
SUBSTITUTE SENATE BILL 5208

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Environmental Quality & Water Resources
(originally sponsored by Senators Rasmussen, Stevens, T. Sheldon and
Morton)

Read first time 03/03/99.

1 AN ACT Relating to specialty fertilizer labeling language; amending
2 RCW 15.54.340; creating new sections; providing an effective date; and
3 declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** It is the intent of the legislature that the
6 labeling requirements for specialty fertilizer products sold in
7 Washington state not be so restrictive as to inhibit the sales of such
8 products either intrastate or interstate.

9 **Sec. 2.** RCW 15.54.340 and 1998 c 36 s 6 are each amended to read
10 as follows:

11 (1) Any commercial fertilizer distributed in this state shall,
12 except as provided in subsection (5) of this section, have placed on or
13 affixed to the package a label setting forth in clearly legible and
14 conspicuous form the following information:

15 (a) The net weight;

16 (b) The product name, brand, and grade. The grade is not required
17 if no primary nutrients are claimed;

18 (c) The guaranteed analysis;

1 (d) The name and address of the registrant or licensee. The name
2 and address of the manufacturer, if different from the registrant or
3 licensee, may also be stated;

4 (e) Any information required under WAC 296-62-054;

5 (f) At a minimum the following labeling statement: "This product
6 has been registered with the Washington State Department of
7 Agriculture. When applied as directed, this fertilizer meets the
8 Washington standards for arsenic, cadmium, cobalt, mercury, molybdenum,
9 lead, nickel, selenium, and zinc. You have the right to receive
10 specific information about Washington standards from the distributor of
11 this product.";

12 (g) (~~After July 1, 1999,~~) The label must also state:
13 "Information received by the Washington State Department of Agriculture
14 regarding the components in this product is available on the internet
15 at

16 (h) Other information as required by the department by rule.

17 (2) If a commercial fertilizer is distributed in bulk, a written or
18 printed statement of the information required by subsection (1) of this
19 section shall accompany delivery and be supplied to the purchaser at
20 the time of delivery.

21 (3) Each delivery of a customer-formula fertilizer shall be subject
22 to containing those ingredients specified by the purchaser, which
23 ingredients shall be shown on the statement or invoice with the amount
24 contained therein, and a record of all invoices of customer-formula
25 grade mixes shall be kept by the registrant or licensee for a period of
26 twelve months and shall be available to the department upon request:
27 PROVIDED, That each such delivery shall be accompanied by either a
28 statement, invoice, a delivery slip, or a label if bagged, containing
29 the following information: The net weight; the brand; the guaranteed
30 analysis which may be stated to the nearest tenth of a percent or to
31 the next lower whole number; the name and address of the registrant or
32 licensee, or manufacturer, or both; and the name and address of the
33 purchaser.

34 (4) Any person who distributes a commercial fertilizer in this
35 state shall make available to the purchaser on request, a copy of
36 standards for metals established in RCW 15.54.800.

37 (5)(a) Speciality fertilizers are exempt from the requirements
38 under subsection (1)(f) and (g) of this section if the retailer of the
39 product makes available substantially similar information, in a manner

1 and form as approved by the department, to the consumers of such
2 products, including products shipped directly to consumers within the
3 state.

4 (b) Retailers who provide notice to consumers in compliance with
5 this subsection (5) shall not be subject to the provisions of RCW
6 15.54.440 for failure to meet the requirements under subsection (1)(f)
7 and (g) of this section.

8 NEW SECTION. Sec. 3. The department of agriculture shall review
9 the requirements imposed on the retailers of speciality fertilizers
10 under RCW 15.54.340(5) to determine whether the legislature should
11 repeal the requirements and fully exempt speciality fertilizer products
12 from the labeling requirements of RCW 15.54.340(1) (f) and (g). In
13 conducting the study the department shall consider the benefit to the
14 consumers and the imposition to the retailer and producers of
15 speciality fertilizers in terms of the cost of materials and labor
16 necessary to comply with the statute. The department shall report its
17 findings to the governor and legislature by November 15, 2001.

18 NEW SECTION. Sec. 4. This act is necessary for the immediate
19 preservation of the public peace, health, or safety, or support of the
20 state government and its existing public institutions, and takes effect
21 July 1, 1999.

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