

ANALYSIS OF ESSB 5208

***House Agriculture & Ecology Committee
30, 1999***

March

Changes labeling requirements for commercial fertilizer.
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BACKGROUND:

No person may distribute a commercial fertilizer in this state unless the fertilizer is registered with the Washington State Department of Agriculture (WSDA). The registration fee is \$25. Registrations expire on June 30 annually. (RCW 15.54.325 and 15.54.330.) An application for registration must include an identification of the fertilizer components in the fertilizer and a verification that all the components are registered. If any of the components are not registered, the application must include the concentration of each metal in each component for which standards have been established under the state's fertilizer law. (RCW 15.54.325(3)(g).)

To be distributed in this state, packaged fertilizer must have a label containing, as a minimum, the following statement:

"This product has been registered with the Washington State Department of Agriculture. When applied as directed, this fertilizer meets the Washington standards for arsenic, cadmium, cobalt, mercury, molybdenum, lead, nickel, selenium, and zinc. You have the right to receive specific information about Washington standards from the distributor of this product." (RCW 15.54.340(1)(f).)

After July 1, 1999, the label must also state:

"Information received by the Washington State Department of Agriculture regarding the components in this product is available on the internet at <http://www.wa.gov/agr/>." (RCW 15.54.340(1)(g).)

Bulk fertilizers do not have to be registered if all of the fertilizer products in them are registered. However, those who distribute bulk fertilizer must be licensed by the WSDA.

(RCW 15.54.325 and 15.54.275.) Information required for the label of packaged fertilizers must accompany the delivery of fertilizer delivered in bulk form. (RCW 15.54.340(2).)

"Speciality fertilizers" are commercial fertilizers distributed primarily for non-farm use. (RCW 15.54.270(30).)

SUMMARY:

A label for packaged fertilizer must no longer contain a statement indicating that the product is registered with the state and meets certain state standards for metals. A distributor is no longer required to provide a purchaser, on request, a copy of this state's standards for metals in fertilizer. (Section 1(1)(f) and (4).)

The minimum statement required for products labeled by July 1, 1999, is the statement currently required after that date indicating that information received by the department on product components is available on its web site. (Section 1(1)(f).)

For products not labeled by July 1, 1999, and for all products after July 1, 2000, the minimum statement must be:

"Information regarding the levels of metals in this product is available on the internet at <http://www.wa.gov/agr/>" (Section 1(1)(f)(ii).)

By January 1, 2000, WSDA must establish guidelines recommending the size of the type for this label. (Section 2.)

Specialty fertilizers are exempt from these labeling requirements if: the label placed on or affixed to the package identifies the registrant's or licensee's website; and that website has a hypertext link to WSDA's website and states that information on the metal content of the product is available on WSDA's website. (Section 3.)

EFFECTIVE DATE:

The bill contains an emergency clause and takes effect July 1, 1999.