
ENGROSSED SUBSTITUTE SENATE BILL 5431

State of Washington

65th Legislature

2017 Regular Session

By Senate Agriculture, Water, Trade & Economic Development
(originally sponsored by Senators Warnick, Takko, Brown, Hawkins,
Lias, Schoesler, Honeyford, and Fortunato)

READ FIRST TIME 02/15/17.

1 AN ACT Relating to protection of composting from nuisance
2 lawsuits; amending RCW 7.48.305; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

5 (a) Composting benefits Washington counties, cities, businesses,
6 and residents by diverting tons of organic waste going to landfills,
7 reducing solid waste costs, and lowering carbon emissions. Composting
8 also yields a product integral to agricultural activities that can
9 refurbish degraded farmlands and increase crop yields.

10 (b) As the state population increases and landfills and solid
11 waste disposal become costlier, more communities are pursuing options
12 to divert organic waste and reduce landfill requirements. Organic
13 waste collection programs and facilities are critical to that effort,
14 while also providing a valuable commodity to farmlands. However,
15 nuisance lawsuits challenge the ability of these facilities to serve
16 communities most in need.

17 (2) It is the legislature's intent to confirm that composting
18 activities are recognized as agricultural activities and protected
19 from nuisance lawsuits.

1 **Sec. 2.** RCW 7.48.305 and 2009 c 200 s 2 are each amended to read
2 as follows:

3 (1) Notwithstanding any other provision of this chapter,
4 agricultural activities conducted on farmland and forest practices,
5 if consistent with good agricultural and forest practices and
6 established prior to surrounding nonagricultural and nonforestry
7 activities, are presumed to be reasonable and shall not be found to
8 constitute a nuisance unless the activity or practice has a
9 substantial adverse effect on public health and safety.

10 Notwithstanding any other provision of this chapter, composting, if
11 consistent with good agricultural or forest practices, established
12 prior to surrounding nonagricultural or nonforestry activities, and
13 in compliance with county and city regulations, is presumed to be
14 reasonable and shall not be found to constitute a nuisance unless the
15 activity or practice violates county or city regulations or has a
16 substantial adverse effect on public health and safety.

17 (2) Agricultural activities and forest practices undertaken in
18 conformity with all applicable laws and rules are presumed to be good
19 agricultural and forest practices not adversely affecting the public
20 health and safety for purposes of this section and RCW 7.48.300. An
21 agricultural activity that is in conformity with such laws and rules
22 shall not be restricted as to the hours of the day or day or days of
23 the week during which it may be conducted.

24 (3) The act of owning land upon which a growing crop of trees is
25 located, even if the tree growth is being managed passively and even
26 if the owner does not indicate the land's status as a working forest,
27 is considered to be a forest practice occurring on the land if the
28 crop of trees is located on land that is capable of supporting a
29 merchantable stand of timber that is not being actively used for a
30 use that is incompatible with timber growing. If the growing of trees
31 has been established prior to surrounding nonforestry activities,
32 then the act of tree growth is considered a necessary part of any
33 other subsequent stages of forest practices necessary to bring a crop
34 of trees from its planting to final harvest and is included in the
35 provisions of this section.

36 (4) Nothing in this section shall affect or impair any right to
37 sue for damages.

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