
SUBSTITUTE HOUSE BILL 1954

State of Washington

52nd Legislature

1991 Regular Session

By House Committee on Agriculture & Rural Development (originally sponsored by Representatives Rayburn, Nealey, McLean, R. Johnson, Chandler, Kremen, D. Sommers, Ballard, Roland, Bowman, Grant, Inslee, Rasmussen and Sheldon).

Read first time March 1, 1991.

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

6 NEW SECTION. Sec. 2. A new section is added to chapter 7.48 RCW
7 to read as follows:

8 As used in RCW 7.48.305 and this section:

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

28 (2) "Commercial farm" or "farmland" means: A farm that qualifies
29 as a commercial farm under federal census laws or rules; or lands or

1 waters used for the commercial production of private sector cultured
2 aquatic products as such products are defined in RCW 15.85.020.

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

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