
HOUSE BILL 2652

State of Washington

66th Legislature

2020 Regular Session

By Representatives Doglio, Ramel, Fitzgibbon, Shewmake, Blake, and Santos

Read first time 01/16/20. Referred to Committee on Rural Development, Agriculture, & Natural Resources.

1 AN ACT Relating to renewable ammonia; adding a new section to
2 chapter 42.56 RCW; adding a new chapter to Title 15 RCW; and
3 prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature recognizes a public
6 benefit in establishing standards governing the production, labeling,
7 and advertising of ammonia produced using renewable resources.
8 Ammonia fertilizers provide approximately fifty percent of the
9 world's food production. The production of ammonia for fertilizers
10 represents between one and two percent of global energy consumption
11 each year. When ammonia is produced using fossil fuels, the
12 production of one ton of ammonia emits two and nine-tenths tons of
13 carbon dioxide. Globally, the production of ammonia using fossil
14 fuels emits approximately four hundred fifty million tons of carbon
15 dioxide annually. Washington has low-cost and curtailed electrical
16 power from hydropower sources that lacks a market for a portion of
17 the annual production capacity, especially during the spring runoff
18 season. Renewable ammonia costs more to produce than fossil fuel-
19 based ammonia and consumers need assurance that they are buying a
20 truly renewable product if they are going to pay a premium for
21 renewable ammonia.

1 (2) The purpose of this chapter is to create a certification and
2 labeling program for renewable ammonia and to allow manufacturers of
3 renewable ammonia, and processors of products that are made using
4 renewable ammonia, to label and market their products as renewable
5 ammonia or as made with renewable ammonia.

6 NEW SECTION. **Sec. 2.** The definitions in this section apply
7 throughout this chapter unless the context clearly requires
8 otherwise.

9 (1) "Certification" or "certified" means a determination
10 documented by a certificate of renewable operation made by the
11 department that an ammonia production or handling operation is in
12 compliance with the renewable ammonia certification program
13 established pursuant to section 6 of this act.

14 (2) "Department" means the state department of agriculture.

15 (3) "Director" means the director of the department or the
16 director's designee.

17 (4) "Green ammonia" means ammonia that is produced using only
18 renewable resources for both source material and for process energy.
19 For purposes of this chapter, "green ammonia" has the same meaning as
20 "renewable ammonia" and "sustainable ammonia."

21 (5) "Label" means a display of written, printed, or graphic
22 material on the immediate container of ammonia or any such material
23 affixed to a bulk container containing ammonia.

24 (6) "Labeling" includes all written, printed, or graphic material
25 accompanying a container of ammonia at any time or written, printed,
26 or graphic material about the ammonia displayed at retail stores.

27 (7) "Manufacturer" means a person that produces renewable
28 ammonia.

29 (8) "Person" means any natural person, firm, partnership,
30 exchange, association, trustee, receiver, corporation, and any
31 member, officer, or employee thereof or assignee for the benefit of
32 creditors.

33 (9) "Processor" means a person that makes a product that includes
34 renewable ammonia as one of its ingredients.

35 (10) "Producer" means a person who produces an agricultural crop
36 using renewable ammonia.

37 (11) "Registrant" means a manufacturer, processor, or producer
38 who has received certification under this chapter and who has

1 registered one or more products under the registry established under
2 section 6 of this act.

3 (12) "Renewable ammonia" means ammonia that is produced using
4 only renewable resources for both source material and for process
5 energy. For purposes of this chapter, "renewable ammonia" has the
6 same meaning as "green ammonia" and "sustainable ammonia."

7 (13) "Renewable hydrogen" means hydrogen produced using renewable
8 resources both as the source for the hydrogen and the source for the
9 energy input into the production process.

10 (14) "Renewable natural gas" means a gas consisting of methane
11 and other hydrocarbons derived from the decomposition of organic
12 material in landfills, wastewater treatment facilities, and anaerobic
13 digesters.

14 (15) "Renewable resource" includes: (a) Water; (b) air; (c) wind;
15 (d) solar energy; (e) geothermal energy; (f) renewable natural gas;
16 (g) renewable hydrogen; (h) wave, ocean, or tidal power; (i)
17 biodiesel fuel that is not derived from crops raised on land cleared
18 from old growth or first growth forests; (j) hydroelectric power; or
19 (k) biomass energy.

20 (16) "Represent" means to hold out as or to advertise.

21 (17) "Sale" means selling, offering for sale, holding for sale,
22 preparing for sale, trading, bartering, offering a gift as an
23 inducement for sale of, and advertising for sale in any media.

24 (18) "Sustainable ammonia" means ammonia that is produced using
25 only renewable resources for both source material and for process
26 energy. For purposes of this chapter, "sustainable ammonia" has the
27 same meaning as "green ammonia" and "renewable ammonia."

28 NEW SECTION. **Sec. 3.** (1) To be labeled, sold, or represented as
29 "renewable ammonia," "green ammonia," or "sustainable ammonia" in
30 this state, a product must be produced under standards established in
31 this chapter or rules adopted pursuant to this chapter. A
32 manufacturer or processor may not represent, sell, or offer for sale
33 any ammonia with the representation that the product is "renewable
34 ammonia," "green ammonia," or "sustainable ammonia" if the
35 manufacturer or processor knows, or has reason to know, that the
36 product has not been produced, processed, or handled in accordance
37 with standards established in this chapter or rules adopted pursuant
38 to this chapter.

1 (2) The department may conduct evaluations in retail
2 establishments to verify compliance with renewable ammonia labeling
3 and advertising requirements of this chapter and rules adopted
4 pursuant to this chapter.

5 NEW SECTION. **Sec. 4.** (1) The director shall adopt rules, in
6 conformity with chapter 34.05 RCW, as the director believes are
7 appropriate for the proper administration of this chapter.

8 (2)(a) The director shall issue orders to manufacturers and
9 processors whom the director finds are violating section 3 or 7 of
10 this act, or rules adopted pursuant to this chapter, to cease their
11 violations and desist from future violations.

12 (b) Whenever the director finds that a manufacturer or processor
13 has committed a violation, the director shall impose on and collect
14 from the violator a civil fine not exceeding the total of:

15 (i) The state's estimated costs of investigating and taking
16 appropriate administrative and enforcement actions in respect to the
17 violation; and

18 (ii) One thousand dollars.

19 NEW SECTION. **Sec. 5.** (1) The department is authorized to take
20 such actions, conduct proceedings, and enter orders as permitted or
21 contemplated for a state renewable ammonia certification program,
22 including the inspection of renewable ammonia manufacturing
23 facilities, renewable ammonia processing facilities, and other
24 facilities as necessary to carry out the certification program
25 created in this chapter.

26 (2) The director may deny, suspend, or revoke a certification
27 provided for in this chapter if the director determines that an
28 applicant, manufacturer, or processor has violated this chapter or
29 rules adopted pursuant to this chapter.

30 (3) The department shall adopt rules necessary to implement this
31 section.

32 NEW SECTION. **Sec. 6.** (1) The director may adopt rules
33 establishing a program for certifying manufacturers and processors as
34 meeting state standards for renewable ammonia.

35 (2) The rules:

36 (a) May govern, but are not limited to governing:

1 (i) The number and scheduling of on-site visits, both announced
2 and unannounced, by certification personnel;

3 (ii) Recordkeeping requirements; and

4 (iii) The submission of product samples for chemical or other
5 analysis;

6 (b) Must include a fee schedule that provides for the recovery of
7 the full cost of the program; and

8 (c) Must include the creation of a registry, in a manner and
9 format that is readily accessible by the public, of manufacturers,
10 processors, producers, and products that have received certification
11 under this chapter.

12 (3) All fees collected under this chapter must be deposited in an
13 account within the agricultural local fund. The revenue from the fees
14 must be used solely for carrying out the provisions of this chapter
15 and no appropriation is required for disbursement from the fund.

16 (4) The director may employ such personnel as are necessary to
17 carry out the provisions of this chapter.

18 NEW SECTION. **Sec. 7.** (1) It is unlawful for any person to sell,
19 offer for sale, or process any ammonia product within this state with
20 a "renewable ammonia," "green ammonia," or "sustainable ammonia"
21 label unless that person is certified under this chapter by the
22 department.

23 (2) Subsection (1) of this section does not apply to final
24 retailers of renewable ammonia products that are not also
25 manufacturers or processors of renewable ammonia.

26 NEW SECTION. **Sec. 8.** (1) Except as provided in subsection (2)
27 of this section, the department shall keep confidential any business-
28 related information obtained under this chapter concerning an entity
29 certified under this chapter or concerning an applicant for such
30 certification, and the information is exempt from public inspection
31 and copying under chapter 42.56 RCW.

32 (2) Applications for certification under this chapter must be
33 available for public inspection and copying.

34 NEW SECTION. **Sec. 9.** A new section is added to chapter 42.56
35 RCW to read as follows:

36 All records that relate to any business-related information
37 obtained by the department of agriculture under chapter 15.--- RCW

1 (the new chapter created in section 10 of this act) concerning an
2 entity certified under chapter 15.--- RCW (the new chapter created in
3 section 10 of this act) or concerning an applicant for such
4 certification are exempt from disclosure under this chapter.

5 NEW SECTION. **Sec. 10.** Sections 1 through 8 of this act
6 constitute a new chapter in Title 15 RCW.

--- END ---