

# SENATE BILL REPORT

## SB 6178

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As Reported by Senate Committee On:  
Agriculture, Water & Rural Economic Development, January 19, 2016

**Title:** An act relating to outdoor burning of organic waste derived from pruning by commercial berry growers.

**Brief Description:** Concerning the outdoor burning of organic waste derived from pruning by commercial berry growers.

**Sponsors:** Senator Honeyford.

**Brief History:**

**Committee Activity:** Agriculture, Water & Rural Economic Development: 1/14/16, 1/19/16 [DP].

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### SENATE COMMITTEE ON AGRICULTURE, WATER & RURAL ECONOMIC DEVELOPMENT

**Majority Report:** Do pass.

Signed by Senators Warnick, Chair; Dansel, Vice Chair; Takko, Ranking Member; Hobbs and Honeyford.

**Staff:** Bonnie Kim (786-7316)

**Background:** Under the Washington Clean Air Act, outdoor burning is generally not allowed in any area of the state where federal or state air quality standards are exceeded for pollutants from outdoor burning; in urban growth areas; or in certain large cities threatening to exceed state or federal air quality standards. Outdoor burning means the burning of material in an open fire or an outdoor container without controlling the fire or emissions.

Restrictions on outdoor burning do not apply to silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals. In addition, outdoor burning may be allowed in the following instances:

- for the exclusive purpose of managing storm or flood-related debris; and
- when normal, necessary, and customary to ongoing agricultural activities if:
  - the burn is not conducted during air quality episodes or an impaired air quality determination; and
  - the agricultural activities preceded designation as an urban growth area.

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*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.*

Outdoor burning of cultivated orchard trees, whether or not agricultural crops will be replanted on the land, is allowed as an ongoing agricultural activity if a local horticultural pest and disease board; an extension office agent with Washington State University; or a Department of Agriculture entomologist determines in writing that burning is an appropriate method to prevent or control the spread of horticulture pests or disease.

A limited fee-based burning permit program applies to residential and land clearing burns in large non-urban areas and cities, or urban growth areas not otherwise prohibited from outdoor burning. However, incidental agricultural burning must be allowed without permit or payment of a fee if the operator:

- notifies the local fire department;
- does not burn during an air pollution episode or an impaired air quality determination; and
- burns only orchard prunings or organic debris along fence lines, irrigation ditches, or drainage ditches.

**Summary of Bill:** Outdoor burning of organic waste derived from pruning by commercial berry growers is added:

- as normal, necessary, and customary to ongoing agricultural activity; and
- as an incidental agricultural burn exempted from burning permits and fees.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: This bill came about because of the need for burning for disease control. The grape industry is supportive of this bill. We support integrative pest management, which includes using all available tools in the best possible way.

**Persons Testifying:** PRO: Senator Honeyford, prime sponsor; Mike Schwisow, WA Assn. of Wine Grape Growers; Heather Hansen, WA Friends of Farms & Forests.