

SENATE BILL REPORT

SB 5701

As Reported By Senate Committee On:
Agriculture & Environment, February 25, 1997

Title: An act relating to commercial soil amendments.

Brief Description: Licensing distributors of commercial soil amendments.

Sponsors: Senators Morton, Rasmussen and Swecker.

Brief History:

Committee Activity: Agriculture & Environment: 2/20/97, 2/25/97 [DPS].

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 Substitute 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.

Substitute Bill Compared to Original Bill: The original bill created a new definition and licensing process specifically for wood by-products used as soil amendments. The substitute bill incorporates wood by-products into the definition of commercial fertilizer, and all requirements for commercial fertilizer apply. The requirement that Department of Ecology provide written approval prior to issuing a commercial fertilizer license for a product that would have been regulated as a solid waste is added.

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. The process laid out in the bill could be subject to abuse. 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.