

# ***ANALYSIS OF HB 2095***

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***House Agriculture & Ecology Committee  
25, 1999***

***February***

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| <ul style="list-style-type: none"><li>- Changes annual fertilizer registrations to biennial registrations and adjusts the registration fee accordingly.</li><li>- Alters requirements regarding stop sale, use or removal— orders and regarding seizures of fertilizers.</li><li>- Makes the distributor, owner, or custodian of a commercial fertilizer responsible for costs associated with "stop sale," "stop use," or "withdrawal from distribution" orders or with disposal following condemnation under a seizure order.</li></ul> |
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## **BACKGROUND:**

Registration. No person may distribute a commercial fertilizer in this state unless the fertilizer is registered with the Washington State Department of Agriculture (WSDA). The registration fee is \$ 25. Registrations expire on June 30<sup>th</sup> annually. Bulk fertilizers do not have to be registered if all of the fertilizer products in them are registered. (RCW 15.54.325 and 15.54.330) However, those who distribute bulk fertilizer must be licensed by the WSDA. (RCW 15.54.275.)

Stop Sale Orders and Seizures. If the WSDA has reasonable cause to believe that fertilizer is being offered or exposed for sale in violation of any of the commercial fertilizer laws, it may issue a stop sale, use, or removal order and require that the fertilizer be held at a designated place until released by the WSDA for compliance with those laws. (RCW 15.54.440.) Any lot of commercial fertilizer not in compliance is also subject to seizure. For this purpose, the WSDA must file a complaint with a court of competent jurisdiction in the area in which the fertilizer is located. With certain exceptions, if the court finds that the fertilizer is in violation of the commercial fertilizer laws and orders the condemnation of the fertilizer, it shall be disposed of in a manner consistent with the quality of the commercial fertilizer and the laws of the state. (RCW 15.54.450.)

## **SUMMARY:**

Commercial fertilizers must now be registered biennially (rather than annually). The registration fee is \$50 (rather than \$25); it expires on June 30<sup>th</sup> of the second year following registration.

(Sections 1 and 2.)

In lieu of a removal order, the WSDA may issue a "withdrawal from distribution" order. In addition to an owner or custodian of a fertilizer, a distributor is expressly added as one to whom a regulatory order may be issued.

A "stop sale," "stop use," or "withdrawal from distribution" order may be issued if the commercial fertilizer is not registered in this state, is misbranded, or according to the WSDA, fails to meet this state's standards for total metals. A fertilizer is to be released from such an order when the distributor, owner, or custodian has complied with the commercial fertilizer laws and rules. (Section 3.) If compliance is not or cannot be obtained, the WSDA may institute seizure proceedings or may agree in writing to an alternative disposition of the commercial fertilizer. (Sections 3(3) and 4.) If the seizure is for these purposes, the WSDA may file its complaint with the Thurston County Superior Court or other court of competent jurisdiction. (Section 4(2).)

All costs associated with a "stop sale," "stop use," or "withdrawal from distribution" order incurred by the distributor, owner, or custodian of a commercial fertilizer are the responsibility of the distributor, owner, or custodian. (Section 3(4).) All costs associated with disposal following condemnation under a seizure order are the responsibility of the distributor, owner, or custodian of the commercial fertilizer. (Section 4(4).)