
SENATE BILL 5322

State of Washington

63rd Legislature

2013 Regular Session

By Senators Carrell, Becker, Dammeier, and Billig

Read first time 01/25/13. Referred to Committee on Energy, Environment & Telecommunications.

1 AN ACT Relating to municipally produced class A biosolids;
2 reenacting and amending RCW 15.54.270; and providing an effective date.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 15.54.270 and 2011 c 73 s 1 are each reenacted and
5 amended to read as follows:

6 The definitions in this section apply throughout this chapter
7 unless the context clearly requires otherwise.

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

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

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

17 (4) "Commercial fertilizer" means a substance containing one or
18 more recognized plant nutrients and that is used for its plant nutrient
19 content or that is designated for use or claimed to have value in

1 promoting plant growth, and shall include limes, gypsum, and
2 manipulated animal and vegetable manures. It does not include
3 unmanipulated animal and vegetable manures, organic waste-derived
4 material, and other products exempted by the department by rule.

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

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

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

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

14 (9) "Distribute" means to import, consign, manufacture, produce,
15 compound, mix, or blend commercial fertilizer, or to offer for sale,
16 sell, barter, exchange, or otherwise supply commercial fertilizer in
17 this state.

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

19 (11) "Fertilizer material" means a commercial fertilizer that
20 either:

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

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

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

29 (12) "Grade" means the percentage of total nitrogen, available
30 phosphoric acid, and soluble potash stated in whole numbers in the same
31 terms, order, and percentages as in the "guaranteed analysis," unless
32 otherwise allowed by a rule adopted by the department. Specialty
33 fertilizers may be guaranteed in fractional units of less than one
34 percent of total nitrogen, available phosphorus or phosphoric acid, and
35 soluble potassium or potash. Fertilizer materials, bone meal, manures,
36 and similar materials may be guaranteed in fractional units.

37 (13) "Guaranteed analysis."

1 (a) Until the director prescribes an alternative form of
2 "guaranteed analysis" by rule the term "guaranteed analysis" shall mean
3 the minimum percentage of plant nutrients claimed in the following
4 order and form:

5	Total nitrogen (N)	percent
6	Available phosphoric acid (P ₂ O ₅)	percent
7	Soluble potash (K ₂ O)	percent

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

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

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

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

19 (d) The guaranteed analysis for limes shall include the percentage
20 of calcium or magnesium expressed as their carbonate; the calcium
21 carbonate equivalent as determined by methods prescribed by the
22 association of official analytical chemists; and the minimum percentage
23 of material that will pass respectively a one hundred mesh, sixty mesh,
24 and ten mesh sieve. The mesh size declaration may also include the
25 percentage of material that will pass additional mesh sizes.

26 (e) In commercial fertilizer, the principal constituent of which is
27 calcium sulfate (gypsum), the percentage of calcium sulfate (CaSO₄.2H₂O)
28 shall be given along with the percentage of total sulfur.

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

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

34 (16) "Labeling" includes all written, printed, or graphic matter,

1 upon or accompanying a commercial fertilizer, or advertisement,
2 brochures, posters, television, and radio announcements used in
3 promoting the sale of such fertilizer.

4 (17) "Licensee" means the person who receives a license to
5 distribute a commercial fertilizer under the provisions of this
6 chapter.

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

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

12 (20) "Manufacture" means to compound, produce, granulate, mix,
13 blend, repackage, or otherwise alter the composition of fertilizer
14 materials.

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

17 (22) "Micronutrient fertilizer" means a produced or imported
18 commercial fertilizer that contains commercially valuable
19 concentrations of micronutrients but does not contain commercially
20 valuable concentrations of nitrogen, phosphoric acid, available
21 phosphorus, potash, calcium, magnesium, or sulfur.

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

24 (24) "Organic waste-derived material" means grass clippings,
25 leaves, weeds, bark, plantings, prunings, and other vegetative wastes,
26 uncontaminated wood waste from logging and milling operations, food
27 wastes, food processing wastes, and materials derived from these wastes
28 through composting. "Organic waste-derived material" does not include
29 products that include biosolids.

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

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

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

35 (28) "Produce" means to compound or fabricate a commercial
36 fertilizer through a physical or chemical process, or through mining.
37 "Produce" does not include mixing, blending, or repackaging commercial
38 fertilizer products.

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

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

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

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

11 (33)(a) "Turf" means land, including residential property,
12 commercial property, and publicly owned land, which is planted in
13 closely mowed, managed grass.

14 (b) "Turf" does not include pasture land, land used to grow grass
15 for sod, or any other land used for agricultural production or
16 residential vegetable or flower gardening.

17 (34)(a) "Turf fertilizer" means a commercial fertilizer that is
18 labeled for use on turf.

19 (b) "Turf fertilizer" does not include a commercial fertilizer
20 where the phosphorus component is derived solely from exceptional
21 quality biosolids.

22 (35) "Washington application rate" is calculated by using an
23 averaging period of up to four consecutive years that incorporates
24 agronomic rates that are representative of soil, crop rotation, and
25 climatic conditions in Washington state.

26 (36) "Waste-derived fertilizer" means a commercial fertilizer that
27 is derived in whole or in part from solid waste as defined in chapter
28 70.95 or 70.105 RCW, or rules adopted thereunder, but does not include
29 fertilizers derived from biosolids or biosolids products regulated
30 under chapter 70.95J RCW or wastewaters regulated under chapter 90.48
31 RCW.

32 NEW SECTION. **Sec. 2.** Section 1 of this act takes effect January
33 1, 2014.

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