

SENATE BILL REPORT

SB 6155

As Reported By Senate Committee On:
Agriculture, January 29, 2004

Title: An act relating to clarifying the meaning of ongoing agricultural activities.

Brief Description: Clarifying the meaning of ongoing agricultural activities.

Sponsors: Senators Parlette, Hewitt and Mulliken.

Brief History:

Committee Activity: Agriculture: 1/22/04, 1/29/04 [DPS].

SENATE COMMITTEE ON AGRICULTURE

Majority Report: That Substitute Senate Bill No. 6155 be substituted therefor, and the substitute bill do pass.

Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Staff: Evan Sheffels (786-7486)

Background: Outdoor burning is generally not allowed in: (1) any area of the state where federal or state ambient air quality standards are exceeded for pollutants emitted by outdoor burning; or (2) urban growth areas, with limited exceptions. Within certain nonurban areas, and subject to numerous limitations, outdoor burning may be permitted for trees, stumps, shrubbery or other vegetation arising from land clearing projects, for managing storm or flood-related debris, or for authorized silvicultural burning. There are also some limited exceptions to permit requirements for orchard prunings, tumbleweeds, and certain other designated purposes.

Agricultural burning is the burning of vegetative debris from an agricultural operation as necessary for disease or pest control, crop propagation, or crop rotation, and may include the burning of fields, prunings, weeds, irrigation and drainage ditches, fence rows or other essential pathways. Within urban growth areas outdoor burning that is normal, necessary, and customary to ongoing agricultural activities that preceded urban growth designation is allowed if the following conditions are met.

Agricultural burning may only be permitted in the absence of air pollution episodes or determinations of air quality impairment. Such burning is generally subject to public interest considerations and permit conditions, as well as specific prohibitions on the burning of grasses grown for seed. An agricultural burning permit applicant must show that burning is the most reasonable procedure available or is reasonably necessary to carry out the agricultural enterprise.

Summary of Substitute Bill: If a legislative authority of a county with a population below 250,000 determines, in writing, that the burning of orchard tear-outs will help prevent or control horticultural pests or diseases, such burning is allowed without a permit, unless an air pollution episode or stage of impaired air quality has been declared.

Substitute Bill Compared to Original Bill: The original bill expressly included the burning of agricultural crops to prevent and control pest and disease infestations, and the burning of cultivated trees, in the types of burning allowed within urban growth areas for ongoing agricultural activities that preceded urban growth area designation, subject to certain conditions.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Burning of abandoned and torn out orchards has not been allowed in the East Wenatchee area because of a Department of Ecology distinction between land clearing and ongoing agricultural burning. Chipping, the only option typically allowed in our area, costs about \$500 per acre, or about ten times what it costs to burn. Orchard trees are orchard trees, and the codling moth doesn't care whether they are torn out for land clearing or ongoing agricultural purposes. We need to be able to protect our fruit industry from the pest and disease nuisances caused by abandoned orchards.

Testimony Against: None.

Testified: Mary Hunt, Douglas County (pro).