

HOUSE BILL REPORT

ESHB 1622

As Passed House
March 16, 1993

Title: An act relating to the regulation of fertilizer.

Brief Description: Modifying the regulation of fertilizer.

Sponsors: By House Committee on Agriculture & Rural Development (originally sponsored by Representatives Chappell, Chandler and Rayburn; by request of Department of Agriculture).

Brief History:

Reported by House Committee on:
Agriculture & Rural Development, March 2, 1993, DPS;
House Second Reading, March 15, 1993;
Passed House, March 16, 1993, 97-0.

HOUSE COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Rayburn, Chair; Kremen, Vice Chair; Chandler, Ranking Minority Member; Schoesler, Assistant Ranking Minority Member; Foreman; Grant; Karahalios; Lisk; and Roland.

Staff: Kenneth Hirst (786-7105).

Background: State law regulates the distribution of commercial fertilizers in this state. Each brand and grade of commercial fertilizer must be registered with the state's Department of Agriculture. The registration fee is \$25 for each brand registered. Bulk commercial fertilizer must be registered by each person distributing it. The department may refuse to register a fertilizer or may cancel a registration if the registrant has used fraudulent or deceptive practices in the evasion or attempted evasion of the provisions of the commercial fertilizer laws or rules.

An inspection fee is levied on all commercial fertilizers distributed in this state to persons other than registrants. The fee is 9 cents per ton of lime and 18 cents per ton of any other fertilizer distributed by a person annually.

Summary of Bill: The commercial fertilizer statutes are amended.

Registrations & Licenses. Registrations are now required only for packaged fertilizers. However, if commercial fertilizer is delivered in bulk form, written information similar to registered label information for the fertilizer must still be provided to the purchaser at the time of delivery. No person may distribute a commercial fertilizer in unpackaged, bulk form without obtaining an annual license for the activity from the Department of Agriculture. A license application and \$25 fee must be filed for each location distributing the unpackaged fertilizer. A fee for the late renewal of a license is established.

In reviewing a registration application, the department may consider certain data from authoritative sources to substantial labeling claims if the data are applicable to conditions in the northwest. The department may also require the submission of additional information to support the label statement or guarantee of ingredients. The department may refuse to issue a registration or a distributor's license or may cancel an existing one for: incomplete licensing or registration information; misbranding or adulteration of a commercial fertilizer; or a violation of the commercial fertilizer laws or rules adopted under those laws. It is the responsibility of the person who manufactures or subsequently packages a fertilizer to register it.

The registration fee for a packaged commercial fertilizer is \$25 for the initial product and \$10 for each additional product registered by an applicant, rather than \$25 for each brand registered.

The inspection fee for fertilizers sold to persons other than registrants and licensees is increased. It is now 15 cents per ton, rather than 9 cents per ton for lime and 30 cents per ton, rather than 18 cents per ton for other fertilizers. Packages of fertilizer weighing five pounds or less are no longer excluded in calculating the semiannual or annual tonnage for the fee. A minimum inspection fee of \$25 per year is established. The minimum late payment fee is increased.

Crimes. It is unlawful to: distribute bulk fertilizer without a license; distribute unregistered packaged fertilizer; refuse or neglect to keep and maintain records or to make reports when and where required; or make false or fraudulent records, invoices or reports. The assessment of a delinquency fee for a late renewal of a registration or

license does not preclude the imposition of other penalties.

Other. Specialty fertilizers, bone meal, manures, and similar materials may be guaranteed in fractional units. The director may, by rule, establish an alternative to the method of displaying a guaranteed analysis for a fertilizer currently set by statute. The name of the manufacturer of a fertilizer need no longer be included in an application for a registration for a packaged fertilizer. The persons regulated under the fertilizer laws expressly include those who exchange or broker fertilizers. Registrations expire on June 30 annually, rather than December 31.

Fiscal Note: Available.

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

Testimony For: (1) The bill streamlines requirements for distributors of bulk fertilizer by requiring the distributors to be licensed rather than requiring the fertilizers to be registered. (2) Very broad claims are sometimes made for the effects of trace ingredients in fertilizers; the bill will permit the Department of Agriculture to require such claims to be substantiated. (3) The fee increases will permit more laboratory testing and enforcement by the department. (4) Changing the renewal period for registrations will spread the department's workload.

Testimony Against: None.

Witnesses: Glenn Smerdon and Robin Schoen-Neussa, Department of Agriculture (in favor); and Mark Triplett, Washington Agribusiness Coalition (in favor).