

# FINAL BILL REPORT

## ESHB 2095

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C 383 L 99

Synopsis as Enacted

**Brief Description:** Regulating commercial fertilizer.

**Sponsors:** By House Committee on Agriculture & Ecology (Originally sponsored by Representatives G. Chandler, Linville, Koster, Grant, B. Chandler, Anderson and Sump).

**House Committee on Agriculture & Ecology**  
**Senate Committee on Agriculture & Rural Economic Development**

**Background:**

Registration. No person may distribute a commercial fertilizer in this state unless the fertilizer is registered with the Washington State Department of Agriculture (WSDA). The registration fee is \$25. Registrations expire on June 30 annually. Bulk fertilizers do not have to be registered if all of the fertilizer products in them are registered. However, those who distribute bulk fertilizer must be licensed by the WSDA.

Stop Sale Orders and Seizures. If the WSDA has reasonable cause to believe that fertilizer is being offered or exposed for sale in violation of any of the commercial fertilizer laws, it may issue a "stop sale," "stop use," or "removal order" and require that the fertilizer be held at a designated place until released by the WSDA for compliance with those laws. Any lot of commercial fertilizer not in compliance is also subject to seizure. For this purpose, the WSDA must file a complaint with a court of competent jurisdiction in the area in which the fertilizer is located. With certain exceptions, if the court finds that the fertilizer is in violation of the commercial fertilizer laws and orders the condemnation of the fertilizer, it must be disposed of in a manner consistent with the quality of the commercial fertilizer and the laws of the state.

**Summary:**

Commercial fertilizers must be registered biennially (rather than annually). Registrations are staggered alphabetically so that a portion of the registrations are made in even-numbered years and a portion in odd-numbered years. The fee for a two-year registration is \$50. Labels for each product no longer need to be submitted with each registration application.

In lieu of a "removal" order, the WSDA may issue a "withdrawal from distribution" order. In addition to an owner or custodian of a fertilizer, a distributor is expressly added as one to whom a regulatory order may be issued.

A declaration is made that fertilizers that are not registered or that fail to meet metals standards maybe harmful to soils and may contain substances harmful to the public. A "stop sale," "stop use," or "withdrawal from distribution" order may expressly be issued if the commercial fertilizer is not registered in this state or, according to the WSDA, fails to meet this state's standards for total metals. A fertilizer must be released from such an order when the distributor, owner, or custodian has complied with the commercial fertilizer laws and rules. If compliance is not or cannot be obtained, the WSDA may institute seizure proceedings or may agree in writing to an alternative disposition of the commercial fertilizer. If the seizure is for these purposes, the WSDA may file its complaint with the Thurston County Superior Court or other court of competent jurisdiction.

All costs associated with a "stop sale," "stop use," or "withdrawal from distribution" order incurred by the distributor, owner, or custodian of a commercial fertilizer are the responsibility of the distributor, owner, or custodian. All costs associated with disposal following condemnation under a seizure order are the responsibility of the distributor, owner, or custodian of the commercial fertilizer, unless such a person is the consumer or is only a transporter of the fertilizer. The disposal costs are not the responsibility of the consumer or such a transporter of the commercial fertilizer.

**Votes on Final Passage:**

House 96 0  
Senate 43 2

**Effective:** July 1, 1999