

SENATE BILL REPORT

SHB 2338

As Reported By Senate Committee On:
Ecology & Parks, February 23, 1996

Title: An act relating to anhydrous ammonia.

Brief Description: Prohibiting the department of ecology from regulating ammonia emissions for nonproduction activity related to making or using ammonia as agricultural or silvicultural fertilizer.

Sponsors: House Committee on Agriculture & Ecology (originally sponsored by Representatives Schoesler, Grant, Sheahan, McMorris, Mastin, Fuhrman, Chandler, Honeyford and Thompson).

Brief History:

Committee Activity: Ecology & Parks: 2/23/96 [DP].

SENATE COMMITTEE ON ECOLOGY & PARKS

Majority Report: Do pass.

Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Staff: Susan Ridgley (786-7444)

Background: Ammonia is widely used by industry in a number of applications, including the manufacture of fertilizers.

Ammonia is regulated by federal law under both environmental and worker safety laws. Ammonia is not regulated as a toxic air pollutant under the federal Clean Air Act. Under the federal Clean Air Act, the Environmental Protection Agency is required to establish special provisions to regulate chemicals that are listed as hazardous air pollutants. In general, facilities that emit these air pollutants must limit emissions by installing pollution control technology. If the facility still exceeds established limits, the facility must undergo a review process to assess the risk posed by the hazardous chemical and, if a threat exists, to identify ways to control emissions of the air pollutant further. The federal Clean Air Act specifically identifies 189 chemicals to be regulated as hazardous air pollutants.

At the state level, the Department of Ecology has defined, by rule, the chemicals that are subject to toxic air pollutant requirements. These rules distinguish between class A and class B toxics. Class A toxics are chemicals known or suspected to be carcinogenic; class B toxics are not considered carcinogenic. The department regulates more chemicals as toxic air pollutants than does the Environmental Protection Agency. The department has classified ammonia as a class B toxic air pollutant and has assigned it a numeric threshold. Facilities that exceed this threshold are required to complete a detailed analysis identifying the risk posed by the toxic air pollutant and measures to control the pollutant. A facility exceeding

the threshold may or may not be required to install pollution control technology. Any regulatory action taken by Ecology is based on the results of the detailed analysis.

Summary of Bill: The Department of Ecology is prohibited from regulating ammonia emissions that result from any nonproduction activity related to making or using ammonia as an agricultural or silvicultural fertilizer.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Use of anhydrous ammonia in nonagricultural or nonsilvicultural settings will not be affected. This bill just clarifies the common sense way of regulating because anhydrous ammonia (an irritant) is already regulated under worker safety laws, and there are no air quality impacts.

Testimony Against: None.

Testified: Representative Schoesler, original prime sponsor; Jim Halstrom, WA Friends of Farms and Forests (pro); Stu Clark, Dept. of Ecology; Scott McKinnie, Far West Fertilizer Assn. (pro).