

CERTIFICATION OF ENROLLMENT

**ENGROSSED HOUSE BILL 1648**

Chapter 331, Laws of 2007

60th Legislature  
2007 Regular Session

AGRICULTURAL ACTIVITIES

EFFECTIVE DATE: 07/22/07

Passed by the House April 14, 2007  
Yeas 93 Nays 0

FRANK CHOPP

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**Speaker of the House of Representatives**

Passed by the Senate April 11, 2007  
Yeas 46 Nays 0

BRAD OWEN

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**President of the Senate**

Approved May 4, 2007, 4:44 p.m.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1648** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

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**Chief Clerk**

FILED

May 7, 2007

**Secretary of State  
State of Washington**

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ENGROSSED HOUSE BILL 1648

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AS AMENDED BY THE SENATE

Passed Legislature - 2007 Regular Session

**State of Washington**                      **60th Legislature**                      **2007 Regular Session**

**By** Representatives B. Sullivan, Kretz, Grant, Linville and Strow

Read first time 01/24/2007. Referred to Committee on Agriculture & Natural Resources.

1            AN ACT Relating to agricultural operations, activities, and  
2 practices; amending RCW 7.48.310; reenacting and amending RCW 7.48.305;  
3 and creating a new section.

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

5            NEW SECTION.    **Sec. 1.** The legislature finds that agricultural  
6 activities are often subjected to nuisance lawsuits. The legislature  
7 also finds that such lawsuits hasten premature conversion of  
8 agricultural lands to other uses. The legislature further finds that  
9 agricultural activities must be able to adopt new technologies and  
10 diversify into new crops and products if the agricultural industry is  
11 to survive and agricultural lands are to be conserved. Therefore, the  
12 legislature intends to enhance the protection of agricultural  
13 activities from nuisance lawsuits, and to further the clear legislative  
14 directive of the state growth management act to maintain and enhance  
15 the agricultural industry and conserve productive agricultural lands.

16            **Sec. 2.** RCW 7.48.305 and 1992 c 151 s 1 and 1992 c 52 s 3 are each  
17 reenacted and amended to read as follows:

18            Notwithstanding any other provision of this chapter, agricultural

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

7 If those agricultural activities and forest practices are  
8 undertaken in conformity with all applicable laws and rules, ((the  
9 activities)) they are presumed to be good agricultural and forest  
10 practices not adversely affecting the public health and safety for  
11 purposes of this section and RCW 7.48.300. An agricultural activity  
12 that is in conformity with such laws and rules shall not be restricted  
13 as to the hours of the day or day or days of the week during which it  
14 may be conducted.

15 Nothing in this section shall affect or impair any right to sue for  
16 damages.

17 **Sec. 3.** RCW 7.48.310 and 1992 c 52 s 4 are each amended to read as  
18 follows:

19 As used in RCW 7.48.305:

20 (1) "Agricultural activity" means a condition or activity which  
21 occurs on a farm in connection with the commercial production of farm  
22 products and includes, but is not limited to, marketed produce at  
23 roadside stands or farm markets; noise; odors; dust; fumes; operation  
24 of machinery and irrigation pumps; movement, including, but not limited  
25 to, use of current county road ditches, streams, rivers, canals, and  
26 drains, and use of water for agricultural activities; ground and aerial  
27 application of seed, fertilizers, conditioners, and plant protection  
28 products; keeping of bees for production of agricultural or apicultural  
29 products; employment and use of labor; roadway movement of equipment  
30 and livestock; protection from damage by wildlife; prevention of  
31 trespass; construction and maintenance of buildings, fences, roads,  
32 bridges, ponds, drains, waterways, and similar features and maintenance  
33 of streambanks and watercourses; and conversion from one agricultural  
34 activity to another, including a change in the type of plant-related  
35 farm product being produced. The term includes use of new practices  
36 and equipment consistent with technological development within the  
37 agricultural industry.

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

4           (3) "Farmland" means land or freshwater ponds devoted primarily to  
5           the production, for commercial purposes, of livestock, freshwater  
6           aquacultural, or other (~~agricultural commodities~~) farm products.

7           (4) "Farm product" means those plants and animals useful to humans  
8           and includes, but is not limited to, forages and sod crops, dairy and  
9           dairy products, poultry and poultry products, livestock, including  
10          breeding, grazing, and recreational equine use, fruits, vegetables,  
11          flowers, seeds, grasses, trees, freshwater fish and fish products,  
12          apiaries and apiary products, equine and other similar products, or any  
13          other product which incorporates the use of food, feed, fiber, or fur.

14          (5) "Forest practice" means "forest practice" as defined in RCW  
15          76.09.020.

        Passed by the House April 14, 2007.

        Passed by the Senate April 11, 2007.

        Approved by the Governor May 4, 2007.

        Filed in Office of Secretary of State May 7, 2007.