

SENATE BILL REPORT

SSB 5701

As Passed Senate, March 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 & Environment: 2/20/97, 2/25/97 [DPS].
Passed Senate, 3/15/97, 43-2.

SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

Majority Report: That Substitute Senate Bill No. 5701 be substituted therefor, and the substitute bill do pass.

Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Oke and Rasmussen.

Staff: Kari Guy (786-7437)

Background: The handling of solid wastes, including garbage, industrial wastes, construction wastes, and recyclable materials, requires a permit issued by the local health department. A permit is required for each location where solid waste is deposited onto the surface of the ground.

The Department of Agriculture licenses the distribution of fertilizers in the state. Fertilizer includes any substance containing one or more recognized plant nutrients, that is claimed to have value in promoting plant growth. Other products used to improve the physical characteristics of soil that do not make any nutrient claims are not licensed by the department.

Summary of Bill: By-products of wood manufacturing are included in the definition of commercial fertilizer. Any person proposing to distribute a by-product of a wood manufacturing process as a soil amendment is required to have a commercial fertilizer license.

A guaranteed analysis of the product, including the name and percentage of each soil amending ingredient and total percentage of all other ingredients must be submitted to the Department of Agriculture. A label must be provided that includes the product name, guaranteed analysis, purpose of the product, and directions for application.

Prior to issuance of a license, written approval must be received from the Department of Ecology, certifying that the product does not pose risks to human health or the environment.

Products that receive a commercial fertilizer license and receive the written approval from the Department of Ecology are exempt from solid waste permitting requirements. The license may be canceled based on new evidence of hazards to human health or the environment that was not known when the Department of Ecology approved the product as a fertilizer.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The state should decrease the regulatory burden for products with low environmental risk. Wood waste can be a very beneficial amendment to soils, increasing the total organic carbon and organic nitrogen. The existing system provides a disincentive against the reuse of materials. This is one part of broader revision needed for the solid waste statutes; many things regulated as solid waste do have value as products.

Testimony Against: The definition for commercial soil amendment is not consistent with national standards. An applicant should be required to demonstrate that there is no environmental risk. This approach should be expanded to other products such as yard waste.

Testified: Lori A. Blau, Ponderay Newsprint (pro); Jeff Gage, Washington Organic Recycling Council (con); Jim Pendowski, Dept. of Ecology Solid Waste; Mary Beth Lang, Dept. of Agriculture.

House Amendment(s): Wood by-products intended for use as a soil amendment are removed from the definition of commercial fertilizer. Instead, the amendment includes in the commercial fertilizer definition any materials approved through an optional approval process by the Department of Ecology. Findings are added to specify that the Legislature does not intend that a material submitted or not submitted for approval by the Department of Ecology that is generated or not generated as a wood by-product is or is not to be regulated as a solid waste.

The process for receiving written approval from the Department of Ecology prior to licensing a wood by-product as a commercial fertilizer is optional. A wood by-product that is approved by the Department of Ecology for use as a commercial fertilizer is exempt from solid waste permitting requirements. A decision by the Department of Ecology to approve use of a wood by-product as a commercial fertilizer may be appealed to the Pollution Control Hearings Board.

The labeling requirement for wood by-products is deleted. A provision specifying that the Department of Agriculture is not required to register a product as a commercial fertilizer if the Department finds evidence that the material will pose hazards to human health is added.