

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2467

Chapter 292, Laws of 2008

60th Legislature
2008 Regular Session

FERTILIZERS--REGISTRATION--ADMINISTRATION

EFFECTIVE DATE: 06/12/08

Passed by the House March 10, 2008
Yeas 94 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 7, 2008
Yeas 49 Nays 0

BRAD OWEN

President of the Senate

Approved April 1, 2008, 2:48 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2467** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

April 2, 2008

**Secretary of State
State of Washington**

HOUSE BILL 2467

AS AMENDED BY THE SENATE

Passed Legislature - 2008 Regular Session

State of Washington 60th Legislature 2008 Regular Session

By Representatives Warnick, Blake, Grant, Kretz, Newhouse, and VanDeWege; by request of Department of Agriculture

Prefiled 12/20/07. Read first time 01/14/08. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to the registration and administration of
2 fertilizers; amending RCW 15.54.340, 15.54.362, and 15.54.433; and
3 reenacting and amending RCW 15.54.325.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 15.54.325 and 1999 c 383 s 1 and 1999 c 382 s 1 are
6 each reenacted and amended to read as follows:

7 (1) No person may distribute in this state a commercial fertilizer
8 until it has been registered with the department by the producer,
9 importer, or packager of that product. ~~((A bulk fertilizer does not
10 require registration if all commercial fertilizer products contained in
11 the final product are registered.))~~

12 (2) An application for registration ~~((shall))~~ must be made on a
13 form furnished by the department and ~~((shall))~~ must include the
14 following:

- 15 (a) The product name;
16 (b) The brand and grade;
17 (c) The guaranteed analysis;
18 (d) Name, address, and phone number of the registrant;
19 (e) ~~((Labels))~~ A label for each product being registered;

1 (f) Identification of those products that are (i) waste-derived
2 fertilizers, (ii) micronutrient fertilizers, or (iii) fertilizer
3 materials containing phosphate;

4 (g) The concentration of each metal, for which standards are
5 established under RCW 15.54.800, in each product being registered,
6 unless the product is (i) anhydrous ammonia or a solution derived
7 solely from dissolving anhydrous ammonia in water, (ii) a customer-
8 formula fertilizer containing only registered commercial fertilizers,
9 or (iii) a packaged commercial fertilizer whose plant nutrient content
10 is present in the form of a single chemical compound which is
11 registered in compliance with this chapter and the product is not
12 blended with any other material. The provisions of (g)(i) of this
13 subsection do not apply if the anhydrous ammonia is derived in whole or
14 in part from waste such that the fertilizer is a "waste-derived
15 fertilizer" as defined in RCW 15.54.270. Verification of a
16 registration relied on by an applicant under (g)(iii) of this
17 subsection must be submitted with the application;

18 (h) If a waste-derived fertilizer~~((s—and))~~ or micronutrient
19 fertilizer~~((s—shall include at a minimum))~~, information to ensure the
20 product complies with chapter 70.105 RCW and the resource conservation
21 and recovery act, 42 U.S.C. Sec. 6901 et seq.; and

22 (i) Any other information required by the department by rule.

23 (3) All companies planning to mix customer-formula fertilizers
24 shall include the statement "customer-formula grade mixes" under the
25 column headed "product name" on the product registration application
26 form. All customer-formula fertilizers sold under one brand name shall
27 be considered one product.

28 ~~((All registrations issued by the department for registrants
29 whose names begin with the letters A through M expire on June 30th of
30 even-numbered years and all registrations issued by the department for
31 registrants whose names begin with the letters N through Z expire on
32 June 30th of odd-numbered years, unless otherwise specified in rule
33 adopted by the director))~~ Registrations are issued by the department
34 for a two-year period beginning on July 1st of a given year and ending
35 twenty-four months later on July 1st, except that registrations issued
36 to a registrant who applies to register an additional product during
37 the last twelve months of the registrant's period expire on the next
38 July 1st.

1 (5) An application for registration (~~(shall)~~) must be accompanied
2 by a fee of fifty dollars for each product(~~(, except that an applicant~~
3 ~~whose registration expires in even numbered years shall pay a fee of~~
4 ~~twenty five dollars for each product for the registration period ending~~
5 ~~June 30, 2000)~~).

6 (6) Application for renewal of registration is due July 1st of each
7 registration period. If an application for renewal (~~(of the product~~
8 ~~registration provided for in this section is not filed prior to July~~
9 ~~1st of the registration renewal year)~~) is not received by the
10 department by the due date, a late fee of ten dollars per product
11 (~~(shall be assessed and)~~) is added to the original fee and (~~(shall)~~)
12 must be paid by the applicant before the renewal registration (~~(shall)~~)
13 may be issued. (~~(The assessment of this late fee shall not prevent the~~
14 ~~department from taking any other action as provided for in this~~
15 ~~chapter. The)~~) A late fee (~~(shall)~~) does not apply if the applicant
16 furnishes an affidavit that he or she has not distributed this
17 commercial fertilizer subsequent to the expiration of (~~(his or her)~~)
18 the prior registration. Payment of a late fee does not prevent the
19 department from taking any action authorized by this chapter for the
20 violation.

21 **Sec. 2.** RCW 15.54.340 and 2003 c 15 s 1 are each amended to read
22 as follows:

23 (1) Any packaged commercial fertilizer distributed in this state
24 (~~(shall)~~) that is not a customer-formula fertilizer must have placed on
25 or affixed to the package a label (~~(setting forth)~~) stating in clearly
26 legible and conspicuous form the following information:

27 (a) The net weight;

28 (b) The product name, brand, and grade. The grade is not required
29 if no primary nutrients are claimed;

30 (c) The guaranteed analysis;

31 (d) The name and address of the registrant or licensee. The name
32 and address of the manufacturer, if different from the registrant or
33 licensee, may also be stated;

34 (e) Any information required under WAC (~~(296-62-054)~~) 296-307-560
35 through 296-307-56050;

36 (f) A statement, established by rule, referring persons to the

1 department's Uniform Resource Locator (URL) internet address where data
2 regarding the metals content of the product is located; and

3 (g) Other information as required by the department by rule.

4 (2) ~~((If a))~~ Any commercial fertilizer that is distributed in
5 bulk((7)) in this state that is not a customer-formula fertilizer must
6 be accompanied by a written or printed statement ((of)) that includes
7 the information required by subsection (1) of this section ((shall
8 accompany delivery)) and must be supplied to the purchaser at the time
9 of delivery.

10 (3) Each delivery of a customer-formula fertilizer ~~((shall be~~
11 ~~subject to containing those ingredients specified by the purchaser,~~
12 ~~which ingredients shall be shown on the statement or invoice with the~~
13 ~~amount contained therein, and a record of all invoices of customer-~~
14 ~~formula grade mixes shall be kept by the registrant or licensee for a~~
15 ~~period of twelve months and shall be available to the department upon~~
16 ~~request: PROVIDED, That each such delivery shall))~~ in this state must
17 be accompanied by either a statement, invoice, a delivery slip, or a
18 label if bagged, containing the following information: The net weight;
19 the brand; the name and amount of each ingredient; the guaranteed
20 analysis which may be stated to the nearest tenth of a percent or to
21 the next lower whole number; the name and address of the registrant or
22 licensee, or manufacturer, or both; and the name and address of the
23 purchaser.

24 (4) Each delivery of a customer-formula fertilizer must contain the
25 ingredients specified by the purchaser. A record of the invoice or
26 statement of each delivery must be kept by the registrant or licensee
27 for twelve months and must be available to the department upon request.

28 **Sec. 3.** RCW 15.54.362 and 1993 c 183 s 7 are each amended to read
29 as follows:

30 (1) Every registrant or licensee who distributes commercial
31 fertilizer in this state ~~((shall))~~ must file a semiannual report on
32 forms provided by the department ~~((setting forth))~~ stating the number
33 of net tons of each commercial fertilizer ~~((se))~~ distributed in this
34 state. ~~((The reports will cover the following periods: January 1~~
35 ~~through June 30 and July 1 through December 31 of each year.))~~

36 (a) For the period January 1st through June 30th of each year, the
37 report is due on July 31st of that year; and

1 (b) For the period July 1st through December 31st of each year, the
2 report is due on January 31st of the following year.

3 Upon permission of the department, ~~((an annual statement under oath may~~
4 ~~be filed for the annual reporting period of July 1 through June 30 of~~
5 ~~any year by any))~~ a person distributing ~~((within))~~ in the state less
6 than one hundred tons for each six-month period during any ~~((calendar~~
7 ~~year, and upon filing such statement, such person shall pay the~~
8 ~~inspection fee required under RCW 15.54.350))~~ annual reporting period
9 of July 1st through June 30th may submit an annual report on a form
10 provided by the department that is due on the July 31st following the
11 period. The department may accept sales records or other records
12 accurately reflecting the tonnage sold and verifying such reports.

13 (2) Each person responsible for the payment of inspection fees for
14 commercial fertilizer distributed in this state ~~((shall))~~ must include
15 the inspection fees with ~~((the report on the same dates and for the~~
16 ~~same reporting periods mentioned in subsection (1) of this section))~~
17 each semiannual or annual report. If in ~~((one year))~~ an annual
18 reporting period a registrant or licensee distributes less than eighty-
19 three tons of commercial fertilizer or less than one hundred sixty-
20 seven tons of commercial lime or equivalent combination of the two, the
21 registrant or licensee ~~((shall))~~ must pay the minimum inspection fee~~((-~~
22 ~~The minimum inspection fee shall be))~~ of twenty-five dollars ~~((per~~
23 ~~year))~~.

24 (3) The department may, upon request, require registrants or
25 licensees to furnish information setting forth the net tons of
26 commercial fertilizer distributed to each location in this state.

27 (4) ~~((Semiannual or annual reports filed after the close of the~~
28 ~~corresponding reporting period shall pay a late filing fee of twenty-~~
29 ~~five dollars. Inspection fees which are due and have not been remitted~~
30 ~~to the department by the due date shall have a late collection fee of~~
31 ~~ten percent, but not less than twenty five dollars, added to the amount~~
32 ~~due when payment is finally made. The assessment of this late~~
33 ~~collection fee shall not prevent the department from taking any other~~
34 ~~action as provided for in this chapter.))~~

35 (a) If a complete report is not received by the due date, the
36 person responsible for filing the report must pay a late fee of twenty-
37 five dollars.

1 (b) If the appropriate inspection fees are not received by the due
2 date, the person responsible for paying the inspection fee must pay a
3 late fee equal to ten percent of the inspection fee owed or twenty-five
4 dollars, whichever is greater.

5 (c) Payment of a late fee does not prevent the department from
6 taking any other action authorized by this chapter for the violation.

7 (5) It (~~shall be~~) is a misdemeanor for any person to divulge any
8 information provided under this section that would reveal the business
9 operation of the person making the report. However, nothing contained
10 in this subsection may be construed to prevent or make unlawful the use
11 of information concerning the business operations of a person in any
12 action, suit, or proceeding instituted under the authority of this
13 chapter, including any civil action for the collection of unpaid
14 inspection fees, which action is (~~hereby~~) authorized and which shall
15 be as an action at law in the name of the director of the department.

16 **Sec. 4.** RCW 15.54.433 and 1998 c 36 s 21 are each amended to read
17 as follows:

18 (1) The department shall (~~expand its~~) maintain a fertilizer
19 database (~~to include additional~~) that includes the information
20 required for registration under RCW 15.54.325 and 15.54.330.

21 (2) Except for confidential information under RCW 15.54.362
22 regarding fertilizer tonnages distributed in the state, information in
23 the fertilizer database (~~shall~~) must be made available to the public
24 upon request.

25 (3) The department, and the department of ecology in consultation
26 with the department of health, shall biennially prepare a report to the
27 legislature presenting information on levels of nonnutritive substances
28 in fertilizers(~~Results from~~) and the results of any agency testing
29 of products (~~that were sampled shall also be displayed~~). The first
30 (~~such~~) report (~~will~~) must be provided to the legislature by
31 December 1, 1999.

32 (4) (~~After July 1, 1999,~~) The department shall post on the
33 internet the information contained in applications for fertilizer
34 registration.

Passed by the House March 10, 2008.

Passed by the Senate March 7, 2008.

Approved by the Governor April 1, 2008.

Filed in Office of Secretary of State April 2, 2008.