

SB 5631 - H AMD TO AGNR COMM AMD (H2262.1) 511
By Representative Green

NOT CONSIDERED 04/22/2011

1 On page 75, after line 9 of the amendment, insert the following:

2 "Sec. 59. RCW 15.54.270 and 1998 c 36 s 2 are each amended to read
3 as follows:

4 (~~Terms used in this chapter have the meaning given to them in~~)
5 The definitions in this section apply throughout this chapter unless
6 the context clearly (~~indicates~~) requires otherwise.

7 (1) "Brand" means a term, design, or trademark used in connection
8 with the distribution and sale of one or more grades of commercial
9 fertilizers.

10 (2) "Bulk fertilizer" means commercial fertilizer distributed in a
11 nonpackaged form such as, but not limited to, tote bags, tote tanks,
12 bins, tanks, trailers, spreader trucks, and railcars.

13 (3) "Calcium carbonate equivalent" means the acid-neutralizing
14 capacity of an agricultural liming material expressed as a weight
15 percentage of calcium carbonate.

16 (4) "Commercial fertilizer" means a substance containing one or
17 more recognized plant nutrients and that is used for its plant nutrient
18 content or that is designated for use or claimed to have value in
19 promoting plant growth, and shall include limes, gypsum, and
20 manipulated animal and vegetable manures. It does not include
21 unmanipulated animal and vegetable manures, organic waste-derived
22 material, and other products exempted by the department by rule.

23 (5) "Composting" means the controlled aerobic degradation of
24 organic waste materials. Natural decay of organic waste under
25 uncontrolled conditions is not composting.

26 (6) "Customer-formula fertilizer" means a mixture of commercial
27 fertilizer or materials of which each batch is mixed according to the
28 specifications of the final purchaser.

29 (7) "Department" means the department of agriculture of the state
30 of Washington or its duly authorized representative.

1 (8) "Director" means the director of the department of agriculture.

2 (9) "Distribute" means to import, consign, manufacture, produce,
3 compound, mix, or blend commercial fertilizer, or to offer for sale,
4 sell, barter, exchange, or otherwise supply commercial fertilizer in
5 this state.

6 (10) "Distributor" means a person who distributes.

7 (11) "Fertilizer material" means a commercial fertilizer that
8 either:

9 (a) Contains important quantities of no more than one of the
10 primary plant nutrients: Nitrogen, phosphate, and potash;

11 (b) Has eighty-five percent or more of its plant nutrient content
12 present in the form of a single chemical compound; or

13 (c) Is derived from a plant or animal residue or by-product or
14 natural material deposit that has been processed in such a way that its
15 content of plant nutrients has not been materially changed except by
16 purification and concentration.

17 (12) "Grade" means the percentage of total nitrogen, available
18 phosphoric acid, and soluble potash stated in whole numbers in the same
19 terms, order, and percentages as in the "guaranteed analysis," unless
20 otherwise allowed by a rule adopted by the department. Specialty
21 fertilizers may be guaranteed in fractional units of less than one
22 percent of total nitrogen, available phosphorus or phosphoric acid, and
23 soluble potassium or potash. Fertilizer materials, bone meal, manures,
24 and similar materials may be guaranteed in fractional units.

25 (13) "Guaranteed analysis."

26 (a) Until the director prescribes an alternative form of
27 "guaranteed analysis" by rule the term "guaranteed analysis" shall mean
28 the minimum percentage of plant nutrients claimed in the following
29 order and form:

30	Total nitrogen (N)	percent
31	Available phosphoric acid (P ₂ O ₅)	percent
32	Soluble potash (K ₂ O)	percent

33 The percentage shall be stated in whole numbers unless otherwise
34 allowed by the department by rule.

1 The "guaranteed analysis" may also include elemental guarantees for
2 phosphorus (P) and potassium (K).

3 (b) For unacidulated mineral phosphatic material and basic slag,
4 bone, tankage, and other organic phosphatic materials, the total
5 phosphoric acid or degree of fineness may also be guaranteed.

6 (c) Guarantees for plant nutrients other than nitrogen, phosphorus,
7 and potassium shall be as allowed or required by rule of the
8 department. The guarantees for such other nutrients shall be expressed
9 in the form of the element.

10 (d) The guaranteed analysis for limes shall include the percentage
11 of calcium or magnesium expressed as their carbonate; the calcium
12 carbonate equivalent as determined by methods prescribed by the
13 association of official analytical chemists; and the minimum percentage
14 of material that will pass respectively a one hundred mesh, sixty mesh,
15 and ten mesh sieve. The mesh size declaration may also include the
16 percentage of material that will pass additional mesh sizes.

17 (e) In commercial fertilizer, the principal constituent of which is
18 calcium sulfate (gypsum), the percentage of calcium sulfate ($\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$)
19 shall be given along with the percentage of total sulfur.

20 (14) "Imported fertilizer" means any fertilizer distributed into
21 Washington from any other state, province, or country.

22 (15) "Label" means the display of all written, printed, or graphic
23 matter, upon the immediate container, or a statement accompanying a
24 fertilizer.

25 (16) "Labeling" includes all written, printed, or graphic matter,
26 upon or accompanying a commercial fertilizer, or advertisement,
27 brochures, posters, television, and radio announcements used in
28 promoting the sale of such fertilizer.

29 (17) "Licensee" means the person who receives a license to
30 distribute a commercial fertilizer under the provisions of this
31 chapter.

32 (18) "Lime" means a substance or a mixture of substances, the
33 principal constituent of which is calcium or magnesium carbonate,
34 hydroxide, or oxide, singly or combined.

35 (19) "Manipulation" means processed or treated in any manner,
36 including drying to a moisture content less than thirty percent.

37 (20) "Manufacture" means to compound, produce, granulate, mix,

1 blend, repackage, or otherwise alter the composition of fertilizer
2 materials.

3 (21) "Micronutrients" are: Boron; chlorine; cobalt; copper; iron;
4 manganese; molybdenum; sodium; and zinc.

5 (22) "Micronutrient fertilizer" means a produced or imported
6 commercial fertilizer that contains commercially valuable
7 concentrations of micronutrients but does not contain commercially
8 valuable concentrations of nitrogen, phosphoric acid, available
9 phosphorus, potash, calcium, magnesium, or sulfur.

10 (23) "Official sample" means a sample of commercial fertilizer
11 taken by the department and designated as "official" by the department.

12 (24) "Organic waste-derived material" means grass clippings,
13 leaves, weeds, bark, plantings, prunings, and other vegetative wastes,
14 uncontaminated wood waste from logging and milling operations, food
15 wastes, food processing wastes, and materials derived from these wastes
16 through composting. "Organic waste-derived material" does not include
17 products that include biosolids.

18 (25) "Packaged fertilizer" means commercial fertilizers, either
19 agricultural or specialty, distributed in nonbulk form.

20 (26) "Person" means an individual, firm, brokerage, partnership,
21 corporation, company, society, or association.

22 (27) "Percent" or "percentage" means the percentage by weight.

23 (28) "Produce" means to compound or fabricate a commercial
24 fertilizer through a physical or chemical process, or through mining.
25 "Produce" does not include mixing, blending, or repackaging commercial
26 fertilizer products.

27 (29) "Registrant" means the person who registers commercial
28 fertilizer under the provisions of this chapter.

29 (30) "Specialty fertilizer" means a commercial fertilizer
30 distributed primarily for nonfarm use, such as, but not limited to, use
31 on home gardens, lawns, shrubbery, flowers, golf courses, municipal
32 parks, cemeteries, greenhouses, and nurseries.

33 (31) "Ton" means the net weight of two thousand pounds avoirdupois.

34 (32) "Total nutrients" means the sum of the percentages of total
35 nitrogen, available phosphoric acid, and soluble potash as guaranteed
36 and as determined by analysis.

37 (33) "Washington application rate" is calculated by using an

1 averaging period of up to four consecutive years that incorporates
2 agronomic rates that are representative of soil, crop rotation, and
3 climatic conditions in Washington state.

4 (34) "Waste-derived fertilizer" means a commercial fertilizer that
5 is derived in whole or in part from solid waste as defined in chapter
6 70.95 or 70.105 RCW, or rules adopted thereunder, but does not include
7 fertilizers derived from biosolids or biosolids products regulated
8 under chapter 70.95J RCW or wastewaters regulated under chapter 90.48
9 RCW.

10 (35)(a) "Turf fertilizer" means a commercial fertilizer that is
11 labeled for use on turf.

12 (b) "Turf fertilizer" does not include commercial fertilizers
13 derived solely from organic materials, organic-based products where the
14 phosphorus component is derived solely from organic materials,
15 biosolids, or biosolid products."

16 Renumber the remaining sections consecutively and correct any
17 internal references accordingly.

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