

HOUSE BILL REPORT

HB 1590

As Reported by House Committee On:
Agriculture & Natural Resources

Title: An act relating to protection of composting from nuisance lawsuits.

Brief Description: Concerning the protection of composting from nuisance lawsuits.

Sponsors: Representatives Blake, Buys, Springer, Pettigrew, Dent, Lytton, Stanford, Chandler, Fitzgibbon, Schmick, Smith, Tarleton and Muri.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 2/1/17, 2/8/17, 2/15/17 [DP].

Brief Summary of Bill

- Adds compost to the list of farm products whose production constitutes an agricultural activity so as to be presumed reasonable and not a nuisance.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 13 members: Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon, Kretz, Lytton, Orcutt, Pettigrew, Schmick, Springer, Stanford and J. Walsh.

Minority Report: Do not pass. Signed by 1 member: Representative Robinson.

Staff: Robert Hatfield (786-7117).

Background:

Nuisance.

A nuisance is an activity that injures health, is indecent, offends the senses, or obstructs the free use of property so that it interferes with the comfortable enjoyment of life and property. In a nuisance lawsuit, a plaintiff may sue a property owner based on the claim that the

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property owner has made unreasonable use of his or her property to the detriment of the plaintiff's property.

Nuisance-Agricultural Activities Exemption.

Agricultural activities conducted on farmland are generally presumed to be reasonable and not a nuisance unless the activity or practice has a substantial adverse effect on public health and safety. In order to be considered reasonable and thus not a nuisance, the agricultural activities must be consistent with good agricultural practices and established prior to surrounding nonagricultural activities. Agricultural activities that comply with all applicable laws and rules are presumed to be good agricultural practices.

For the purposes of nuisance law, "agricultural activities" are defined as activities that occur on a farm in connection with the commercial production of farm products.

For the purposes of nuisance law, "farm products" are defined to include certain specified products, including, among other things, livestock, vegetables, grasses, trees, and freshwater fish and fish products.

Summary of Bill:

The definition of farm products is expanded to include the term "compost."

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill will help protect the compost industry now and into the future. Compost operations on agricultural land incorporate food and fiber and therefore already fit the definition of a farm product, and compost facilities should be protected under the Right to Farm Act. The addition of the term "compost" in this bill would provide protection against nuisance lawsuits. The bill would ensure that composting operations can continue to do their work to reduce waste. There are sometimes neighbor issues with composting, and this bill could help with that.

(Opposed) None.

(Other) In rural areas, counties would like agriculture to be the least regulated activity. In the rural-urban interface, there's a need to be more careful. Planners are concerned that there are no sideboards on this bill, and it would be good if the bill had some limits. Counties can run

into the problem of neighbor versus neighbor disputes in the absence of direction or authority in statute.

Persons Testifying: (In support) Jay Blazey and Jeff Chapman, Backcountry Horsemen of Washington.

(Other) Laura Berg, Washington Association of Counties.

Persons Signed In To Testify But Not Testifying: None.