
SUBSTITUTE SENATE BILL 5866

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Environmental Quality & Water Resources
(originally sponsored by Senators Fraser, Prentice, Kline and
Kohl-Welles; by request of Department of Agriculture)

Read first time 03/03/99.

1 AN ACT Relating to eliminating component registration of fertilizer
2 products; amending RCW 15.54.325 and 15.54.340; providing an effective
3 date; and declaring an emergency.

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

5 **Sec. 1.** RCW 15.54.325 and 1998 c 36 s 4 are each amended to read
6 as follows:

7 (1) No person may distribute in this state a commercial fertilizer
8 until it has been registered with the department by the producer,
9 importer, or packager of that product. A bulk fertilizer does not
10 require registration if all commercial fertilizer products contained in
11 the final product are registered.

12 (2) An application for registration shall be made on a form
13 furnished by the department and shall be accompanied by a fee of
14 twenty-five dollars for each product. Labels for each product shall
15 accompany the application. All companies planning to mix customer-
16 formula fertilizers shall include the statement "customer-formula grade
17 mixes" under the column headed "product name" on the product
18 registration application form. All customer-formula fertilizers sold
19 under one brand name shall be considered one product.

1 (3) An application for registration shall include the following:

2 (a) The product name;

3 (b) The brand and grade;

4 (c) The guaranteed analysis;

5 (d) Name, address, and phone number of the registrant;

6 (e) Labels for each product being registered;

7 (f) Identification of those products that are (i) waste-derived
8 fertilizers, (ii) micronutrient fertilizers, or (iii) fertilizer
9 materials containing phosphate;

10 (g) Identification of the fertilizer components in the commercial
11 fertilizer product and verification that all the components are
12 registered. If any of the components are not registered, then the
13 application must include the concentration of each metal in each
14 fertilizer component, for which standards are established under RCW
15 15.54.800((÷)) and (i) the concentration of each such metal in the
16 product, which may be stated in actual amounts or within ranges
17 approved by the department or (ii) a sample of the product, which the
18 department shall test and report the concentrations of each such metal,
19 and an additional fee, as determined by the department to cover the
20 cost of testing;

21 (h) Waste-derived fertilizers and micronutrient fertilizers shall
22 include at a minimum, information to ensure the product complies with
23 chapter 70.105 RCW and the resource conservation and recovery act, 42
24 U.S.C. Sec. 6901 et seq.; and

25 (i) Any other information required by the department by rule.

26 (4) If an application for renewal of the product registration
27 provided for in this section is not filed prior to July 1st of any one
28 year, a penalty of ten dollars per product shall be assessed and added
29 to the original fee and shall be paid by the applicant before the
30 renewal registration shall be issued. The assessment of this late
31 collection fee shall not prevent the department from taking any other
32 action as provided for in this chapter. The penalty shall not apply if
33 the applicant furnishes an affidavit that he or she has not distributed
34 this commercial fertilizer subsequent to the expiration of his or her
35 prior registration.

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

1 (1) Any commercial fertilizer distributed in this state shall have
2 placed on or affixed to the package a label setting forth in clearly
3 legible and conspicuous form the following information:

4 (a) The net weight;

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

7 (c) The guaranteed analysis;

8 (d) The name and address of the registrant or licensee. The name
9 and address of the manufacturer, if different from the registrant or
10 licensee, may also be stated;

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

12 (f) At a minimum the following labeling statement: "This product
13 has been registered with the Washington State Department of
14 Agriculture. When applied as directed, this fertilizer meets the
15 Washington standards for arsenic, cadmium, cobalt, mercury, molybdenum,
16 lead, nickel, selenium, and zinc. You have the right to receive
17 specific information about Washington standards from the distributor of
18 this product.";

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

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

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

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

1 licensee, or manufacturer, or both; and the name and address of the
2 purchaser.

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

6 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
7 preservation of the public peace, health, or safety, or support of the
8 state government and its existing public institutions, and takes effect
9 July 1, 1999.

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