

HOUSE BILL REPORT

HB 1314

As Reported by House Committee On:
Environment

Title: An act relating to municipally produced class A biosolids.

Brief Description: Concerning municipally produced class A biosolids.

Sponsors: Representatives Green, O'Ban, Zeiger, Fey, Upthegrove and Jinkins.

Brief History:

Committee Activity:

Environment: 1/31/13, 2/12/13 [DPS].

Brief Summary of Substitute Bill

- Adds an exception to the definition of "turf fertilizer" that excludes registered commercial fertilizers where the phosphorus content is derived solely from certain Class A exceptional quality biosolids from the definition and from the use and retail sale of turf fertilizers that contain phosphorus.

HOUSE COMMITTEE ON ENVIRONMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Upthegrove, Chair; Crouse, Farrell, Fey, Kagi, Liias and Nealey.

Minority Report: Do not pass. Signed by 4 members: Representatives Short, Ranking Minority Member; Pike, Assistant Ranking Minority Member; Morris and Overstreet.

Staff: Jason Callahan (786-7117).

Background:

Fertilizers.

Under state law, 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

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have a conspicuous label placed on or affixed to the package, stating in clear, legible form, the product name, net weight, brand, and grade. Both the registration form submitted to the 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.

With some exceptions, the use and retail sale of turf fertilizers that contain phosphorus, as well as the application of turf fertilizer that contains phosphorus to turf, is prohibited. The prohibition does not apply if: the fertilizer is being used to establish or repair grass during a growing season; phosphorus is being added to soils with deficient plant-available phosphorus levels; or the application is to pasture lands, houseplants, flower or vegetable gardens, or agricultural or silvicultural lands.

Biosolids.

Biosolids are nutrient-rich organic materials resulting from the treatment of domestic sewage in a treatment facility. When treated and processed, these residuals can be recycled and applied as fertilizer to improve and maintain productive soils and stimulate plant growth.

Under federal law, there are different rules for different classes of biosolids. Class A biosolids contain no detectible levels of pathogens. When used in bulk, Class A biosolids are subject to buffer requirements, but not to crop harvesting restrictions.

The Department of Ecology (DOE) has adopted rules relating to how and when biosolids can be applied to land as a fertilizer. These rules deal with matters such as total pollution concentration limits, pathogen reduction rates, and vector attraction reduction requirements.

Summary of Substitute Bill:

An exception to the definition of "turf fertilizer" is added. This addition excludes certain Class A registered commercial fertilizers where the phosphorus content is derived solely from exceptional quality biosolids. To satisfy the exception, the fertilizer must satisfy the rules adopted by the DOE related to the total pollution concentration limits, pathogen reduction rates, and vector attraction reduction requirements of biosolids that are applied to land.

Any commercial fertilizers satisfying the requirements of the exception would not be subject to the limitations on the use and retail sale of turf fertilizers that contain phosphorus.

Substitute Bill Compared to Original Bill:

The original bill excluded commercial fertilizers where the phosphorus content is derived solely from "exceptional quality biosolids" with no legal reference to the meaning of that phrase.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect on January 1, 2014.

Staff Summary of Public Testimony:

(In support) A wastewater treatment facility that treats raw sewage was encouraged by a state regulatory agency to make a significant capital investment in equipment that turns raw sewage into a useful product with potential economic viability as a fertilizer. The facility and the product is fully permitted, licensed, and in compliance with all state and federal laws; however, it cannot be used on turf because it is captured in a law that was passed after the investment was made. The product has a lower phosphorus content than most commercial fertilizers but cannot remain economically viable without this small exception to the definition of turf fertilizer. The treatment facility has been punished for doing the right thing. Using sewage treatment byproducts as a fertilizer turns a waste product into a beneficial product and creates jobs and economic opportunity.

(Opposed) The bill does not do anything to lower the phosphorus levels in turf fertilizers made from biosolids, it merely exempts those products from the current law. Water quality will be just as negatively affected by this product as any other fertilizer with phosphorus. This gives those products a distinct economic advantage and puts the state in the position of choosing winners and losers in the market. Allowing this exemption will just create a list of other manufacturers asking for an exemption for their product. Instead of carving out exceptions, the entire turf fertilizer bill should be repealed or limited in its geographic scope.

Persons Testifying: (In support) Representative Green, prime sponsor; Michael Shaw, Pierce County; and Larry Ekstrom, Pierce County Department of Public Works.

(Opposed) Ben Buchholz, Far West Agribusiness Association.

Persons Signed In To Testify But Not Testifying: None.