

HOUSE BILL REPORT

ESSB 5866

As Passed House - Amended:

April 14, 1999

Title: An act relating to eliminating component registration of fertilizer products.

Brief Description: Eliminating component registration of fertilizer products.

Sponsors: Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Fraser, Prentice, Kline and Kohl-Welles; by request of Department of Agriculture).

Brief History:

Committee Activity:

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

Floor Activity:

Passed House - Amended: 4/14/99, 75-22.

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

- No longer waives the requirement that metals concentrations be identified for each fertilizer being registered if the components making up the fertilizer are registered.
- Exempts certain products from identifying metals concentrations.

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.

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.

Summary of Amended Bill:

A fertilizer registration application for each product being registered must include the concentration of each metal for which standards have been established under the fertilizer laws. This requirement is no longer waived if the components in the fertilizer product are identified and each of the components is registered.

The requirement that concentrations of metals be identified does not apply to: anhydrous ammonia, a solution derived solely from dissolving ammonia in water, a customer-formula fertilizer containing only registered commercial fertilizers, or a packaged commercial fertilizer the plant nutrient content of which is present in the form of a single chemical compound that is registered as a fertilizer and not blended with any other material. This exemption for anhydrous ammonia products does not apply if the anhydrous ammonia is derived in whole or in part from waste.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: (Engrossed Substitute Senate Bill) (1) This bill addresses a consumer's right to know regarding the metals content of fertilizer. Approximately half of all product registrations involve separately registered components. When the concentration of a metal is displayed for such a product, the overall concentration of the metal in the product is not displayed. Instead, its concentrations in each of the various components of the product are displayed. This makes it very difficult for consumers to compare product concentrations. The bill corrects this problem. (2) Certain products could be

exempted from metals identification without reducing meaningful information available to consumers.

Testimony Against: (Engrossed Substitute Senate Bill) (1) Component registration should be retained. Component registration provides a more uniform way of identifying the concentrations of metals; it does not allow a product to look good just because a particularly clean sample of the product was analyzed for the registration. (2) One specialty fertilizer company has over 250 products registered in this state for its various products. Eliminating component registration will place a registration burden on specialty fertilizer companies. (3) Component registration allows interest groups to track the sources of materials used in the fertilizer industry. (4) The dioxin content of fertilizers should be identified.

Testified: (Engrossed Substitute Senate Bill) (In favor) Mary Beth Lang, Department of Agriculture.

(In favor, with amendments exempting certain products) Dan Coyne, Far West Chemical Association.

(Opposed) Paula Bodey, Scott's Fertilizer Company; and John Stier, WashPIRG.