to burn. Orchard trees are orchard trees, and the coddling moth doesn't care whether they are torn out for land clearing or ongoing agricultural purposes. We need to be able to protect our fruit industry from the pest and disease nuisances caused by abandoned orchards.

Testimony Against: None.

Testified: Mary Hunt, Douglas County (pro).

House Amendment(s): The House amendment expressly allows the burning of cultivated orchard trees within urban growth areas as an ongoing agricultural activity, whether or not agricultural crops will be replanted on the land, if a county horticulture pest and disease board, a WSU extension agent, or a WSDA entomologist determines, in writing, that burning is an appropriate method to prevent or control pests or disease.