

SENATE BILL REPORT

SB 5809

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

Title: An act relating to the control of dioxin.

Brief Description: Directing the department of ecology to place controls on dioxin.

Sponsors: Senators McAuliffe, Swecker, Prentice, Eide, Thibaudeau, Fraser, Kohl-Welles and Kline.

Brief History:

Committee Activity: Environmental Quality & Water Resources: 2/18/99, 3/2/99 [DPS-WM, DNPS].

SENATE COMMITTEE ON ENVIRONMENTAL QUALITY & WATER RESOURCES

Majority Report: That Substitute Senate Bill No. 5809 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

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

Minority Report: Do not pass substitute.

Signed by Senators Morton and Honeyford.

Staff: Richard Rodger (786-7461)

Background: Dioxin is a concern for public health, safety, and the environment because it builds up in the environment, enters humans and wildlife through the food chain, and can cause health effects such as cancer, immune suppression, and reproductive problems.

Dioxins may be created or released by processes that use or burn chlorine or chlorine compounds. These processes may occur at pulp mills, cement kilns, waste incinerators, oil refineries, and steel smelting operations.

Summary of Substitute Bill: The department must prohibit the sale or use of commercial fertilizers or soil amendments that contain any solid waste, hazardous waste, by-products, or co-products resulting from an industrial process.

Any person who generates or imports a solid waste, hazardous waste, by-product, or co-product resulting from an industrial process that creates or releases dioxin must report annually to the department if such wastes, by-products, or co-products can be used for the purposes of commercial fertilizer or soil amendments.

Forms for reporting must be provided by the department. The forms must require the following information: the amount, type, and origin of waste or product; whether it could

be incorporated into commercial fertilizer or soil amendment; and the levels of dioxin in the waste or product. The department is granted rulemaking authority.

Substitute Bill Compared to Original Bill: DOE may only prohibit or stop the sale of fertilizers contain industrial waste which actually creates or releases dioxin. Definitions for "industrial processes" and "dioxin" are revised. The department is granted specific rulemaking authority. Effective dates are extended by one year.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Testimony For: Dioxins pose a potential threat to human health. Dioxins can enter the food chain through the use of fertilizers that use industrial wastes containing chlorine products. The Department of Ecology is studying bioaccumulative chemicals, including dioxins. DOE has determined that the biggest problem arises from the use of steel mill flue dust and is working on rules to address that issue.

Testimony Against: There is not an identified problem justifying the amount of time and money this bill will require. The tests of fertilizers, soils and foods have indicated a clean bill of health. The highest risk is in urban areas not farm and forest lands.

Testified: Greg Surlie, Ecology Department; PRO: Erika Schroder, WA Toxics Coalition; Patricia Martin, United Farm Workers; Jon Stier, WashPIRG; Karen McDonell; John Fawcett-Cong, Western sustainable Agriculture Working Group; Doris Cellarius, Sierra Club; Fran Truje, The Mountaineers; CON: Dan Coyle, FarWest Fertilizer; Heather Hanson, WA Friends of Farms and Forests; Scott Hazlegrove, AWB; Llewellyn Matthews, NW Pulp and Paper.