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By Representatives Rayburn, Nealey, McLean, R. Johnson, Chandler, Kremen, D. Sommers, Ballard, Roland, Bowman, Grant, Inslee, Rasmussen and Sheldon.

Read first time February 15, 1991. Referred to Committee on Agriculture & Rural Development.

1 AN ACT Relating to agricultural nuisances; amending RCW 7.48.305;
2 adding a new section to chapter 7.48 RCW; and repealing RCW 7.48.310.

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

4 **Sec. 1.** RCW 7.48.305 and 1979 c 122 s 2 are each amended to read
5 as follows:

6 Notwithstanding any other provision of this chapter, agricultural
7 activities conducted on farmland, if consistent with good agricultural
8 practices and established prior to surrounding nonagricultural
9 activities, are presumed to be reasonable and do not constitute a
10 nuisance unless the activity has a substantial adverse effect on the
11 public health and safety.

12 If that agricultural activity is undertaken in conformity with
13 federal, state, and local laws and regulations, it is presumed to be
14 good agricultural practice and not adversely affecting the public

1 health and safety. An agricultural activity that is in conformity with
2 such laws and rules shall not be restricted by other means as to the
3 time of day or day or day of the week during which it may be conducted.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 7.48 RCW
5 to read as follows:

6 As used in RCW 7.48.305 and this section:

7 (1) "Agricultural activity" means the primary production of a farm
8 product on a commercial farm and the activities associated with that
9 production, which include, but are not limited to: The use,
10 transportation, or drainage of water for that production; the operation
11 of machinery and irrigation pumps; the ground or aerial application of
12 seeds, chemical fertilizers, conditioners, and pesticides as defined in
13 chapter 15.58 RCW; the employment, deployment, and use of labor; the
14 construction and maintenance of farm buildings, fences, roads, bridges,
15 ponds, drains, waterways, and similar farm improvements; the conversion
16 of the use of land from producing one farm product to producing another
17 or making changes in the activities or improvements associated with the
18 primary production of a farm product; the protection of farm products,
19 land, and improvements from flooding, through the maintenance of
20 streambanks and watercourses, or from being damaged by wildlife; the
21 construction and maintenance of improvements for preventing trespass;
22 marketing farm products on the farm or at nearby roadside locations;
23 the movement of farm equipment, personnel, or livestock along or on
24 roadways; and the noise, odors, dust, fumes, or drift associated with
25 such activities.

26 (2) "Commercial farm" or "farmland" means: A farm that qualifies
27 as a commercial farm under federal census laws or rules; or lands or
28 waters used for the commercial production of private sector cultured
29 aquatic products as such products are defined in RCW 15.85.020.

1 (3) "Farm product" means plants or animals useful to humans for
2 use, either directly or when processed, as ornamentation or as food,
3 feed for animals, fiber, or fur and includes, but is not limited to:
4 Viticultural crops, fruits, vegetables, flowers, grain, mint, forage or
5 sod crops, ornamental plants, Christmas trees, and the seeds and plants
6 for growing such products; and apiaries or apiary products, poultry or
7 poultry products, livestock or livestock products (including dairy
8 products), fish, and shellfish.

9 NEW SECTION. **Sec. 3.** RCW 7.48.310 and 1979 c 122 s 3 are each
10 repealed.