

SENATE BILL REPORT

ESSB 5800

As Passed Senate, March 12, 1999

Title: An act relating to the two-year registration of fertilizer products and the immediate stop sale, stop use, withdrawal from distribution, and seizure of unlawful commercial fertilizers.

Brief Description: Regulating commercial fertilizer.

Sponsors: Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senator Rasmussen; by request of Department of Agriculture).

Brief History:

Committee Activity: Agriculture & Rural Economic Development: 2/15/99, 3/3/99 [DPS]. Passed Senate, 3/12/99, 42-4.

SENATE COMMITTEE ON AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

Majority Report: That Substitute Senate Bill No. 5800 be substituted therefor, and the substitute bill do pass.

Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Prentice, Stevens and Swecker.

Staff: David Johnson (786-7754)

Background: Enacted last year, the Fertilizer Regulation Act established comprehensive regulation of fertilizer content. However, it has become apparent to some that the enforcement provisions of the act hamper the Department of Agriculture's efforts to act quickly and efficiently. Also, the complexity of the registration process has slowed processing by the department.

Summary of Bill: The department may issue statewide orders to immediately stop use or distribution of fertilizers that are not registered in the state, or fail to meet metal standards. Such fertilizer may be seized upon order of a court. Those responsible for noncompliant fertilizers, except for transporters and final users, must bear the costs of disposal or an agreed alternative disposition.

Fertilizer registrations are valid for two years.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Statewide enforcement orders will make enforcement more effective and less difficult. A two-year registration cycle will speed up processing of registration applicants.

Testimony Against: Language describing problems with fertilizer is too inflammatory. There is no compensation for department actions that turn out to be in error. The term lot- is too vague and should be defined.

Testified: Mary Beth Lang, Ted Maxwell, Dept. of Agriculture (pro); Dan Coyne, FarWest Fertilizer (pro with concerns).