

SENATE BILL REPORT

ESHB 1622

AS REPORTED BY COMMITTEE ON AGRICULTURE, MARCH 18, 1993

Brief Description: Modifying the regulation of fertilizer.

SPONSORS: House Committee on Agriculture & Rural Development (originally sponsored by Representatives Chappell, Chandler and Rayburn; by request of Department of Agriculture)

HOUSE COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT

SENATE COMMITTEE ON AGRICULTURE

Majority Report: Do pass.

Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Newhouse, and Snyder.

Staff: John Stuhlmiller (786-7446)

Hearing Dates: March 29, 1993

BACKGROUND:

The Washington Commercial Fertilizer Act regulates the distribution of commercial fertilizers in this state. Each brand and grade of commercial fertilizer must be registered with the state Department of Agriculture. The registration fee is \$25 for each brand registered. Bulk commercial fertilizer must be registered by each person distributing it. The department may refuse to register a fertilizer or may cancel a registration if the registrant has used fraudulent or deceptive practices in the evasion or attempted evasion of the provisions of the commercial fertilizer laws or rules.

An inspection fee is levied on all commercial fertilizers distributed in this state to persons other than registrants. The fee is 9 cents per ton of lime and 18 cents per ton of any other fertilizer distributed by a person annually.

SUMMARY:

Registrations and Licenses. Registrations are now required only for packaged fertilizers. However, if commercial fertilizer is delivered in bulk form, written information similar to registered label information for the fertilizer must still be provided to the purchaser at the time of delivery. No person may distribute a commercial fertilizer in unpackaged, bulk form without first obtaining an annual license for the activity from the Department of Agriculture. A license application and \$25 fee must be filed for each location distributing the unpackaged fertilizer. A fee for the late renewal of a license is established.

In reviewing a registration application, the department may consider certain data from authoritative sources to substantiate labeling claims if the data is applicable to conditions in the northwest. The department may also require the submission of additional information to support the label statement of ingredients. The department may refuse to issue a registration or a distributor's license or may cancel an existing one for: incomplete licensing or registration information; misbranding or adulteration of a commercial fertilizer; or a violation of the commercial fertilizer laws or rules. It is the responsibility of the person who manufactures or subsequently packages a fertilizer to register it.

The registration fee for a packaged commercial fertilizer is \$25 for the initial product and \$10 for each additional product registered by an applicant, rather than \$25 for each brand registered.

The inspection fee for fertilizers sold to persons other than registrants and licensees is increased from 9 cents to 15 cents per ton for lime, and from 18 cents to 30 cents per ton for other fertilizers. Packages of fertilizer weighing five pounds or less are no longer excluded in calculating the semiannual or annual tonnage for the fee. A minimum inspection fee of \$25 per year is established. The minimum late payment fee is increased.

Crimes. It is unlawful to: distribute bulk fertilizer without a license; distribute unregistered, packaged fertilizer; refuse or neglect to keep and maintain records or to make reports when required; or make false or fraudulent records, invoices, or reports. The assessment of a delinquency fee for a late renewal of a registration or license does not preclude the imposition of other penalties.

Other. Specialty fertilizers (bone meal, manures, and similar materials) may be guaranteed in fractional units. The director may, by rule, establish an alternative to the method of displaying a guaranteed analysis for a fertilizer currently set by statute. The name of the manufacturer of a fertilizer need no longer be included in an application for a registration for a packaged fertilizer. The list of persons regulated under the fertilizer laws is modified to include those who exchange or broker fertilizers. Registrations expire on June 30 annually, rather than December 31.

Appropriation: none

Revenue: yes

Fiscal Note: available

TESTIMONY FOR:

The Department of Agriculture needs more funds for this fee supported program and the changes are needed to bring Washington's standards up to national model standards.

TESTIMONY AGAINST: None

TESTIFIED: Glenn Smerdon, Department of Agriculture; Mark Triplett, WABC; Robin Schoen-Neussa, Department of Agriculture