

SENATE BILL REPORT

SB 5208

As Reported By Senate Committee On:
Environmental Quality & Water Resources, March 2, 1999

Title: An act relating to specialty fertilizer labeling language.

Brief Description: Labeling of specialty fertilizers.

Sponsors: Senators Rasmussen, Stevens, T. Sheldon and Morton.

Brief History:

Committee Activity: Environmental Quality & Water Resources: 2/11/99, 3/2/99 [DPS].

SENATE COMMITTEE ON ENVIRONMENTAL QUALITY & WATER RESOURCES

Majority Report: That Substitute Senate Bill No. 5208 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fraser, Chair; Eide, Vice Chair; Morton, Honeyford, Jacobsen, McAuliffe and Swecker.

Staff: Richard Rodger (786-7461)

Background: All commercial fertilizers distributed in the state must have a label containing relevant information about the product. The information must contain a notice that the product has been registered with the Washington State Department of Agriculture and that the product meets specific state standards for a variety of elements. The label must also provide the address of the state's Internet site where consumers may obtain additional information on the components contained in the product.

Speciality fertilizers are commercial fertilizers that are primarily for nonfarm use.

Summary of Substitute Bill: Speciality fertilizers are exempt from certain labeling requirements if the retailer provides substantially similar information to the consumers. This includes products shipped directly to consumers within the state. Retailers who provide notice of the products' contents to consumers are not subject to "stop sale" provisions.

The Department of Agriculture must study the notice provision to determine whether the Legislature should repeal the requirement and exempt speciality fertilizer products from the notice and labeling requirements. The results of the study are due by November 15, 2001.

Substitute Bill Compared to Original Bill: The proposed "speciality fertilizer" label is eliminated. A notice option is provided at the point of sale and retailers are protected from the stop sale provisions if consumer notice is given. The department conducts a study of the issues.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Current law requires fertilizer manufacturers to print state-specific information on their product labels. Several states have indicated they will not accept the products with the reference to Washington State standards on the label. The label requirement uses too much space on small products. The registration process should address consumer concerns with the products.

Testimony Against: The label proposed by the industry would violate the state Constitution by delegating regulatory authority to a nongovernmental entity. The guidelines referenced in the bill have not been adopted so there is no ability to assure what they say.

Testified: PRO: Paula Bodey, Vince Snyder, The Scotts Company; Frank Warnke, Advocates; Bill Bush, Schultz Company; Molly Hickman, The Garden Grow Company; Jim Sundern, Fred Meyer; Brad Kollath, united Industries; Scott Cannon, Central Garden and Pet Company; CON: Jon Stier, Washington PIRG; Dawn Vyvyan, Washington Toxics Coalition; Mary Beth Long, Department of Agriculture.