
SUBSTITUTE SENATE BILL 5076

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Agriculture & Rural Economic Development
(originally sponsored by Senators Honeyford, Rasmussen, Schoesler,
Clements, Shin, Sheldon and Parlette)

READ FIRST TIME 02/27/07.

1 AN ACT Relating to agricultural and forestry operations,
2 activities, and practices; amending RCW 7.48.310; reenacting and
3 amending RCW 7.48.305; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that agricultural
6 operations are often subjected to nuisance lawsuits. The legislature
7 also finds that such lawsuits hasten premature conversion of
8 agricultural lands to other uses. The legislature further finds that
9 farm operations must be able to adopt new technologies and diversify
10 into new crops and products if the agricultural industry is to survive
11 and agricultural lands are to be conserved. Therefore, the legislature
12 intends to enhance the protection of agricultural operations and
13 activities from nuisance lawsuits, and to further the clear legislative
14 directive of the state growth management act to maintain and enhance
15 the agricultural industry and conserve productive agricultural lands.

16 **Sec. 2.** RCW 7.48.305 and 1992 c 151 s 1 and 1992 c 52 s 3 are each
17 reenacted and amended to read as follows:

18 Notwithstanding any other provision of this chapter, agricultural

1 ((~~activities conducted on farmland~~)) and forest ((~~practices~~))
2 operations, if consistent with good agricultural and forest practices
3 and established prior to surrounding nonagricultural and nonforestry
4 activities, are presumed to be reasonable and shall not be found to
5 constitute a nuisance unless the operation, or related activity or
6 practice, has a substantial adverse effect on the public health and
7 safety.

8 If those agricultural and forest operations and related
9 agricultural and forest activities and ((~~forest~~)) practices are
10 undertaken in conformity with all applicable laws and rules, the
11 activities are presumed to be good agricultural and forest practices
12 not adversely affecting the public health and safety for purposes of
13 this section and RCW 7.48.300. An agricultural activity that is in
14 conformity with such laws and rules shall not be restricted as to the
15 hours of the day or day or days of the week during which it may be
16 conducted.

17 Nothing in this section shall affect or impair any right to sue for
18 damages.

19 **Sec. 3.** RCW 7.48.310 and 1992 c 52 s 4 are each amended to read as
20 follows:

21 As used in RCW 7.48.305:

22 (1) "Agricultural activity" means a condition or activity which
23 occurs on a farm in connection with the commercial production of farm
24 products and includes, but is not limited to, marketed produce at
25 roadside stands or farm markets; noise; odors; dust; fumes; operation
26 of machinery and irrigation pumps; movement, including, but not limited
27 to, use of current county road ditches, streams, rivers, canals, and
28 drains, and use of water for agricultural activities; ground and aerial
29 application of seed, fertilizers, conditioners, and plant protection
30 products; movement or storage of pollinating insects; employment and
31 use of labor; roadway movement of equipment and livestock; protection
32 from damage by wildlife; prevention of trespass; construction and
33 maintenance of buildings, fences, roads, bridges, ponds, drains,
34 waterways, and similar features and maintenance of streambanks and
35 watercourses; and conversion from one agricultural activity to another.

36 (2) "Farm" means the land, buildings, freshwater ponds, freshwater

1 culturing and growing facilities, and machinery used in the commercial
2 production of farm products.

3 (3) "Farmland" means land or freshwater ponds devoted primarily to
4 the production, for commercial purposes, of livestock, (~~freshwater~~)
5 aquacultural, or other agricultural commodities.

6 (4) "Farm product" means those plants and animals useful to humans
7 and includes, but is not limited to, forages and sod crops, dairy and
8 dairy products, poultry and poultry products, livestock, including
9 breeding, grazing, and recreational equine use, fruits, vegetables,
10 flowers, seeds, grasses, trees, freshwater fish and fish products,
11 shellfish, apiaries, equine and other similar products, or any other
12 product which incorporates the use of food, feed, fiber, or fur.

13 (5) "Forest practice" means "forest practice" as defined in RCW
14 76.09.020.

15 (6) "Operation" means the production of farm or forest products.

--- END ---