

# ANALYSIS OF SSB 5701

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*House Agriculture & Ecology Committee*

*March 20, 1997*

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## **BACKGROUND:**

*No person may distribute a commercial fertilizer in unpackaged, bulk form without obtaining an annual license for the activity from the Washington State Department of Agriculture (WSDA). A license is not required to distribute packaged fertilizers, but the packaged fertilizers must be registered with the WSDA. (RCW 15.54.275 and 15.54.325.) A registered label, including its guaranteed analysis,– is required for such a packaged fertilizer. (RCW 15.54.325.) The guaranteed analysis identifies the minimum percentages of the following present in the product: total nitrogen, available phosphoric acid, and soluble potash. It may also include an identification of the percentage of elemental phosphorus and of potassium present and other analyses required by the WSDA. (RCW 15.54.270(11).) If commercial fertilizer is delivered in bulk form, written information similar to registered label information for the fertilizer must be provided to the purchaser at the time of delivery. (RCW 15.54.340(2).)*

*The solid waste management laws define "solid waste" as being . . . all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials.– (RCW 70.95.030(19).)*

## **SUMMARY:**

*A "commercial fertilizer" now includes a substance that is generated as a by-product in the manufacturing of wood products and intended to improve the physical characteristics of the soil. The guaranteed analysis– listed for such wood by-products must include the name and percentage of each soil amending ingredient and the total percentage of all other ingredients. (Section 1.) For such wood by-products, the label must include the purpose of the product and directions for application. (Section 4.)*

*The authority of the WSDA to adopt rules regulating the use and disposal of fertilizers and for the safe handling, transportation, storage, display, and distribution of fertilizer is expressly extended to all commercial– fertilizers, including limes. (Section 6.)*

*Commercial Fertilizer That is Defined as Solid Waste. Before a product that is defined as a*

*"solid waste" under the solid waste management laws may be registered as a packaged commercial fertilizer or a person may be licensed to distribute such a product as a commercial fertilizer in bulk form, the WSDA must obtain written approval from the DOE. The DOE must issue the approval if it finds that the material characteristics and management methods will not pose unacceptable hazards to human health and the environment. (Sections 2 and 3.) Such a written approval must certify, to the degree practicable, that the use of the material as a commercial fertilizer is consistent with the following: the Model Toxics Control Act, Washington Clean Air Act, biosolids standards of the DOE, the state's water pollution control laws, and other factors intended to protect human health and the environment. (Section 8.) The WSDA may cancel a license or registration for which such an approval was granted based on evidence of unacceptable hazards to human health or the environment that were not known during the approval process. (Section 5.)*

*A provision of the solid waste management laws that prohibits depositing solid waste on the ground or into waters except at a solid waste disposal site does not apply to a person using solid wastes on land as a commercial fertilizer under the licensing and approval requirements established for this type of fertilizer. (Section 7.)*