

SENATE BILL REPORT

ESSB 5208

As Passed Senate, March 12, 1999

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: Environmental Quality & Water Resources: 2/11/99, 3/2/99 [DPS]. Passed Senate, 3/12/99, 38-10.

SENATE COMMITTEE ON ENVIRONMENTAL QUALITY & WATER RESOURCES

Majority Report: That Substitute Senate Bill No. 5208 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fraser, Chair; Eide, Vice Chair; Morton, Honeyford, Jacobsen, McAuliffe and Swecker.

Staff: Richard Rodger (786-7461)

Background: All commercial fertilizers distributed in the state must have a label containing relevant information about the product. The information must contain a notice that the product has been registered with the Washington State Department of Agriculture and that the product meets specific state standards for a variety of elements. The label must also provide the address of the state's Internet site where consumers may obtain additional information on the components contained in the product.

Specialty fertilizers are commercial fertilizers that are primarily for nonfarm use.

Summary of Bill: The amount of labeling information required on commercial fertilizers distributed within the state is reduced. A contingency is provided for companies that have already labeled their products based on last year's legislation. Those products are exempt from the new requirements until July 1, 2000. The Department of Agriculture must establish guidelines regarding the type size for the labels.

Specialty fertilizers are exempt from including the Washington State website on their labels if their own website is listed on the package and it contains an electronic link to the Department of Agriculture's website.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: July 1, 1999.

Testimony For: Current law requires fertilizer manufacturers to print state-specific information on their product labels. Several states have indicated they will not accept the products with the reference to Washington State standards on the label. The label requirement uses too much space on small products. The registration process should address consumer concerns with the products.

Testimony Against: The label proposed by the industry would violate the state Constitution by delegating regulatory authority to a nongovernmental entity. The guidelines referenced in the bill have not been adopted so there is no ability to assure what they say.

Testified: PRO: Paula Bodey, Vince Snyder, The Scotts Company; Frank Warnke, Advocates; Bill Bush, Schultz Company; Molly Hickman, The Garden Grow Company; Jim Sundern, Fred Meyer; Brad Kollath, united Industries; Scott Cannon, Central Garden and Pet Company; CON: Jon Stier, Washington PIRG; Dawn Vyvyan, Washington Toxics Coalition; Mary Beth Long, Department of Agriculture.

House Amendment(s): Three label options are provided for announcing that information is available on the Internet.

The options are as follows:

- (1) The statement and website information that must be on a label beginning after July 1, 1999, under current law;
- (2) A statement that information regarding the contents and levels of metals in the product is available on the Internet at the WSDA's website; or
- (3) A statement that information regarding contents and levels of metals in the product is available on the Internet at a "regulatory-info" site containing an alpha numeric identifier for the registrant of the fertilizer. The third label option may be used only if: (a) the registrant establishes and maintains the Internet site; (b) there is no advertising or company-specific information on the site; (c) the site contains a clearly visible, direct hyperlink to the WSDA's Internet site; and (d) the site conforms to any other criteria adopted by the WSDA.

The third option is expanded to all fertilizers, instead of just specialty fertilizers.

The requirement to develop guidelines for the type-size of the labels is removed.