

FINAL BILL REPORT

SSB 6055

C 147 L 18
Synopsis as Enacted

Brief Description: Creating a pilot program for outdoor burning for cities or towns located partially inside a quarantine area for apple maggot.

Sponsors: Senate Committee on Energy, Environment & Technology (originally sponsored by Senators Hawkins, Carlyle, Palumbo and Mullet).

Senate Committee on Energy, Environment & Technology
House Committee on Environment

Background: The apple maggot (*Rhagoletis pomonella*) is an insect pest that is native to the northeastern United States. However, the apple maggot is now found throughout the United States, including Washington State, where it was more than likely introduced through transportation of infested apple fruit. Apple maggots have been found in 17 plant species, including apples and hawthorns—its native host. Under the statutory authority of the Washington State Department of Agriculture (WSDA), the apple maggot is subject to quarantine regulations. The transport of homegrown fresh fruit, including apples, crabapples, cherries, pears, plums, and apricots, out of a quarantined area is prohibited. All counties in western Washington are quarantined for apple maggot, as is Spokane County. Parts of Chelan, Kittitas, Yakima, and Lincoln counties are quarantined.

Under the federal Clean Air Act (CAA), each state maintains a State Implementation Plan that describes how the state implements clean air programs to achieve the federal ambient air quality standards for air pollutants. The Department of Ecology (Ecology) and local air pollution control authorities (local air authorities) administer the CAA. Local air agencies have the primary responsibility for administering state and federal CAAs in counties which have elected to activate a local air authority or to form a multicounty air authority. In other areas of the state, Ecology is responsible for administering state and federal CAA programs.

Ecology, local air agencies, Department of Natural Resources, WSDA, and fire districts are responsible for limited burning permit programs for residential and land clearing burning. Residential and land clearing burning is allowed in nonurban areas with a population of less than 50,000 residents. In urban growth areas, all outdoor burning is prohibited except for barbeques, campfires, and tumbleweeds. Outdoor burning is also prohibited in urban areas where federal or state ambient air quality standards are exceeded. Additionally, outdoor burning is allowed in urban growth areas where it is normal, necessary, and customary as an ongoing agricultural activity. Ecology or the local clean air agency are required to issue burn

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permits including for agricultural burning. The permits must be conditioned to minimize air pollution and ensure consideration of the public interest in air, water, pollution and public safety.

The WSDA has broad authority to protect forest, agricultural, horticultural, and apiary industries as well as plants and shrubs within the state. If necessary to protect these interests, WSDA may establish rules to quarantine an area with plant or bee pests and restrict the movement of material from quarantined places or areas likely to contain these pests.

Summary: Until July 1, 2020, a city or town that is partially located within an apple maggot quarantine area may apply for a permit to burn brush and yard waste. The burning must be conducted in consultation with Ecology, WSDA, or local air authority and under the supervision of the city or town fire department or local fire officials. City or town employees, contractors supervised by city or town employees or city or town fire department or local fire officials must conduct the burning. Prior to burning, the city or town must announce the burning through a media advisory. Burning may not be conducted more than four times per year.

WSDA and Ecology must submit a report to the Legislature by November 1, 2018, that addresses available options for disposing of yard waste in apple maggot quarantine areas. The report must include techniques that neutralize apple maggot larvae in yard waste, identification of facilities that are capable of receiving this yard waste, and alternatives and costs of alternatives to burning.

WSDA may issue a special transit permit when requested by a city or town to transport brush and yard waste between an apple maggot quarantined area through a pest free area to another quarantined area. WSDA may condition the permit to prevent the spread of the quarantined pests.

Votes on Final Passage:

Senate	47	0	
House	98	0	(House amended)
Senate			(Senate refused to concur)
House	98	0	(House receded/amended)
Senate	48	0	(Senate concurred)

Effective: June 7, 2018