

# SENATE BILL REPORT

## SB 5318

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As of January 27, 2021

**Title:** An act relating to fertilizer fees.

**Brief Description:** Concerning fertilizer fees.

**Sponsors:** Senator Warnick; by request of Department of Agriculture.

**Brief History:**

**Committee Activity:** Agriculture, Water, Natural Resources & Parks: 1/28/21.

<p><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Increases fertilizer application, license, inspection, and late fees.</li></ul>
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### SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

**Staff:** Karen Epps (786-7424)

**Background:** The Washington State Department of Agriculture (WSDA) requires commercial fertilizer to be registered by producers, importers, or packagers before distribution. Bulk fertilizer does not require registration if all commercial fertilizer products in the final product are already registered. Applications for registration include a \$25 fee per location. Commercial fertilizer distributed in Washington must be clearly labeled. Bulk commercial fertilizer must be distributed with a written or printed statement supplied to the purchaser at the time of delivery.

Registrants or licensees distributing commercial fertilizer must file semiannual reports with WSDA stating the net tons of each commercial fertilizer distributed in Washington. Individuals responsible for paying inspection fees must include the fees with the report. Registrants or licensees distributing less than 83 tons of commercial fertilizer, less than 167 tons of commercial lime, or an equivalent combination of the two, must pay a minimum fee

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of \$25. WSDA maintains a publicly-accessible database of fertilizer registration information, and reports biennially to the Legislature on levels of nonnutritive substances in fertilizers.

**Summary of Bill:** The bill as referred to committee not considered.

**Summary of Bill (Proposed Substitute):** The annual license fee for a person who distributes bulk fertilizer is increased from \$25 to \$50 for each out-of-state or in-state location that distributed bulk fertilizer in Washington. The delinquency fee of \$25 is increased to \$50. The application fee for a new registration is increased from \$50 to \$150 for each product, a renewal fee is set at \$120 for each product, and the late fee is increased from \$10 to \$50. Inspection fees on commercial fertilizer is increased from \$0.15 to \$0.20 per ton of lime and from \$0.30 to \$0.35 per ton of all other commercial fertilizer.

Registrants or licensees distributing less than 143 tons, rather than 83, of commercial fertilizer, less than 250 tons, rather than 167, of commercial lime, or an equivalent combination of the two, must pay a minimum fee of \$50 rather than \$25. If the semiannual or annual report indicates that zero tons of commercial fertilizer were distributed during the reporting period, the person responsible for completing the report must pay a filing fee of \$12.50 for a semiannual report or \$25 for an annual report. The late fee is increased from \$25 to \$50. If the appropriate inspection fees are not received by the due date the late fee is equal to 10 percent of the inspection fee owed or \$50, rather than \$25, whichever is greater.

The provisions providing that the penalty does not apply if the applicant furnishes an affidavit that the applicant has not distributed this commercial fertilizer since the expiration date of the applicant's prior license are removed.

**Appropriation:** None.

**Fiscal Note:** Requested on January 20, 2021.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.