
**Agriculture & Natural Resources
Committee**

HB 1648

Brief Description: Increasing protections for agricultural operations, activities, and practices.

Sponsors: Representatives B. Sullivan, Kretz, Grant, Linville and Strow.

Brief Summary of Bill

- Broadens definition of "agricultural activity" and adds definition of "operation" to increase the protection of agricultural activities and operations from nuisance lawsuits.

Hearing Date: 2/14/07

Staff: Meg Van Schoorl (786-7105).

Background:

A nuisance on real property is generally described as an unreasonable or unlawful use that results in annoyance, discomfort, inconvenience, or damage to another person or to the public. Under Washington law, nuisances on real property are classified as either private nuisances (which affect an individual's health, safety, or comfort) or public nuisances (which affect the rights of an entire community or neighborhood). Nuisances may be addressed through government regulation or civil suits, and certain nuisances are classified as crimes.

A nuisance exception exists for agricultural activities conducted on farmland that are consistent with good agricultural practices and that were established prior to surrounding nonagricultural activities. Agricultural activity is defined for these purposes as conditions or activities occurring on a farm in connection with commercial production of farm products. The exception includes conditions and activities such as noise, odor, dust, fumes, machinery and irrigation pump operation, ground and aerial application of seed, fertilizer, conditioners, and plant protection products, and other farming activities. When the statutory conditions are satisfied, the agricultural activities are presumed to be reasonable and are deemed not to constitute a nuisance unless the activity has a substantial adverse effect on public health and safety.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill:

The Legislature intends to enhance the protection of agricultural operations and activities from nuisance lawsuits. The existing definition of "agricultural activity" is broadened to include ground and aerial movement and storage of products including plant pollination products. The word "operation" is added to existing definitions to mean the production of farm or forest products. If agricultural and forest operations and related activities and practices conform to all applicable laws and rules, are consistent with good agricultural and forest practices, and are established prior to surrounding activities, they shall be presumed reasonable and not constitute a nuisance unless found to have an adverse effect on the public health and safety.

Appropriation: None.

Fiscal Note: Not requested.

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