
Environment Committee

HB 1489

Brief Description: Limiting the use of fertilizer containing phosphorus.

Sponsors: Representatives Billig, Morris, Frockt, Carlyle, Crouse, Ryu, Finn, Jinkins, Fitzgibbon, Tharinger, Rolfes, Lias, Moscoso, Stanford, Dunshee, Pettigrew, Ladenburg, Ormsby, Van De Wege, Moeller, Hunt, Pedersen, Maxwell, Roberts, Reykdal, Kagi, Darneille, Clibborn, Jacks and Kenney.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Prohibits, with some exceptions, the use and retail sale of fertilizers that are labeled to contain phosphorus.

Hearing Date: 2/4/11

Staff: Jason Callahan (786-7117).

Background:

Only commercial fertilizer that has been registered with the Washington Department of Agriculture (WSDA) may be distributed. Registering with the WSDA includes the creation of a label for each product. Most packaged commercial fertilizers must have, placed on or affixed to the package, a conspicuous label stating in a clear, legible form the product name, the net weight, the brand, and the grade. Both the registration form submitted to WSDA and label must identify if the products are waste-derived fertilizers, micronutrient fertilizers, or fertilizer materials containing phosphate.

It is unlawful to distribute misbranded commercial fertilizer.

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.

Summary of Bill:

Ban on Phosphorus-Containing Fertilizer Use.

Beginning on January 1, 2013, the application of fertilizer that is labeled as containing phosphorus is prohibited. This prohibition does not apply if the fertilizer is being used to establish grass during a growing season, for agricultural or public horticultural purposes, or for adding phosphorus to soils with deficient phosphorus levels. Proof of deficient phosphorus levels must be shown through laboratory tests. These tests must have been performed within 3 years of the application and must be consistent with the best available science as identified by the Washington State University extension service.

Also prohibited is the application of phosphorus-containing fertilizer, manipulated animal or vegetable manure, or biosolids product to turf during times when the ground is frozen or to any impervious surface. If these materials are spilled accidentally, then the person must contain the spilled material and either apply the material to another site or return the material to its container.

Ban on Phosphorus-Containing Fertilizer Sale.

Beginning on January 1, 2013, the retail sale of fertilizer that is labeled as containing phosphorus is prohibited, unless the purchaser indicates that the product will be used for grass establishment, application to phosphorus-deficient soils, or for agricultural or pasture-building purposes.

Retailers may not display fertilizers containing phosphorus. However, a retailer may post a sign advising customers that the fertilizer is available upon request.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.