
**Agriculture & Natural Resources
Committee**

ESSB 5431

Brief Description: Concerning the protection of composting from nuisance lawsuits.

Sponsors: Senate Committee on Agriculture, Water, Trade & Economic Development
(originally sponsored by Senators Warnick, Takko, Brown, Hawkins, Liias, Schoesler,
Honeyford and Fortunato).

Brief Summary of Engrossed Substitute Bill

- Provides that composting is presumed to be reasonable and not a nuisance if it meets certain criteria.

Hearing Date: 3/22/17

Staff: Robert Hatfield (786-7117).

Background:

Nuisance.

A nuisance is an activity that injures health, is indecent, offends the senses, or obstructs the free use of property so that it interferes with the comfortable enjoyment of life and property. In a nuisance lawsuit, a plaintiff may sue a property owner based on the claim that the property owner has made unreasonable use of his or her property to the detriment of the plaintiff's property.

Nuisance–Agricultural Activities Exemption.

Agricultural activities conducted on farmland are generally presumed to be reasonable and not a nuisance unless the activity or practice has a substantial adverse effect on public health and safety. In order to be considered reasonable and thus not a nuisance, the agricultural activities must be consistent with good agricultural practices and established prior to surrounding non-

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agricultural activities. Agricultural activities that comply with all applicable laws and rules are presumed to be good agricultural practices.

For the purposes of nuisance law, "agricultural activities" are defined as activities that occur on a farm in connection with the commercial production of farm products.

For the purposes of nuisance law, "farm products" are defined to include certain specified products, including, among other things, livestock, vegetables, grasses, trees, and freshwater fish and fish products.

Summary of Bill:

Composting, if consistent with good agricultural or forest practices, and established prior to surrounding nonagricultural or nonforestry activities, and in compliance with county and city regulations, is presumed to be reasonable and not a nuisance unless it violates county or city regulations or has a substantial adverse effect on public health and safety.

Appropriation: None.

Fiscal Note: Not requested.

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