

# FINAL BILL REPORT

## EHB 1648

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C 331 L 07

Synopsis as Enacted

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

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

**House Committee on Agriculture & Natural Resources**

**Senate Committee on Agriculture & Rural Economic Development**

**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. 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. "Agricultural activity" is defined for these purposes as conditions or activities occurring on a farm in connection with commercial production of farm products, including noise, odor, dust, fumes, machinery and irrigation pump operation, ground and aerial application of seed, fertilizer, conditioners, plant protection products, and other farming activities.

**Summary:**

The Legislature intends to enhance the protection of agricultural activities from nuisance lawsuits. The existing definition of "agricultural activity" is broadened to include: (1) beekeeping for production of agricultural or apicultural products, and (2) the use of new practices and equipment consistent with technological development in the agricultural industry. The existing definition of "agricultural activity" is further clarified to state that "conversion from one agricultural activity to another" includes a change in the type of plant-related farm product being produced.

**Votes on Final Passage:**

House	97	0	
Senate	46	0	(Senate amended)
House	93	0	(House concurred)

**Effective:** July 22, 2007