

SENATE BILL REPORT

HB 2467

As Reported By Senate Committee On:
Agriculture & Rural Economic Development, February 25, 2008

Title: An act relating to the registration and administration of fertilizers.

Brief Description: Regulating fertilizers.

Sponsors: Representatives Warnick, Blake, Grant, Kretz, Newhouse and VanDeWege; by request of Department of Agriculture.

Brief History: Passed House: 2/01/08, 95-0.

Committee Activity: Agriculture & Rural Economic Development: 2/21/08, 2/25/08 [DPA].

SENATE COMMITTEE ON AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

Majority Report: Do pass as amended.

Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Schoesler, Ranking Minority Member; Jacobsen and Morton.

Staff: Sam Thompson (786-7413)

Background: The Washington State Department of Agriculture (WSDA) requires commercial fertilizer to be registered by producers, importers, or packagers before distribution. Bulk fertilizer does not require registration if all commercial fertilizer products in the final product are already registered. Applications for registration include a \$50 fee, and applicants are registered for two-year periods.

Commercial fertilizer distributed in Washington must be clearly labeled. Bulk commercial fertilizer must be distributed with a written or printed statement supplied to the purchaser at the time of delivery.

Registrants or licensees distributing commercial fertilizer must file semiannual reports with WSDA stating the net tons of each commercial fertilizer distributed in Washington. Individuals responsible for paying inspection fees must include the fees with the report. Registrants or licensees distributing less than 83 tons of commercial fertilizer, less than 167 tons of commercial lime, or an equivalent combination of the two, must pay a minimum fee of \$25.

WSDA maintains a publicly-accessible database of fertilizer registration information, and reports biennially to the Legislature on levels of nonnutritive substances in fertilizers.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The federal Resource Conservation and Recovery Act and the state Hazardous Waste Management Act set standards regarding management of hazardous waste, some of which apply to hazardous waste that may be incorporated into fertilizer.

Summary of Bill: The registration requirement for customer-formula fertilizers is eliminated if all components of the fertilizer are registered. However, a customer-formula fertilizer must comply with all applicable requirements of the state Hazardous Waste Management Act and the federal Resource Conservation and Recovery Act.

Requirements for labeling of packaged, bulk, and customer-formula fertilizers are clarified.

Due dates for fertilizer distribution reports are specified. Provisions regarding late fees are clarified.

Technical changes revise or remove obsolete language.

EFFECT OF CHANGES MADE BY AGRICULTURE & RURAL ECONOMIC DEVELOPMENT COMMITTEE (Recommended Amendments): Language is added providing that customer-formula fertilizer must comply with all applicable requirements of the state Hazardous Waste Management Act and the federal Resource Conservation and Recovery Act.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: This streamlining measure clarifies and updates labeling and reporting requirements. Customer-formula fertilizer provisions simply change regulation from a registration process to a let us know process, under which WSDA can investigate potential concerns. All components of customer-formula fertilizer would still have to meet registration requirements and applicable regulatory standards regarding hazardous waste. The bill will have no impact on the current regulatory scheme. In recent years, no producers have sought to include hazardous waste components in fertilizers.

CON: This bill would exempt customer-formula fertilizer from significant regulations, including record keeping requirements, that are intended to provide safeguards regarding hazardous waste components, which can cause public health problems. It is important that the final product remain subject to regulatory requirements. Proportions of components in customer-formula fertilizers are of concern. The committee should adopt an amendment specifying that state the Hazardous Waste Management Act and the federal Resource Conservation and Recovery Act requirements remain applicable to customer-formula fertilizer.

OTHER: This bill may have inadvertently created problems regarding regulation of customer-formula fertilizers. While proponents may not have intended to reduce regulatory safeguards, the committee should consider adopting the amendment regarding continued

applicability of the state Hazardous Waste Management Act and the federal Resource Conservation and Recovery Act.

Persons Testifying: PRO: Representative Warnick, prime sponsor; Mary Beth Lang, Ted Maxwell, WSDA; Dennis Bowhay, Department of Ecology; Dan Coyne, Far West Agribusiness Association.

CON: Patricia Martin, Safe Food and Fertilizer; Martha Rosemeyer, citizen.

OTHER: Bruce Wishart, People for Puget Sound.