

VETO MESSAGE ON HB 2338-S

March 28, 1996

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Substitute House Bill No. 2338 entitled:

"AN ACT Relating to anhydrous ammonia;"

Substitute House Bill No. 2338 prohibits the Department of Ecology from regulating ammonia emissions from the storage, distribution, transport, or application of ammonia for use as an agricultural or silvicultural fertilizer.

Section 1 of Substitute House Bill No. 2338 contains some misleading and inaccurate statements which I cannot approve. First, it is misleading to state, as is done in section 1, that the Department of Ecology regulates ammonia as a toxic air pollutant by using a threshold that is "three hundred times more stringent than the standard used to protect workers." The Department does use a high threshold for the purpose of screening, not regulation. As such, this threshold is used as a tool to determine whether further evaluation is warranted.

Second, section 1 of Substitute House Bill No. 2338 suggests that the Department has no role whatsoever in regulating ammonia and is engaging in regulatory overkill. Clearly, where ammonia is used in large industrial facilities or processes, the Department's oversight role is essential for protecting public health and safety.

The intent language in section 1 of Substitute House Bill No. 2338 is not relevant to the substance of the bill which is contained in section 2. The Department of Ecology has not, and does not, regulate such use of ammonia. Section 2 of Substitute House Bill No. 2338 is a reflection of existing Department of Ecology policy which I do support.

For these reasons, I have vetoed section 1 of Substitute House Bill No. 2338.

With the exception of section 1, Substitute House Bill No. 2338 is approved.

Respectfully submitted,
Mike Lowry
Governor