

HOUSE BILL REPORT

SSB 5701

As Passed House-Amended:

April 15, 1997

Title: An act relating to commercial soil amendments.

Brief Description: Licensing distributors of commercial soil.

Sponsors: Senate Committee on Agriculture & Environment (originally sponsored by Senators Morton, Rasmussen and Swecker).

Brief History:

Committee Activity:

Agriculture & Ecology: 3/26/97, 3/27/97 [DPA].

Floor Activity:

Passed House-Amended: 4/15/97, 96-0.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: Do pass as amended. Signed by 11 members: Representatives Chandler, Chairman; Parlette, Vice Chairman; Schoesler, Vice Chairman; Linville, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Cooper; Delvin; Koster; Mastin; Regala and Sump.

Staff: Kenneth Hirst (786-7105).

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. A registered label, including its guaranteed analysis, is required for such a packaged fertilizer. 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. 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. Bulk fertilizer formulations are not registered or licensed, but the distributors of bulk fertilizers are licensed under the commercial fertilizer laws.

The solid waste management laws define "solid waste" as being all putrescible and nonputrescible solid and semisolid wastes including garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles and vehicle parts, and recyclable materials.

Summary of Bill: An optional procedure is established by which a material generated as a by-product from the manufacturing of wood products may be approved by the Department of Ecology (DOE) for use as a commercial fertilizer. If a request is submitted to the DOE for such an approval, the department must approve the request if it finds that the material characteristics and management methods will not pose unacceptable hazards to human health and the environment. Such a written approval must certify, to the degree practicable, that the use of the material as a commercial fertilizer is consistent with: the Model Toxics Control Act, the Washington Clean Air Act, the Hazardous Waste Management Act, biosolids standards of the DOE, the state's water pollution control laws, and other factors intended to protect human health and the environment. Although the DOE may have given its approval for such a material, the WSDA may subsequently prohibit its distribution as a commercial fertilizer based on evidence of unacceptable hazards to human health or the environment that were not known during the approval process. 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 such an approved material on land as a commercial fertilizer under these approval requirements.

The guaranteed analysis— listed for such an approved material must include the name and percentage of each soil amending ingredient and the total percentage of all other ingredients. The label must include the purpose of the product and application directions.

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.

Appropriation: None.

Fiscal Note: Requested on March 24, 1997.

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

Testimony For: (1) The productivity of sandy soils common to the northeastern part of the state is greatly enhanced by soil amendments that improve the ability of the soil to retain water. Wood fibers left over after making paper make an excellent water retaining amendment that is similar to peat moss. The amendment also improves drainage in clay soils. (2) Current laws discourage the use of such materials as

amendments, yet they can provide for environmental protection while also reducing the volume of material that is land-filled. (3) By adding the hazardous waste laws to the list of laws the DOE must use in the approval process, the DOE can address tagalong chemicals such as heavy metals. (4) A post-papermaking product is currently distributed as a commercial fertilizer; this bill formalizes a process already being used by the WSDA and the DOE.

Testimony Against: (1) The substitute senate bill does not just permit the use of wood waste as commercial fertilizer, it permits the use of any solid waste. (2) The ingredients listed for fertilizer do not inform the user about inert ingredients such as heavy metals. Their presence in fertilizer should be disclosed to farmers before they are spread on and built up on fields. In 75 years, these contaminants would pose a human health hazard. (3) The DOE's decision to approve or deny the use of a solid waste as a commercial fertilizer should be appealable.

Testified: Senator Bob Morton, prime sponsor; Lori Blau, Ponderay Newsprint; and Mary Beth Lang, Department of Agriculture (in favor). Jim Pendowski, Department of Ecology (commented on the bill). Patricia Martin, Mayor of City of Quincy (opposed).