

SSB 5318 - H COMM AMD  
By Committee on Appropriations

ADOPTED 04/21/2021

1 Strike everything after the enacting clause and insert the  
2 following:

3 **"Sec. 1.** RCW 15.54.275 and 2013 c 144 s 8 are each amended to  
4 read as follows:

5 (1) No person may distribute a bulk fertilizer in this state  
6 until a license to distribute has been obtained by that person. An  
7 annual license is required for each out-of-state or in-state location  
8 that distributes bulk fertilizer in Washington state. An application  
9 for each location must be filed on forms provided by the business  
10 licensing system established under chapter 19.02 RCW and must be  
11 accompanied by an annual fee of (~~twenty-five~~) fifty dollars per  
12 location. The license expires on the business license expiration  
13 date.

14 (2) An application for license must include the following:

15 (a) The name and address of licensee.

16 (b) Any other information required by the department by rule.

17 (3) The name and address shown on the license must be shown on  
18 all labels, pertinent invoices, and storage facilities for fertilizer  
19 distributed by the licensee in this state.

20 (4) If an application for license renewal provided for in this  
21 section is not filed prior to the business license expiration date, a  
22 delinquency fee of (~~twenty-five~~) fifty dollars must be assessed and  
23 added to the original fee and must be paid by the applicant before  
24 the renewal license is issued. The assessment of this delinquency fee  
25 does not prevent the department from taking any other action as  
26 provided for in this chapter. ~~The penalty does not apply if the~~  
27 ~~applicant furnishes an affidavit that he or she has not distributed~~  
28 ~~this commercial fertilizer subsequent to the expiration of his or her~~  
29 ~~prior license.))~~

30 **Sec. 2.** RCW 15.54.325 and 2020 c 20 s 1002 are each amended to  
31 read as follows:

1 (1) No person may distribute in this state a commercial  
2 fertilizer until it has been registered with the department by the  
3 producer, importer, or packager of that product.

4 (2) An application for registration must be made on a form  
5 furnished by the department and must include the following:

6 (a) The product name;

7 (b) The brand and grade;

8 (c) The guaranteed analysis;

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

10 (e) A label for each product being registered;

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

14 (g) The concentration of each metal, for which standards are  
15 established under RCW 15.54.800, in each product being registered,  
16 unless the product is (i) anhydrous ammonia or a solution derived  
17 solely from dissolving anhydrous ammonia in water, (ii) a customer-  
18 formula fertilizer containing only registered commercial fertilizers,  
19 or (iii) a packaged commercial fertilizer whose plant nutrient  
20 content is present in the form of a single chemical compound which is  
21 registered in compliance with this chapter and the product is not  
22 blended with any other material. The provisions of (g)(i) of this  
23 subsection do not apply if the anhydrous ammonia is derived in whole  
24 or in part from waste such that the fertilizer is a "waste-derived  
25 fertilizer" as defined in RCW 15.54.270. Verification of a  
26 registration relied on by an applicant under (g)(iii) of this  
27 subsection must be submitted with the application;

28 (h) If a waste-derived fertilizer or micronutrient fertilizer,  
29 information to ensure the product complies with chapter 70A.300 RCW  
30 and the resource conservation and recovery act, 42 U.S.C. Sec. 6901  
31 et seq.; and

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

33 (3) All companies planning to mix customer-formula fertilizers  
34 shall include the statement "customer-formula grade mixes" under the  
35 column headed "product name" on the product registration application  
36 form. All customer-formula fertilizers sold under one brand name  
37 shall be considered one product.

38 (4) Registrations are issued by the department for a two-year  
39 period beginning on July 1st of a given year and ending twenty-four  
40 months later on July 1st, except that registrations issued to a

1 registrant who applies to register an additional product during the  
2 last twelve months of the registrant's period expire on the next July  
3 1st.

4 (5) An application for a new registration must be accompanied by  
5 a fee of one hundred fifty dollars for each product.

6 (6) Application for renewal of registration is due July 1st of  
7 each registration period and must be accompanied by a renewal fee of  
8 one hundred twenty dollars for each product. If an application for  
9 renewal is not received by the department by the due date, a late fee  
10 of ~~((ten))~~ fifty dollars per product is added to the original fee and  
11 must be paid by the applicant before the renewal registration may be  
12 issued. ~~((A late fee does not apply if the applicant furnishes an~~  
13 ~~affidavit that he or she has not distributed this commercial~~  
14 ~~fertilizer subsequent to the expiration of the prior registration.))~~  
15 Payment of a late fee does not prevent the department from taking any  
16 action authorized by this chapter for the violation.

17 **Sec. 3.** RCW 15.54.350 and 1993 c 183 s 6 are each amended to  
18 read as follows:

19 (1) There shall be paid to the department for all commercial  
20 fertilizers distributed in this state to nonregistrants or  
21 nonlicensees an inspection fee of ~~((fifteen))~~ twenty cents per ton of  
22 lime and ~~((thirty))~~ thirty-five cents per ton of all other commercial  
23 fertilizer distributed during the year beginning July 1st and ending  
24 June 30th.

25 (2) Distribution of commercial fertilizers for shipment to points  
26 outside this state may be excluded.

27 (3) When more than one distributor is involved in the  
28 distribution of a commercial fertilizer, the last registrant or  
29 licensee who distributes to a nonregistrant or nonlicensee is  
30 responsible for paying the inspection fee, unless the payment of fees  
31 has been made by a prior distributor of the fertilizer.

32 **Sec. 4.** RCW 15.54.362 and 2008 c 292 s 3 are each amended to  
33 read as follows:

34 (1) Every registrant or licensee who distributes commercial  
35 fertilizer in this state must file a semiannual report on forms  
36 provided by the department stating the number of net tons of each  
37 commercial fertilizer distributed in this state.

1 (a) For the period January 1st through June 30th of each year,  
2 the report is due on July 31st of that year; and

3 (b) For the period July 1st through December 31st of each year,  
4 the report is due on January 31st of the following year.

5 (2) Upon permission of the department, a person distributing in  
6 the state less than one hundred tons for each six-month period during  
7 any annual reporting period of July 1st through June 30th may submit  
8 an annual report on a form provided by the department that is due on  
9 the July 31st following the period. The department may accept sales  
10 records or other records accurately reflecting the tonnage sold and  
11 verifying such reports.

12 ~~((+2))~~ (3) Each person responsible for the payment of inspection  
13 fees for commercial fertilizer distributed in this state must include  
14 the inspection fees with each semiannual or annual report. If in an  
15 annual reporting period a registrant or licensee distributes less  
16 than ~~((eighty-three))~~ one hundred forty-three tons of commercial  
17 fertilizer or less than ~~((one hundred sixty-seven))~~ two hundred fifty  
18 tons of commercial lime or equivalent combination of the two, the  
19 registrant or licensee must pay the minimum inspection fee of  
20 ~~((twenty-five))~~ fifty dollars.

21 ~~((+3))~~ (4) The department may, upon request, require registrants  
22 or licensees to furnish information setting forth the net tons of  
23 commercial fertilizer distributed to each location in this state.

24 ~~((+4))~~ (5) If the semiannual or annual report indicates that  
25 zero tons of commercial fertilizer were distributed during the  
26 reporting period, the person responsible for completing the report  
27 must pay a filing fee of twelve dollars and fifty cents for a  
28 semiannual report or twenty-five dollars for an annual report.

29 (6)(a) If a complete report is not received by the due date, the  
30 person responsible for filing the report must pay a late fee of  
31 ~~((twenty-five))~~ fifty dollars.

32 (b) If the appropriate inspection fees are not received by the  
33 due date, the person responsible for paying the inspection fee must  
34 pay a late fee equal to ten percent of the inspection fee owed or  
35 ~~((twenty-five))~~ fifty dollars, whichever is greater.

36 ~~((+c) Payment of a late fee does not prevent the department from~~  
37 ~~taking any other action authorized by this chapter for the violation.~~

38 ~~(+5))~~ (7) It is a misdemeanor for any person to divulge any  
39 information provided under this section that would reveal the  
40 business operation of the person making the report. However, nothing

1 contained in this subsection may be construed to prevent or make  
2 unlawful the use of information concerning the business operations of  
3 a person in any action, suit, or proceeding instituted under the  
4 authority of this chapter, including any civil action for the  
5 collection of unpaid inspection fees, which action is authorized and  
6 which shall be as an action at law in the name of the director of the  
7 department.

8 (8) Payment of late fees or filing fees provided for under this  
9 section does not prevent the department from taking any other action  
10 authorized by this chapter for the violation.

11 NEW SECTION. **Sec. 5.** All new or renewal applications for  
12 registration under this act received on or after the effective date  
13 of this section are subject to the provisions of this act, including  
14 all fees required by this act.

15 NEW SECTION. **Sec. 6.** This act is necessary for the immediate  
16 preservation of the public peace, health, or safety, or support of  
17 the state government and its existing public institutions, and takes  
18 effect June 1, 2021."

19 Correct the title.

EFFECT: Adds an emergency clause and provides that the bill takes  
effect June 1, 2021. Specifies that all new registration applications  
or renewals received on or after June 1, 2021, are subject to the  
provisions of the bill.

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