

SENATE BILL REPORT

HB 2488

As of February 22, 2012

Title: An act relating to municipally produced class A biosolids.

Brief Description: Concerning municipally produced class A biosolids.

Sponsors: Representatives Green, Ladenburg, Kelley, Dammeier and Upthegrove.

Brief History: Passed House: 2/13/12, 57-40.

Committee Activity: Environment: 2/21/12.

SENATE COMMITTEE ON ENVIRONMENT

Staff: Karen Epps (786-7424)

Background: Phosphorus is a nutrient essential to both plant and animal life. Excess amounts of phosphorus in wastewater discharges can cause excessive aquatic plant growth in our streams and rivers. These plants can cause adverse water quality conditions by decreasing sunlight penetration, depleting dissolved oxygen during the night, and interfering with boating and other water uses.

The sale of laundry detergent that contains 0.5 percent or more phosphorous by weight is prohibited. Since July 1, 2008, dishwashing detergent that contains 0.5 percent or more phosphorus by weight in counties located east of the crest of the Cascade Mountains is prohibited where the population is less than 600,000 but greater than 390,000. Beginning July 1, 2010, the restriction on the sale of dishwashing detergent that contains more than 0.5 percent or more phosphorous by weight is effective statewide. The sale and distribution of detergents for commercial and industrial uses are exempt from the phosphorus limitation.

Commercial fertilizer must be registered with the Washington Department of Agriculture (WSDA) to be distributed. Registering with WSDA includes the creation of a label for each product. Most packaged commercial fertilizers must have, placed on or affixed to the package, a conspicuous label stating in a clear, legible form the product name, the net weight, the brand, and the grade. Both the registration form submitted to WSDA and label must identify if the products are waste-derived fertilizers, micronutrient fertilizers, or fertilizer materials containing phosphate. It is unlawful to distribute misbranded commercial fertilizer.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In 2011 the Legislature passed ESHB 1489, which prohibits, with some exceptions, the use and retail sale of turf fertilizers that contain phosphorus, as well as the application of turf fertilizer that contains phosphorus to turf. The prohibition goes into effect on January 1, 2013. The prohibition does not apply if the fertilizer is being used to establish or repair grass during a growing season; for adding phosphorus to soils with deficient plant-available phosphorus levels; or for application to pasture lands, houseplants, flower or vegetable gardens, or agricultural or silvicultural lands.

Summary of Bill: Turf fertilizer does not include commercial fertilizers derived solely from organic materials, organic-based products where the phosphorus component is derived solely from Class A, exceptional quality biosolids or biosolid products.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on January 1, 2013.

Staff Summary of Public Testimony: PRO: Pierce County was encouraged by the Department of Ecology (DOE) to create a Class A or Exceptional Quality biosolid. The processing plant creates a pellet-like fertilizer that has been registered as a commercial fertilizer. Under HB 1489 from last session, this product would be banned from being used on turf. This bill would provide for a small exemption for the biosolid fertilizer that Pierce County produces. Producing this biosolid fertilizer is the most environmentally friendly way to dispose of these biosolids. This bill is designed to be narrowly tailored to address a specific situation. This product is registered in six states as a fertilizer product. Washington State University has tested this product and determined a safe and appropriate application rate for turf.

OTHER: This bill places a regulatory burden on biosolids that are registered as commercial fertilizer that is different than any other biosolid material. There is competing scientific information regarding phosphorus in organic material and phosphorus in inorganic material. There are concerns with the bill because the terms are not defined in the bill and are very broad. It is unclear what phosphorus sources would and would not be included under this bill. There are concerns about how this bill would affect water quality. Last year's bill was designed to limit the phosphorus use on turf, with a couple of narrow exemptions. The title of the bill relates to municipally produced biosolids, but the bill is not specific in that regard. This bill needs to be amended to be clearly focused on the product that Pierce County produces.

Persons Testifying: PRO: Michael Shaw, Pierce County; Katherine Brooks, Pierce County Public Works and Utilities - Sewer & Water Utilities; Larry Ekstrom, Pierce County Public Works.

OTHER: Laurie Davies, DOE; Mark Streuli, WSDA; Heather Hanson, WAFriends of Farms and Forests.