

Regulatory Framework Relevant to Irrigated Agriculture Work Group

Washington Right to Farm Law

Washington State's right to farm law, RCW 7.48. 300-320, was first enacted in 1979, with the purpose of protecting agricultural activities conducted on farm and forest lands from lawsuits sounding in nuisance. As a consequence, "agricultural activities conducted on farmland and forest practices, if consistent with good agricultural and forest practices and established prior to surrounding nonagricultural and nonforestry activities, are presumed to be reasonable and shall not be found to constitute a nuisance". RCW 7.48.305 (1). The defense does not apply however if "the activity or practice has a substantial adverse effect on public health and safety." "Agricultural activities and forest practices undertaken in conformity with all applicable laws and rules are presumed to be good agricultural and forest practices not adversely affecting the public health and safety." RCW.7.48.305 (2). In 2005, Washington's right to farm law was amended to provide for full recovery of costs of litigation in the defense of nuisance suits where the right to farm law was a successful defense. RCW 7.48.315.