

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5318

67th Legislature
2021 Regular Session

Passed by the Senate April 22, 2021
Yeas 31 Nays 18

President of the Senate

Passed by the House April 21, 2021
Yeas 77 Nays 21

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5318** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5318

AS AMENDED BY THE HOUSE

Passed Legislature - 2021 Regular Session

State of Washington 67th Legislature 2021 Regular Session

By Senate Agriculture, Water, Natural Resources & Parks (originally sponsored by Senator Warnick; by request of Department of Agriculture)

READ FIRST TIME 02/05/21.

1 AN ACT Relating to fertilizer fees; amending RCW 15.54.275,
2 15.54.325, 15.54.350, and 15.54.362; creating a new section;
3 providing an effective date; and declaring an emergency.

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

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

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

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

17 (a) The name and address of licensee.

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

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

1 (4) If an application for license renewal provided for in this
2 section is not filed prior to the business license expiration date, a
3 delinquency fee of (~~twenty-five~~) fifty dollars must be assessed and
4 added to the original fee and must be paid by the applicant before
5 the renewal license is issued. The assessment of this delinquency fee
6 does not prevent the department from taking any other action as
7 provided for in this chapter. ~~The penalty does not apply if the~~
8 ~~applicant furnishes an affidavit that he or she has not distributed~~
9 ~~this commercial fertilizer subsequent to the expiration of his or her~~
10 ~~prior license.))~~

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

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

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

- 18 (a) The product name;
- 19 (b) The brand and grade;
- 20 (c) The guaranteed analysis;
- 21 (d) Name, address, and phone number of the registrant;
- 22 (e) A label for each product being registered;
- 23 (f) Identification of those products that are (i) waste-derived
24 fertilizers, (ii) micronutrient fertilizers, or (iii) fertilizer
25 materials containing phosphate;

26 (g) The concentration of each metal, for which standards are
27 established under RCW 15.54.800, in each product being registered,
28 unless the product is (i) anhydrous ammonia or a solution derived
29 solely from dissolving anhydrous ammonia in water, (ii) a customer-
30 formula fertilizer containing only registered commercial fertilizers,
31 or (iii) a packaged commercial fertilizer whose plant nutrient
32 content is present in the form of a single chemical compound which is
33 registered in compliance with this chapter and the product is not
34 blended with any other material. The provisions of (g)(i) of this
35 subsection do not apply if the anhydrous ammonia is derived in whole
36 or in part from waste such that the fertilizer is a "waste-derived
37 fertilizer" as defined in RCW 15.54.270. Verification of a
38 registration relied on by an applicant under (g)(iii) of this
39 subsection must be submitted with the application;

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

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

6 (3) All companies planning to mix customer-formula fertilizers
7 shall include the statement "customer-formula grade mixes" under the
8 column headed "product name" on the product registration application
9 form. All customer-formula fertilizers sold under one brand name
10 shall be considered one product.

11 (4) Registrations are issued by the department for a two-year
12 period beginning on July 1st of a given year and ending twenty-four
13 months later on July 1st, except that registrations issued to a
14 registrant who applies to register an additional product during the
15 last twelve months of the registrant's period expire on the next July
16 1st.

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

19 (6) Application for renewal of registration is due July 1st of
20 each registration period and must be accompanied by a renewal fee of
21 one hundred twenty dollars for each product. If an application for
22 renewal is not received by the department by the due date, a late fee
23 of ~~((ten))~~ fifty dollars per product is added to the original fee and
24 must be paid by the applicant before the renewal registration may be
25 issued. ~~((A late fee does not apply if the applicant furnishes an~~
26 ~~affidavit that he or she has not distributed this commercial~~
27 ~~fertilizer subsequent to the expiration of the prior registration.))~~
28 Payment of a late fee does not prevent the department from taking any
29 action authorized by this chapter for the violation.

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

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

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

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

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

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

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

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

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

23 ~~((2))~~ (3) Each person responsible for the payment of inspection
24 fees for commercial fertilizer distributed in this state must include
25 the inspection fees with each semiannual or annual report. If in an
26 annual reporting period a registrant or licensee distributes less
27 than ~~((eighty-three))~~ one hundred forty-three tons of commercial
28 fertilizer or less than ~~((one hundred sixty-seven))~~ two hundred fifty
29 tons of commercial lime or equivalent combination of the two, the
30 registrant or licensee must pay the minimum inspection fee of
31 ~~((twenty-five))~~ fifty dollars.

32 ~~((3))~~ (4) The department may, upon request, require registrants
33 or licensees to furnish information setting forth the net tons of
34 commercial fertilizer distributed to each location in this state.

35 ~~((4))~~ (5) If the semiannual or annual report indicates that
36 zero tons of commercial fertilizer were distributed during the
37 reporting period, the person responsible for completing the report
38 must pay a filing fee of twelve dollars and fifty cents for a
39 semiannual report or twenty-five dollars for an annual report.

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

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

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

10 ~~(5))~~ (7) It is a misdemeanor for any person to divulge any
11 information provided under this section that would reveal the
12 business operation of the person making the report. However, nothing
13 contained in this subsection may be construed to prevent or make
14 unlawful the use of information concerning the business operations of
15 a person in any action, suit, or proceeding instituted under the
16 authority of this chapter, including any civil action for the
17 collection of unpaid inspection fees, which action is authorized and
18 which shall be as an action at law in the name of the director of the
19 department.

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

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

27 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
28 preservation of the public peace, health, or safety, or support of
29 the state government and its existing public institutions, and takes
30 effect June 1, 2021.

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