
SENATE BILL 5431

State of Washington 65th Legislature 2017 Regular Session

By Senators Warnick, Takko, Brown, Hawkins, Lias, Schoesler, Honeyford, and Fortunato

Read first time 01/24/17. Referred to Committee on Agriculture, Water, Trade & Economic Development.

1 AN ACT Relating to protection of composting from nuisance
2 lawsuits; and amending RCW 7.48.310; 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 7.48.310 and 2009 c 200 s 3 are each amended to read
2 as follows:

3 For the purposes of RCW 7.48.305 only:

4 (1) "Agricultural activity" means a condition or activity which
5 occurs on a farm in connection with the commercial production of farm
6 products and includes, but is not limited to, marketed produce at
7 roadside stands or farm markets; noise; odors; dust; fumes; operation
8 of machinery and irrigation pumps; movement, including, but not
9 limited to, use of current county road ditches, streams, rivers,
10 canals, and drains, and use of water for agricultural activities;
11 ground and aerial application of seed, fertilizers, conditioners, and
12 plant protection products; keeping of bees for production of
13 agricultural or apicultural products; employment and use of labor;
14 roadway movement of equipment and livestock; protection from damage
15 by wildlife; prevention of trespass; construction and maintenance of
16 buildings, fences, roads, bridges, ponds, drains, waterways, and
17 similar features and maintenance of stream banks and watercourses;
18 and conversion from one agricultural activity to another, including a
19 change in the type of plant-related farm product being produced. The
20 term includes use of new practices and equipment consistent with
21 technological development within the agricultural industry.

22 (2) "Farm" means the land, buildings, freshwater ponds,
23 freshwater culturing and growing facilities, and machinery used in
24 the commercial production of farm products.

25 (3) "Farmland" means land or freshwater ponds devoted primarily
26 to the production, for commercial purposes, of livestock, freshwater
27 aquacultural, or other farm products.

28 (4) "Farm product" means those plants and animals useful to
29 humans and includes, but is not limited to, forages and sod crops,
30 compost, dairy and dairy products, poultry and poultry products,
31 livestock, including breeding, grazing, and recreational equine use,
32 fruits, vegetables, flowers, seeds, grasses, trees, freshwater fish
33 and fish products, apiaries and apiary products, equine and other
34 similar products, or any other product which incorporates the use of
35 food, feed, fiber, or fur.

36 (5) "Forest practice" means any activity conducted on or directly
37 pertaining to forestland, as that term is defined in RCW 76.09.020,
38 and relating to growing, harvesting, or processing timber. The term
39 "forest practices" includes, but is not limited to, road and trail
40 construction, final and intermediate harvesting, precommercial

1 thinning, reforestation, fertilization, prevention and suppression of
2 diseases and insects, salvage of trees, brush control, and owning
3 land where trees may passively grow until one of the preceding
4 activities is deemed timely by the owner.

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