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SENATE BILL 5701

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State of Washington

55th Legislature

1997 Regular Session

By Senators Morton, Rasmussen and Swecker

Read first time 02/07/97. Referred to Committee on Agriculture & Environment.

1 AN ACT Relating to commercial soil amendments; amending RCW  
2 15.54.270 and 70.95.240; and adding a new section to chapter 15.54 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 15.54.270 and 1993 c 183 s 1 are each amended to read  
5 as follows:

6 Terms used in this chapter have the meaning given to them in this  
7 chapter unless the context clearly indicates otherwise.

8 (1) "Brand" means a term, design, or trademark used in connection  
9 with the distribution and sale of one or more grades of commercial  
10 fertilizers.

11 (2) "Bulk fertilizer" means commercial fertilizer distributed in a  
12 nonpackage form such as, but not limited to, tote bags, tote tanks,  
13 bins, tanks, trailers, spreader trucks, and railcars.

14 (3) "Calcium carbonate equivalent" means the acid-neutralizing  
15 capacity of an agricultural liming material expressed as a weight  
16 percentage of calcium carbonate.

17 (4) "Commercial fertilizer" means a substance containing one or  
18 more recognized plant nutrients and that is used for its plant nutrient  
19 content or that is designated for use or claimed to have value in

1 promoting plant growth, and shall include limes, gypsum, and  
2 manipulated animal and vegetable manures. It does not include  
3 unmanipulated animal and vegetable manures and other products exempted  
4 by the department by rule.

5 (5) "Commercial soil amendment" means any substance that is  
6 generated as a by-product from the manufacturing of wood products and  
7 that is intended to improve the physical characteristics of the soil.  
8 It does not include wood by-products that have been treated with a  
9 chlorine bleaching product, or other substances exempted by the  
10 department by rule.

11 (6) "Customer-formula fertilizer" means a mixture of commercial  
12 fertilizer or materials of which each batch is mixed according to the  
13 specifications of the final purchaser.

14 ((+6)) (7) "Department" means the department of agriculture of the  
15 state of Washington or its duly authorized representative.

16 ((+7)) (8) "Director" means the director of the department of  
17 agriculture.

18 ((+8)) (9) "Distribute" means to import, consign, manufacture,  
19 produce, compound, mix, or blend commercial fertilizer, or to offer for  
20 sale, sell, barter, exchange, or otherwise supply commercial fertilizer  
21 in this state.

22 ((+9)) (10) "Distributor" means a person who distributes.

23 ((+10)) (11) "Grade" means the percentage of total nitrogen,  
24 available phosphoric acid, and soluble potash stated in whole numbers  
25 in the same terms, order, and percentages as in the "guaranteed  
26 analysis," unless otherwise allowed by a rule adopted by the  
27 department. Specialty fertilizers may be guaranteed in fractional  
28 units of less than one percent of total nitrogen, available phosphorus  
29 or phosphoric acid, and soluble potassium or potash. Fertilizer  
30 materials, bone meal, manures, and similar materials may be guaranteed  
31 in fractional units.

32 ((+11)) (12) "Guaranteed analysis."

33 (a) Until the director prescribes an alternative form of  
34 "guaranteed analysis" by rule the term "guaranteed analysis" shall mean  
35 the minimum percentage of plant nutrients claimed in the following  
36 order and form:

37	Total nitrogen (N)	. . . . .	percent
38	Available phosphoric acid (P2O5)		percent
39	Soluble potash (K2O)	. . . . .	percent

1 The percentage shall be stated in whole numbers unless otherwise  
2 allowed by the department by rule.

3 The "guaranteed analysis" may also include elemental guarantees for  
4 phosphorus (P) and potassium (K).

5 (b) For unacidulated mineral phosphatic material and basic slag,  
6 bone, tankage, and other organic phosphatic materials, the total  
7 phosphoric acid or degree of fineness may also be guaranteed.

8 (c) Guarantees for plant nutrients other than nitrogen, phosphorus,  
9 and potassium shall be as allowed or required by rule of the  
10 department. The guarantees for such other nutrients shall be expressed  
11 in the form of the element.

12 (d) The guaranteed analysis for limes shall include the percentage  
13 of calcium or magnesium expressed as their carbonate; the calcium  
14 carbonate equivalent as determined by methods prescribed by the  
15 association of official analytical chemists; and the minimum percentage  
16 of material that will pass respectively a one hundred mesh, sixty mesh,  
17 and ten mesh sieve. The mesh size declaration may also include the  
18 percentage of material that will pass additional mesh sizes.

19 (e) In commercial fertilizer, the principal constituent of which is  
20 calcium sulfate (gypsum), the percentage of calcium sulfate  
21 ( $\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$ ) shall be given along with the percentage of total sulfur.

22 ~~((12))~~ (13) "Label" means the display of all written, printed, or  
23 graphic matter, upon the immediate container, or a statement  
24 accompanying a fertilizer.

25 ~~((13))~~ (14) "Labeling" includes all written, printed, or graphic  
26 matter, upon or accompanying a commercial fertilizer, or advertisement,  
27 brochures, posters, television, and radio announcements used in  
28 promoting the sale of such fertilizer.

29 ~~((14))~~ (15) "Licensee" means the person who receives a license to  
30 distribute a fertilizer or commercial soil amendment under the  
31 provisions of this chapter.

32 ~~((15))~~ (16) "Lime" means a substance or a mixture of substances,  
33 the principal constituent of which is calcium or magnesium carbonate,  
34 hydroxide, or oxide, singly or combined.

35 ~~((16))~~ (17) "Manipulation" means processed or treated in any  
36 manner, including drying to a moisture content less than thirty  
37 percent.

1       (~~(17)~~) (18) "Manufacture" means to compound, produce, granulate,  
2 mix, blend, repackage, or otherwise alter the composition of fertilizer  
3 materials.

4       (~~(18)~~) (19) "Official sample" means a sample of commercial  
5 fertilizer taken by the department and designated as "official" by the  
6 department.

7       (~~(19)~~) (20) "Packaged fertilizer" means commercial fertilizers,  
8 either agricultural or specialty, distributed in nonbulk form.

9       (~~(20)~~) (21) "Person" means an individual, firm, brokerage,  
10 partnership, corporation, company, society, or association.

11       (~~(21)~~) (22) "Percent" or "percentage" means the percentage by  
12 weight.

13       (~~(22)~~) (23) "Registrant" means the person who registers  
14 commercial fertilizer under the provisions of this chapter.

15       (~~(23)~~) (24) "Specialty fertilizer" means a commercial fertilizer  
16 distributed primarily for nonfarm use, such as, but not limited to, use  
17 on home gardens, lawns, shrubbery, flowers, golf courses, municipal  
18 parks, cemeteries, greenhouses, and nurseries.

19       (~~(24)~~) (25) "Ton" means the net weight of two thousand pounds  
20 avoirdupois.

21       (~~(25)~~) (26) "Total nutrients" means the sum of the percentages of  
22 total nitrogen, available phosphoric acid, and soluble potash as  
23 guaranteed and as determined by analysis.

24       NEW SECTION. Sec. 2. A new section is added to chapter 15.54 RCW  
25 to read as follows:

26       (1) No person may produce a commercial soil amendment for  
27 distribution in this state until an annual license has been obtained by  
28 that person. An application shall be filed on forms provided by the  
29 department and shall be accompanied by an annual fee of twenty-five  
30 dollars. All licenses shall expire on June 30th of each year.

31       (2) An application for license shall include the following:

32       (a) The name and address of the licensee; and

33       (b) Any other information required by the department by rule.

34       (3) If an application for license renewal provided for in this  
35 section is not filed before the license expiration date, a delinquency  
36 fee of twenty-five dollars shall be assessed and added to the original  
37 fee and shall be paid by the applicant before the renewal license shall  
38 be issued. The assessment of this delinquency fee does not prevent the

1 department from taking any other action as provided for in this  
2 chapter. The penalty does not apply if the applicant furnishes an  
3 affidavit that he or she has not distributed this commercial soil  
4 amendment subsequent to the expiration of his or her prior license.

5 **Sec. 3.** RCW 70.95.240 and 1993 c 292 s 3 are each amended to read  
6 as follows:

7 (1) After the adoption of regulations or ordinances by any county,  
8 city, or jurisdictional board of health providing for the issuance of  
9 permits as provided in RCW 70.95.160, it shall be unlawful for any  
10 person to dump or deposit or permit the dumping or depositing of any  
11 solid waste onto or under the surface of the ground or into the waters  
12 of this state except at a solid waste disposal site for which there is  
13 a valid permit. This section shall not:

14 (a) Prohibit a person from dumping or depositing solid waste  
15 resulting from his own activities onto or under the surface of ground  
16 owned or leased by him when such action does not violate statutes or  
17 ordinances, or create a nuisance; or

18 (b) Apply to any person using solid wastes on the land as a  
19 fertilizer or commercial soil amendment under the licensing  
20 requirements of chapter 15.54 RCW.

21 (2)(a) It is a class 3 civil infraction as defined in RCW 7.80.120  
22 for a person to litter in an amount less than or equal to one cubic  
23 foot.

24 (b) It is a class 1 civil infraction as defined in RCW 7.80.120 for  
25 a person to litter in an amount greater than one cubic foot. Unless  
26 suspended or modified by a court, the person shall also pay a litter  
27 cleanup fee of twenty-five dollars per cubic foot of litter. The court  
28 may, in addition to or in lieu of part or all of the cleanup fee, order  
29 the person to pick up and remove litter from the property, with prior  
30 permission of the legal owner or, in the case of public property, of  
31 the agency managing the property.

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