

SENATE BILL REPORT

SB 5004

As Reported by Senate Committee On:
Agriculture, Water, Trade & Economic Development, February 9, 2017

Title: An act relating to outdoor burning of organic waste derived from pruning by commercial berry growers.

Brief Description: Concerning outdoor burning of organic waste derived from pruning by commercial berry growers.

Sponsors: Senators Honeyford, Takko and Warnick.

Brief History:

Committee Activity: Agriculture, Water, Trade & Economic Development: 1/17/17, 2/09/17 [DPS, DNP].

Brief Summary of Substitute Bill

- Authorizes the outdoor burning of organic waste from commercial berry pruning in certain areas where other outdoor burning is restricted.

SENATE COMMITTEE ON AGRICULTURE, WATER, TRADE & ECONOMIC DEVELOPMENT

Majority Report: That Substitute Senate Bill No. 5004 be substituted therefor, and the substitute bill do pass.

Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Chase, Ranking Minority Member; Wellman, Assistant Ranking Minority Member; Brown, Honeyford, Pearson, Short and Takko.

Minority Report: Do not pass.

Signed by Senators McCoy and Van De Wege.

Staff: Greg Vogel (786-7413)

Background: Under the Washington Clean Air Act, outdoor burning is generally not allowed in any area of the state where federal or state air quality standards are exceeded for pollutants from outdoor burning; in urban growth areas; or in certain large cities threatening

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

to exceed state or federal air quality standards. Outdoor burning means the burning of material in an open fire or an outdoor container without controlling the fire or emissions.

Restrictions on outdoor burning do not apply to silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals. In addition, outdoor burning may be allowed in the following instances:

- for the exclusive purpose of managing storm or flood-related debris; and
- when normal, necessary, and customary to ongoing agricultural activities if:
 - the burn is not conducted during air quality episodes or an impaired air quality determination; and
 - the agricultural activities preceded designation as an urban growth area.

Outdoor burning of cultivated orchard trees, whether or not agricultural crops will be replanted on the land, is allowed as an ongoing agricultural activity if a local horticultural pest and disease board, an extension office agent with Washington State University, or a Department of Agriculture entomologist determines in writing that burning is an appropriate method to prevent or control the spread of horticulture pests or disease.

A limited fee-based burning permit program applies to residential and land clearing burns in large non-urban areas and in cities and urban growth areas not otherwise prohibited from outdoor burning. The program also applies to land clearing burns in small non-urban areas. However, incidental agricultural burning must be allowed without permit or payment of a fee if the operator:

- notifies the local fire department;
- does not burn during an air pollution episode or an impaired air quality determination; and
- burns only orchard prunings and organic debris, whether along fence lines, irrigation, drainage ditches, or blown by wind.

Summary of Bill (First Substitute): Outdoor burning of organic waste derived from pruning by commercial berry growers is added:

- as normal, necessary, and customary to ongoing agricultural activity;
- as an allowable ongoing agricultural activity; and
- as an incidental agricultural burn exempted from burning permits and fees.

EFFECT OF CHANGES MADE BY AGRICULTURE, WATER, TRADE & ECONOMIC DEVELOPMENT COMMITTEE (First Substitute):

- Removes the requirement of written approval by either a horticultural pest and disease board, an extension office agent with WSU, or a WSDA entomologist in order to conduct outdoor burning of organic waste derived from pruning by commercial berry growers as an ongoing agricultural activity.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: This bill is designed to address pest problems experienced by commercial berry growers. Commercial berry growers should have the same privileges that orchardists have concerning the ability to conduct outdoor burning. This bill is necessary for agriculture and would be an appropriate addition to the laws governing outdoor burning. It is another tool in the toolbox for farmers to control pest and disease.

Persons Testifying: PRO: Senator Honeyford, Prime Sponsor; Tom Davis, WA Farm Bureau.

Persons Signed In To Testify But Not Testifying: No one.