

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE HOUSE BILL 1622**

53rd Legislature  
1993 Regular Session

Passed by the House March 16, 1993  
Yeas 97 Nays 0

\_\_\_\_\_  
**Speaker of the  
House of Representatives**

Passed by the Senate April 15, 1993  
Yeas 46 Nays 0

\_\_\_\_\_  
**President of the Senate**

Approved

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1622** as passed by the House of Representatives and the Senate on the dates hereon set forth.

\_\_\_\_\_  
**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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ENGROSSED SUBSTITUTE HOUSE BILL 1622

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Passed Legislature - 1993 Regular Session

State of Washington                      53rd Legislature                      1993 Regular Session

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

Read first time 03/03/93.

1            AN ACT Relating to the regulation of fertilizer; amending RCW  
2 15.54.270, 15.54.330, 15.54.340, 15.54.350, 15.54.362, 15.54.370,  
3 15.54.380, 15.54.414, 15.54.420, 15.54.436, 15.54.470, and 15.54.800;  
4 adding new sections to chapter 15.54 RCW; and repealing RCW 15.54.272,  
5 15.54.274, 15.54.276, 15.54.278, 15.54.280, 15.54.281, 15.54.282,  
6 15.54.284, 15.54.286, 15.54.288, 15.54.290, 15.54.292, 15.54.294,  
7 15.54.296, 15.54.297, 15.54.298, 15.54.300, 15.54.302, 15.54.304,  
8 15.54.306, 15.54.307, and 15.54.320.

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

10            **Sec. 1.** RCW 15.54.270 and 1987 c 45 s 1 are each amended to read  
11 as follows:

12            Terms used in this chapter (~~shall~~) have the meaning given to them  
13 in this chapter unless (~~where used~~) the context (~~thereof shall~~)  
14 clearly indicates (~~to the contrary~~) otherwise.

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

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

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

7       (4) "Commercial fertilizer" means a substance containing one or  
8 more recognized plant nutrients and that is used for its plant nutrient  
9 content or that is designated for use or claimed to have value in  
10 promoting plant growth, and shall include limes, gypsum, and  
11 manipulated animal and vegetable manures. It does not include  
12 unmanipulated animal and vegetable manures and other products exempted  
13 by the department by rule.

14       (5) "Customer-formula fertilizer" means a mixture of commercial  
15 fertilizer or materials of which each batch is mixed according to the  
16 specifications of the final purchaser.

17       (6) "Department" means the department of agriculture of the state  
18 of Washington or its duly authorized representative.

19       (7) "Director" means the director of the department of agriculture.

20       (8) "Distribute" means to import, consign, manufacture, produce,  
21 compound, mix, or blend commercial fertilizer, or to offer for sale,  
22 sell, barter, exchange, or otherwise supply commercial fertilizer in  
23 this state.

24       (9) "Distributor" means a person who distributes.

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

33       (11) "Guaranteed analysis."

34       (a) Until the director prescribes an alternative form of  
35 "guaranteed analysis" by rule the term "guaranteed analysis" shall mean  
36 the minimum percentage of plant nutrients claimed in the following  
37 order and form:

38               Total nitrogen (N) . . . . . percent

1           Available phosphoric acid (P2O5) . . . percent  
2           Soluble potash (K2O) . . . . . percent

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

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

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

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

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

21          (e) In commercial fertilizer, the principal constituent of which is  
22 calcium sulfate (gypsum), the percentage of calcium sulfate  
23 (CaSO<sub>4</sub>.2H<sub>2</sub>O) shall be given along with the percentage of total sulfur.

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

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

31          (14) "Licensee" means the person who receives a license to  
32 distribute a fertilizer under the provisions of this chapter.

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

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

1       (17) "Manufacture" means to compound, produce, granulate, mix,  
2 blend, repackage, or otherwise alter the composition of fertilizer  
3 materials.

4       (18) "Official sample" means a sample of commercial fertilizer  
5 taken by the department and designated as "official" by the department.

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

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

10       (21) "Percent" or "percentage" means the percentage by weight.

11       (22) "Registrant" means the person who registers commercial  
12 fertilizer under the provisions of this chapter.

13       (23) "Specialty fertilizer" means a commercial fertilizer  
14 distributed primarily for nonfarm use, such as, but not limited to, use  
15 on home gardens, lawns, shrubbery, flowers, golf courses, municipal  
16 parks, cemeteries, greenhouses, and nurseries.

17       (24) "Ton" means the net weight of two thousand pounds avoirdupois.

18       (25) "Total nutrients" means the sum of the percentages of total  
19 nitrogen, available phosphoric acid, and soluble potash as guaranteed  
20 and as determined by analysis.

21       NEW SECTION. Sec. 2. A new section is added to chapter 15.54 RCW  
22 to read as follows:

23       (1) No person may distribute a commercial fertilizer in this state,  
24 except packaged fertilizers, until a license to distribute has been  
25 obtained by that person. An annual license is required for each out-  
26 of-state or in-state location that distributes nonpackaged commercial  
27 fertilizer in Washington state. An application for each location shall  
28 be filed on forms provided by the master license system and shall be  
29 accompanied by an annual fee of twenty-five dollars per location. The  
30 license shall expire on the master license expiration date.

31       (2) An application for license shall include the following:

32       (a) The name and address of licensee.

33       (b) Any other information required by the department by rule.

34       (3) The name and address shown on the license shall be shown on all  
35 labels, pertinent invoices, and storage facilities for fertilizer  
36 distributed by the licensee in this state.

37       (4) If an application for license renewal provided for in this  
38 section is not filed prior to master license expiration date, a

1 delinquency fee of twenty-five dollars shall be assessed and added to  
2 the original fee and shall be paid by the applicant before the renewal  
3 license shall be issued. The assessment of this delinquency fee shall  
4 not prevent the department from taking any other action as provided for  
5 in this chapter. The penalty shall not apply if the applicant  
6 furnishes an affidavit that he or she has not distributed this  
7 commercial fertilizer subsequent to the expiration of his or her prior  
8 license.

9 NEW SECTION. **Sec. 3.** A new section is added to chapter 15.54 RCW  
10 to read as follows:

11 (1) No person may distribute in this state a packaged fertilizer  
12 until it is registered with the department by the distributor whose  
13 name appears on the label. An application for each packaged fertilizer  
14 product shall be made on a form furnished by the department and shall  
15 be accompanied by an initial fee of twenty-five dollars for the first  
16 product and ten dollars for each additional product. Labels for each  
17 product shall accompany the application. All companies planning to mix  
18 packaged customer-formula fertilizers shall include the statement  
19 "customer formula grade mixes" under the column headed "product name"  
20 on the product registration application form. All customer-formula  
21 fertilizers sold under one brand name shall be considered one product.  
22 Upon the approval of an application by the department, a copy of the  
23 registration shall be furnished to the applicant. All registrations  
24 expire on June 30th of each year except that for the period beginning  
25 January 1, 1994, the registration shall expire on June 30, 1995.

26 (2) An application for registration shall include the following:

- 27 (a) The product name;  
28 (b) The brand and grade;  
29 (c) The guaranteed analysis;  
30 (d) Name and address of the registrant;  
31 (e) Labels for each product being registered;  
32 (f) Any other information required by the department by rule.

33 (3) If an application for renewal of the product registration  
34 provided for in this section is not filed prior to July 1st of any one  
35 year, a penalty of ten dollars per product shall be assessed and added  
36 to the original fee and shall be paid by the applicant before the  
37 renewal registration shall be issued. The assessment of this late  
38 collection fee shall not prevent the department from taking any other

1 action as provided for in this chapter. The penalty shall not apply if  
2 the applicant furnishes an affidavit that he or she has not distributed  
3 this commercial fertilizer subsequent to the expiration of his or her  
4 prior registration.

5 **Sec. 4.** RCW 15.54.330 and 1967 ex.s. c 22 s 21 are each amended to  
6 read as follows:

7 (1) The department shall examine the packaged fertilizer product  
8 registration application form and labels for conformance with the  
9 requirements of this chapter. If the application and appropriate  
10 labels are in proper form and contain the required information, the  
11 particular ((brand and grade of commercial fertilizer)) packaged  
12 fertilizer products shall be registered by the department and a  
13 certificate of registration shall be issued to the applicant. ((The  
14 department may refuse registration, or cancel the registration, of any  
15 brand or grade of commercial fertilizer, the distribution of which  
16 would be in violation of any provisions of this chapter.))

17 (2) In reviewing the packaged fertilizer product registration  
18 application, the department may consider experimental data,  
19 manufacturers' evaluations, data from agricultural experiment stations,  
20 product review evaluations, or other authoritative sources to  
21 substantiate labeling claims. The data shall be from statistically  
22 designed and analyzed trials representative of the soil, crops, and  
23 climatic conditions found in the northwestern area of the United  
24 States.

25 (3) In determining whether approval of a labeling statement or  
26 guarantee of an ingredient is appropriate, the department may require  
27 the submission of a written statement describing the methodology of  
28 laboratory analysis utilized, the source of the ingredient material,  
29 and any reference material relied upon to support the label statement  
30 or guarantee of ingredient.

31 **Sec. 5.** RCW 15.54.340 and 1987 c 45 s 12 are each amended to read  
32 as follows:

33 (1) Any ((commercial)) packaged fertilizer distributed in this  
34 state in containers shall have placed on or affixed to the  
35 ((container)) package a label setting forth in clearly legible and  
36 conspicuous form the following information:

37 (a) The net weight;

1 (b) The product name, brand, and grade. The grade (~~((shall not be))~~)  
2 is not required (~~((when))~~) if no primary nutrients are claimed;

3 (c) The guaranteed analysis;

4 (d) The name and address of the registrant or licensee. The name  
5 and address of the manufacturer, if different from the registrant or  
6 licensee, may also be stated; and

7 (e) Other information as required by the department by rule.

8 (2) If a commercial fertilizer is distributed in bulk, a written or  
9 printed statement of the information required by subsection (1) above  
10 shall accompany delivery and be supplied to the purchaser at the time  
11 of delivery.

12 (3) Each delivery of a customer-formula fertilizer shall be subject  
13 to containing those ingredients specified by the purchaser, which  
14 ingredients shall be shown on the statement or invoice with the amount  
15 contained therein, and a record of all invoices of customer-formula  
16 grade mixes shall be kept by the registrant or licensee for a period of  
17 (~~((six))~~) twelve months and shall be available to the department upon  
18 request: PROVIDED, That each such delivery shall be accompanied by  
19 either a statement, invoice, a delivery slip, or a label if bagged,  
20 containing the following information: The net weight; the brand; the  
21 guaranteed analysis which may be stated to the nearest tenth of a  
22 percent or to the next lower whole number; the name and address of the  
23 registrant or licensee, or manufacturer, or both; and the name and  
24 address of the purchaser.

25 **Sec. 6.** RCW 15.54.350 and 1987 c 45 s 13 are each amended to read  
26 as follows:

27 (1) There shall be paid to the department for all commercial  
28 fertilizers distributed in this state to nonregistrants or nonlicensees  
29 an inspection fee of (~~((nine))~~) fifteen cents per ton of lime and  
30 (~~((eighteen))~~) thirty cents per ton of all other commercial fertilizer  
31 distributed during the year beginning July 1st and ending June 30th.

32 (~~((In computing the tonnage on which the inspection fee must be~~  
33 ~~paid, distribution of commercial fertilizers in packages weighing five~~  
34 ~~pounds net or less, and distribution of commercial fertilizers for~~  
35 ~~shipment to points outside this state may be excluded.))~~) Distribution  
36 of commercial fertilizers for shipment to points outside this state may  
37 be excluded.



1 (3) When more than one distributor is involved in the distribution  
2 of a commercial fertilizer, the last registrant or licensee who  
3 distributes to a nonregistrant or nonlicensee is responsible for paying  
4 the inspection fee, unless the payment of fees has been made by a prior  
5 distributor of the fertilizer.

6 **Sec. 7.** RCW 15.54.362 and 1987 c 45 s 14 are each amended to read  
7 as follows:

8 (1) Every registrant or licensee who distributes commercial  
9 fertilizer in this state shall file a semiannual report (~~(with the~~  
10 ~~department))~~ on forms provided by the department setting forth the  
11 number of net tons of each commercial fertilizer so distributed in this  
12 state. The reports will cover the following periods: January 1  
13 through June 30 and July 1 through December 31 of each year. (~~The~~  
14 ~~reports shall be due on or before thirty days following the close of~~  
15 ~~the reporting period:—~~ PROVIDED, That)) Upon permission of the  
16 department, an annual statement under oath may be filed for the annual  
17 reporting period of July 1 through June 30 of any year by any person  
18 distributing within the state less than one hundred tons for each six-  
19 month period during any calendar year, and upon filing such statement,  
20 such person shall pay the inspection fee required under RCW 15.54.350.  
21 The department may accept sales records or other records accurately  
22 reflecting the tonnage sold and verifying such reports.

23 (2) Each person responsible for the payment of inspection fees for  
24 commercial fertilizer distributed in this state shall include the  
25 inspection fees with the report on the same dates and for the same  
26 reporting periods mentioned in subsection (1) of this section. If in  
27 one year a registrant or licensee distributes less than eighty-three  
28 tons of commercial fertilizer or less than one hundred sixty-seven tons  
29 of commercial lime or equivalent combination of the two, the registrant  
30 or licensee shall pay the minimum inspection fee. The minimum  
31 inspection fee shall be twenty-five dollars per year.

32 (3) The department may, upon request, require registrants or  
33 licensees to furnish information setting forth the net tons of  
34 commercial fertilizer distributed to each location in this state.

35 (4) Semiannual or annual reports filed after the close of the  
36 corresponding reporting period shall pay a late filing fee of twenty-  
37 five dollars. Inspection fees which are due and have not been remitted  
38 to the department by the due date shall have a late-collection fee of

1 ten percent, but not less than ((five)) twenty-five dollars, added to  
2 the amount due when payment is finally made. The assessment of this  
3 late collection fee shall not prevent the department from taking any  
4 other action as provided for in this chapter.

5 (5) It shall be a misdemeanor for any person to divulge any  
6 information provided under this section that would reveal the business  
7 operation of the person making the report. However, nothing contained  
8 in this subsection may be construed to prevent or make unlawful the use  
9 of information concerning the business operations of a person in any  
10 action, suit, or proceeding instituted under the authority of this  
11 chapter, including any civil action for the collection of unpaid  
12 inspection fees, which action is hereby authorized and which shall be  
13 as an action at law in the name of the director of the department.

14 **Sec. 8.** RCW 15.54.370 and 1987 c 45 s 16 are each amended to read  
15 as follows:

16 (1) It shall be the duty of the department to inspect, sample, make  
17 analysis of, and test commercial fertilizers distributed within this  
18 state at such time and place and to such an extent as it may deem  
19 necessary to determine whether such fertilizers are in compliance with  
20 the provisions of this chapter. The department is authorized to stop  
21 any commercial vehicle transporting fertilizers on the public highways  
22 and direct it to the nearest scales approved by the department to check  
23 weights of fertilizers being delivered. The department is also  
24 authorized, upon presentation of proper identification, to enter any  
25 distributor's premises, including any vehicle of transport, at all  
26 reasonable times in order to have access to commercial fertilizers and  
27 to records relating to their distribution.

28 (2) The methods of sampling and analysis shall be those adopted by  
29 the department from officially recognized sources.

30 (3) The department, in determining for administrative purposes  
31 whether a fertilizer is deficient in any component or total nutrients,  
32 shall be guided solely by the official sample as defined in RCW  
33 ((15.54.300)) 15.54.270 and obtained and analyzed as provided for in  
34 this section.

35 (4) When the inspection and analysis of an official sample has been  
36 made, the results of analysis shall be forwarded by the department to  
37 the registrant or licensee and to the purchaser, if known. Upon

1 request and within thirty days, the department shall furnish to the  
2 registrant or licensee a portion of the sample concerned.

3 (5) Analysis of an official sample by the department shall be  
4 accepted as prima facie evidence by any court of competent  
5 jurisdiction.

6 **Sec. 9.** RCW 15.54.380 and 1987 c 45 s 17 are each amended to read  
7 as follows:

8 (1) If the analysis shall show that any commercial fertilizer falls  
9 short of the guaranteed analysis in any one plant nutrient or in total  
10 nutrients, penalty shall be assessed in favor of the department in  
11 accordance with the following provisions:

12 (a) A penalty of three times the commercial value of the  
13 deficiency, if such deficiency in any one plant nutrient is more than  
14 two percent under guarantee on any one commercial fertilizer in which  
15 that plant nutrient is guaranteed up to and including ten percent; a  
16 penalty of three times the commercial value of the deficiency, if such  
17 deficiency in any one plant nutrient is more than three percent under  
18 guarantee on any one commercial fertilizer in which that plant nutrient  
19 is guaranteed from ten and one-tenth percent to twenty percent; a  
20 penalty of three times the commercial value of the deficiency, if such  
21 deficiency in any one plant nutrient is more than four percent under  
22 guarantee on any one commercial fertilizer in which that plant nutrient  
23 is guaranteed twenty and one-tenth percent and above.

24 (b) A penalty of three times the commercial value of the total  
25 nutrient deficiency shall be assessed when such deficiency is more than  
26 two percent under the calculated total nutrient guarantee.

27 (c) When a commercial fertilizer is subject to penalty under both  
28 (a) and (b) above, only the larger penalty shall be assessed.

29 (2) All penalties assessed under this section on any one commercial  
30 fertilizer, represented by the sample analyzed, shall be paid to the  
31 department within three months after the date of notice from the  
32 department to the registrant or licensee. The department shall deposit  
33 the amount of the penalty into the fertilizer, agricultural mineral and  
34 lime account.

35 (3) Nothing contained in this section shall prevent any person from  
36 appealing to a court of competent jurisdiction for a judgment as to the  
37 justification of such penalties imposed under subsections (1) and (2)  
38 above.

1 (4) The civil penalties payable in subsections (1) and (2) above  
2 shall in no manner be construed as limiting the consumer's right to  
3 bring a civil action in damage against the registrant or licensee  
4 paying said civil penalties.

5 **Sec. 10.** RCW 15.54.414 and 1987 c 45 s 21 are each amended to read  
6 as follows:

7 No person may distribute an adulterated commercial fertilizer. A  
8 commercial fertilizer (~~(shall be deemed to be)~~) is adulterated:

9 (1) If it contains any deleterious or harmful ingredient in  
10 sufficient amount to render it injurious to beneficial plant life when  
11 applied in accordance with directions for use on the label, or if  
12 adequate warning statements or directions for use which may be  
13 necessary to protect plant life are not shown upon the label;

14 (2) If its composition falls below or differs from that which it is  
15 purported to possess by its labeling; or

16 (3) If it contains unwanted viable seed.

17 **Sec. 11.** RCW 15.54.420 and 1987 c 45 s 22 are each amended to read  
18 as follows:

19 It shall be unlawful for any person to:

20 (1) Distribute an adulterated or misbranded commercial fertilizer;

21 (2) Fail, refuse, or neglect to place upon or attach to each  
22 (~~(container)~~) package of distributed commercial fertilizer a label  
23 containing all of the information required by this chapter;

24 (3) Fail, refuse, or neglect to deliver to a purchaser of bulk  
25 commercial fertilizer a statement containing the information required  
26 by this chapter; (~~(or)~~)

27 (4) Distribute a (~~(brand or grade of commercial)~~) packaged  
28 fertilizer product which has not been registered with the department;

29 (5) Distribute bulk fertilizer without holding a license to do so;

30 (6) Distribute unregistered packaged fertilizer. It is the  
31 responsibility of the person who manufactures or subsequently packages  
32 that fertilizer to register it prior to distribution in this state;

33 (7) Refuse or neglect to keep and maintain records, or to make  
34 reports when and as required; or

35 (8) Make false or fraudulent records, invoices, or reports.

1       **Sec. 12.** RCW 15.54.436 and 1987 c 45 s 24 are each amended to read  
2 as follows:

3       The department may cancel the license to distribute commercial  
4 fertilizer or registration of any ((brand and grade of commercial))  
5 packaged fertilizer product or refuse to license a distributor or  
6 register any ((brand and grade of commercial)) packaged fertilizer  
7 product as provided in this chapter(~~(, upon satisfactory evidence that~~  
8 ~~the registrant has used fraudulent or deceptive practices in the~~  
9 ~~evasion or attempted evasion of any provision of this chapter or any~~  
10 ~~rule adopted thereunder: PROVIDED, That no registration may be revoked~~  
11 ~~or refused until the registrant has been given the opportunity to~~  
12 ~~appear for a hearing by the department)) due to:~~

13       (1) An incomplete or insufficient license or registration  
14 application;

15       (2) The misbranding or adulteration of a commercial fertilizer; or

16       (3) A violation of this chapter or rules adopted under this  
17 chapter.

18       If the department cancels or refuses to renew an existing license  
19 or registration due to the misbranding or adulteration of a commercial  
20 fertilizer or due to a violation of this chapter or a rule adopted  
21 hereunder, the licensee/registrant or applicant may request a hearing  
22 as provided for in chapter 34.05 RCW.

23       **Sec. 13.** RCW 15.54.470 and 1967 ex.s. c 22 s 35 are each amended  
24 to read as follows:

25       (1) Any person who violates any provision of this chapter shall be  
26 guilty of a misdemeanor, and the fines collected shall be disposed of  
27 as provided under RCW 15.54.480.

28       (2) Nothing in this chapter shall be considered as requiring the  
29 department to report for prosecution or to cancel the registration of  
30 a ((brand or grade)) packaged fertilizer product or to stop the sale of  
31 fertilizers for violations of this chapter, when violations are of a  
32 minor character, and/or when the department believes that the public  
33 interest will be served and protected by a suitable notice of the  
34 violation in writing.

35       (3) It shall be the duty of each prosecuting attorney to whom any  
36 violation of this chapter is reported, to cause appropriate proceedings  
37 to be instituted and prosecuted in a court of competent jurisdiction  
38 without delay. Before the department reports a violation of this

1 chapter for such prosecution, an opportunity shall be given the  
2 distributor to present his or her view in writing or orally to the  
3 department.

4 (4) The department is hereby authorized to apply for, and the court  
5 authorized to grant, a temporary or permanent injunction restraining  
6 any person from violating or continuing to violate any of the  
7 provisions of this chapter or any rule (~~(or regulation promulgated)~~)  
8 adopted under this chapter, notwithstanding the existence of any other  
9 remedy at law. Any such injunction shall be issued without bond.

10 **Sec. 14.** RCW 15.54.800 and 1987 c 45 s 9 are each amended to read  
11 as follows:

12 (1) The director shall administer and enforce the provisions of  
13 this chapter and any rules adopted under this chapter. All authority  
14 and requirements provided for in chapter(~~(s)~~) 34.05 (~~(and 42.32)~~) RCW  
15 apply to this chapter in the adoption of rules.

16 (2) The director may adopt appropriate rules for carrying out the  
17 purpose and provisions of this chapter, including but not limited to  
18 rules providing for:

19 (a) Definitions of terms;

20 (b) Determining standards for labeling and registration of  
21 fertilizers and agricultural minerals and limes;

22 (c) The collection and examination of fertilizers and agricultural  
23 mineral and limes;

24 (d) Recordkeeping by registrants and licensees;

25 (e) Regulation of the use and disposal of fertilizers for the  
26 protection of ground water and surface water; and

27 (f) The safe handling, transportation, storage, display, and  
28 distribution of fertilizers.

29 NEW SECTION. **Sec. 15.** The following acts or parts of acts are  
30 each repealed:

31 (1) RCW 15.54.272 and 1987 c 45 s 2 & 1967 ex.s. c 22 s 2;

32 (2) RCW 15.54.274 and 1967 ex.s. c 22 s 3;

33 (3) RCW 15.54.276 and 1987 c 45 s 3 & 1967 ex.s. c 22 s 4;

34 (4) RCW 15.54.278 and 1967 ex.s. c 22 s 5;

35 (5) RCW 15.54.280 and 1987 c 45 s 4 & 1967 ex.s. c 22 s 6;

36 (6) RCW 15.54.281 and 1987 c 45 s 6;

37 (7) RCW 15.54.282 and 1967 ex.s. c 22 s 7;

- 1 (8) RCW 15.54.284 and 1967 ex.s. c 22 s 8;
- 2 (9) RCW 15.54.286 and 1967 ex.s. c 22 s 9;
- 3 (10) RCW 15.54.288 and 1967 ex.s. c 22 s 10;
- 4 (11) RCW 15.54.290 and 1967 ex.s. c 22 s 11;
- 5 (12) RCW 15.54.292 and 1967 ex.s. c 22 s 12;
- 6 (13) RCW 15.54.294 and 1967 ex.s. c 22 s 13;
- 7 (14) RCW 15.54.296 and 1967 ex.s. c 22 s 14;
- 8 (15) RCW 15.54.297 and 1987 c 45 s 5;
- 9 (16) RCW 15.54.298 and 1967 ex.s. c 22 s 15;
- 10 (17) RCW 15.54.300 and 1967 ex.s. c 22 s 16;
- 11 (18) RCW 15.54.302 and 1967 ex.s. c 22 s 17;
- 12 (19) RCW 15.54.304 and 1967 ex.s. c 22 s 18;
- 13 (20) RCW 15.54.306 and 1987 c 45 s 7;
- 14 (21) RCW 15.54.307 and 1987 c 45 s 8; and
- 15 (22) RCW 15.54.320 and 1987 c 45 s 11 & 1967 ex.s. c 22 s 20.

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