

HOUSE BILL REPORT

ESSB 5208

As Reported By House Committee On:
Agriculture & Ecology

Title: An act relating to fertilizer labeling language.

Brief Description: Changing labeling requirements for specialty fertilizers.

Sponsors: Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Rasmussen, Stevens, T. Sheldon and Morton).

Brief History:

Committee Activity:

Agriculture & Ecology: 3/30/99, 4/2/99 [DPA].

Brief Summary of Engrossed Substitute Bill
(As Amended by House Committee)

- Provides three options for identifying certain contents of commercial fertilizer.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: Do pass as amended. Signed by 14 members: Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Staff: Kenneth Hirst (786-7105).

Background:

No person may distribute a commercial fertilizer in this state unless the fertilizer is registered with the Washington State Department of Agriculture (WSDA). An application for registration must include an identification of the fertilizer components in the fertilizer and a verification that all the components are registered. If any of the components are not registered, the application must include the concentration of each

metal in each component for which standards have been established under the state's fertilizer law.

To be distributed in this state, packaged fertilizer must have a label containing the statement that the product has been registered with the WSDA and, when applied as directed, meets this state's standards for arsenic, cadmium, cobalt, mercury, molybdenum, lead, nickel, selenium, and zinc. It must also inform purchasers that they have the right to receive specific information about these standards from the distributor.

After July 1, 1999, the label must also state that information received by the WSDA regarding the components in the product is available on the internet at the department's web site.

Bulk fertilizers do not have to be registered if all of the fertilizer products in them are registered. However, those who distribute bulk fertilizer must be licensed by the WSDA. Information required for the label of packaged fertilizers must accompany the delivery of fertilizer delivered in bulk form.

Summary of Amended Bill:

In lieu of labeling requirements currently specified for packaged fertilizer regarding the contents and levels of metals in the fertilizer, three label options are provided for announcing that information is available on sites on the internet. One is the statement and web site information that must be on a label beginning after July 1, 1999, under current law. A second must state that information regarding the contents and levels of metals in the product is available on the internet at the WSDA's web site. A third must state that information regarding contents and levels of metals in the product is available on the internet at a "state-regulatory-information" site containing an alpha numeric identifier for the registrant of the fertilizer. The third label option may be used only if: the registrant establishes and maintains the internet site; there is no advertising or company-specific information on the site; the site contains a clearly visible, direct hyperlink to the WSDA's internet site; and the site conforms to any other criteria adopted by the WSDA.

A distributor is no longer required to provide a purchaser, on request, a copy of this state's standards for metals in fertilizer.

Amended Bill Compared to Engrossed Substitute Bill: Instead of providing three labeling options, the engrossed substitute senate bill requires the first two label statements listed as options in the amendments to be present on a label and exempts a non-farm fertilizer from this requirement if its label: clearly and conspicuously lists the registrant's or licensee's web site, and that web site has a hyperlink to the WSDA's web site; and indicates that information on metal content is available on the WSDA's web

site. Deleted by the amendment is a requirement that the WSDA establish type-size guidelines for the labels.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill contains an emergency clause and takes effect July 1, 1999.

Testimony For: (Engrossed substitute senate bill) (1) The objective of those who distribute specialty fertilizers is to have a uniform label that allows their products to be sold in other states. Using a company web site for the label requirement provides that uniformity and allows customers to receive important information on the proper use of the fertilizer when they reach the web site. (2) By providing customers with the most up to date information and hyperlinking them to other information, a company's web site can help customers make conscientious choices. (3) State web site addresses can change. (4) This state's labeling requirements should not prevent products from being distributed in other states or countries because the label cites the product's conformity with Washington standards.

(Concerns) (Engrossed substitute senate bill) (1) A solution has been found for two states that have objected to this state's labeling by using one label, but Canada prefers a different label. Labeling options should be provided. (2) Simply listing a company's web site does not inform consumers about the nature of the information available or that metals information is available at all.

Testimony Against: (Engrossed substitute senate bill) (1) The bill would weaken rather than strengthen a consumer's right to know regarding the metals content of fertilizer. (2) Consumers should not be required to have a computer to have access to metals information. (3) Dioxin content should also be listed. (4) Labeling requirements should not be changed.

Testified: (Engrossed substitute senate bill) (In support) Paula Bodey, Scott's Fertilizer Company; Molly Hickman, The Garden Grow Company; Bill Bush, Schultz Company; and Dan Coyne, Far West Chemical Association.

(Concerns) Mary Beth Lang, Department of Agriculture.

(Opposed) John Stier, WashPIRG; and Dawn Vyvyan, Washington Toxics Coalition.