

SSB 6055 - H AMD 1389

By Representative Fitzgibbon

ADOPTED 03/06/2018

1 Strike everything after the enacting clause and insert the
2 following:

3

4 "NEW SECTION. **Sec. 1.** A new section is added to chapter 70.94
5 RCW to read as follows:

6 (1) A city or town that is located partially inside a quarantine
7 area for apple maggot (*Rhagoletis pomonella*) established by the
8 Washington state department of agriculture may apply for a permit
9 pursuant to RCW 70.94.6528 for the burning of brush and yard waste
10 generated within the city or town, provided that the city or town
11 satisfies the following requirements:

12 (a) Burning must be conducted by city or town employees, by
13 contractors under the supervision of city or town employees, or by
14 the city or town fire department or other local fire officials;

15 (b) Burning must be conducted under the supervision of the city
16 or town fire department or other local fire officials and in
17 consultation with the department of agriculture and the department
18 of ecology or an air pollution control authority, as applicable;

19 (c) Burning must not be conducted more than four times per
20 calendar year; and

21 (d) The city or town must issue a media advisory announcing any
22 burning conducted under this section prior to engaging in any such
23 burning.

24 (2) The department and the department of agriculture are
25 directed to submit to the appropriate policy committees of the
26 legislature no later than November 1, 2018, a report that addresses
27 the available options for the processing and disposal of municipal

1 yard waste generated in areas subject to the apple maggot
2 quarantine, including:

3 (a) Techniques that neutralize any apple maggot larvae that may
4 be contained within such yard waste;

5 (b) Identification of facilities that are capable of receiving
6 such yard waste;

7 (c) Alternatives to outdoor burning, such as composting,
8 chipping, biochar production, and biomass electrical generation; and

9 (d) A comparison of the costs of such alternatives.

10 (3) This section expires July 1, 2020.

11

12 **Sec. 2.** RCW 17.24.051 and 1991 c 257 s 9 are each amended to
13 read as follows:

14 (1) The introduction into or release within the state of a plant
15 pest, noxious weeds, bee pest, or any other organism that may
16 directly or indirectly affect the plant life of the state as an
17 injurious pest, parasite, predator, or other organism is prohibited,
18 except under special permit issued by the department under rules
19 adopted by the director. A special permit is not required for the
20 introduction or release within the state of a genetically engineered
21 plant or plant pest organism if the introduction or release has been
22 approved under provisions of federal law and the department has been
23 notified of the planned introduction or release. The department
24 shall be the sole issuing agency for the permits. Except for
25 research projects approved by the department, no permit for a
26 biological control agent shall be issued unless the department has
27 determined that the parasite, predator, or plant pathogen is target
28 organism or plant specific and not likely to become a pest of
29 nontarget plants or other beneficial organisms. The director may
30 also exclude biological control agents that are infested with
31 parasites determined to be detrimental to the biological control
32 efforts of the state. The department may rely upon findings of the
33 United States department of agriculture or any experts that the
34 director may deem appropriate in making a determination about the

1 threat posed by such organisms. In addition, the director may
2 request confidential business information subject to the conditions
3 in RCW 17.24.061.

4 (2) Plant pests, noxious weeds, or other organisms introduced
5 into or released within this state in violation of this section
6 shall be subject to detention and disposition as otherwise provided
7 in this chapter.

8 (3) Upon the request of a city or town that is located partially
9 inside a quarantine area for apple maggot established by the
10 department, the department may issue a special transit permit for
11 the limited purpose of transporting brush and yard waste or debris
12 generated within the city or town through a pest free area to a
13 destination located inside a quarantine area for apple maggot
14 established by the department, subject to conditions and provisions
15 which the director may prescribe to prevent introduction, escape, or
16 spread of the quarantined pests."

17 Correct the title.

EFFECT: Strikes the section creating the pilot project. Creates a new section authorizing cities and towns located partially within an apple maggot quarantine area to apply for an agricultural activities outdoor burning permit provided that certain requirements are met. Authorizes the Washington State Department of Agriculture (WSDA) to issue to the cities and towns described above a special transit permit for the limited purpose of transporting brush and yard waste or debris through a pest free area to a destination located inside an apple maggot quarantine area. Directs the Department of Ecology and the WSDA to submit to the Legislature by November 1, 2018, a report that addresses the options available for the processing and disposal of municipal yard waste generated in areas subject to the apple maggot quarantine. Expires the new section related to agricultural activities outdoor burning permits on July 1, 2020.

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