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SENATE BILL 5866

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State of Washington

56th Legislature

1999 Regular Session

By Senators Fraser, Prentice, Kline and Kohl-Welles; by request of Department of Agriculture

Read first time 02/12/1999. Referred to Committee on Environmental Quality & Water Resources.

1 AN ACT Relating to eliminating component registration of fertilizer  
2 products; amending RCW 15.54.325 and 15.54.340; providing an effective  
3 date; and declaring an emergency.

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

5 **Sec. 1.** RCW 15.54.325 and 1998 c 36 s 4 are each amended to read  
6 as follows:

7 (1) No person may distribute in this state a commercial fertilizer  
8 until it has been registered with the department by the producer,  
9 importer, or packager of that product. A bulk fertilizer does not  
10 require registration if all commercial fertilizer products contained in  
11 the final product are registered.

12 (2) An application for registration shall be made on a form  
13 furnished by the department and shall be accompanied by a fee of  
14 twenty-five dollars for each product. Labels for each product shall  
15 accompany the application. All companies planning to mix customer-  
16 formula fertilizers shall include the statement "customer-formula grade  
17 mixes" under the column headed "product name" on the product  
18 registration application form. All customer-formula fertilizers sold  
19 under one brand name shall be considered one product.

1 (3) An application for registration shall include the following:

2 (a) The product name;

3 (b) The brand and grade;

4 (c) The guaranteed analysis;

5 (d) Name, address, and phone number of the registrant;

6 (e) Labels for each product being registered;

7 (f) Identification of those products that are (i) waste-derived  
8 fertilizers, (ii) micronutrient fertilizers, or (iii) fertilizer  
9 materials containing phosphate;

10 (~~g) ((Identification of the fertilizer components in the commercial  
11 fertilizer product and verification that all the components are  
12 registered. If any of the components are not registered, then the  
13 application must include))~~ The concentration of each metal in each  
14 commercial fertilizer (~~(component)~~) product, for which standards are  
15 established under RCW 15.54.800;

16 (h) Waste-derived fertilizers and micronutrient fertilizers shall  
17 include at a minimum, information to ensure the product complies with  
18 chapter 70.105 RCW and the resource conservation and recovery act, 42  
19 U.S.C. Sec. 6901 et seq.; and

20 (i) Any other information required by the department by rule.

21 (4) If an application for renewal of the product registration  
22 provided for in this section is not filed prior to July 1st of any one  
23 year, a penalty of ten dollars per product shall be assessed and added  
24 to the original fee and shall be paid by the applicant before the  
25 renewal registration shall be issued. The assessment of this late  
26 collection fee shall not prevent the department from taking any other  
27 action as provided for in this chapter. The penalty shall not apply if  
28 the applicant furnishes an affidavit that he or she has not distributed  
29 this commercial fertilizer subsequent to the expiration of his or her  
30 prior registration.

31 **Sec. 2.** RCW 15.54.340 and 1998 c 36 s 6 are each amended to read  
32 as follows:

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

36 (a) The net weight;

37 (b) The product name, brand, and grade. The grade is not required  
38 if no primary nutrients are claimed;

1 (c) The guaranteed analysis;

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

5 (e) Any information required under WAC 296-62-054;

6 (f) At a minimum the following labeling statement: "This product  
7 has been registered with the Washington State Department of  
8 Agriculture. When applied as directed, this fertilizer meets the  
9 Washington standards for arsenic, cadmium, cobalt, mercury, molybdenum,  
10 lead, nickel, selenium, and zinc. You have the right to receive  
11 specific information about Washington standards from the distributor of  
12 this product.";

13 (g) After July 1, 1999, the label must also state: "Information  
14 received by the Washington State Department of Agriculture regarding  
15 (~~the components in~~) this product is available on the internet at  
16 <http://www.wa.gov/agr/>."; and

17 (h) Other information as required by the department by rule.

18 (2) If a commercial fertilizer is distributed in bulk, a written or  
19 printed statement of the information required by subsection (1) of this  
20 section shall accompany delivery and be supplied to the purchaser at  
21 the time of delivery.

22 (3) Each delivery of a customer-formula fertilizer shall be subject  
23 to containing those ingredients specified by the purchaser, which  
24 ingredients shall be shown on the statement or invoice with the amount  
25 contained therein, and a record of all invoices of customer-formula  
26 grade mixes shall be kept by the registrant or licensee for a period of  
27 twelve months and shall be available to the department upon request:  
28 PROVIDED, That each such delivery shall be accompanied by either a  
29 statement, invoice, a delivery slip, or a label if bagged, containing  
30 the following information: The net weight; the brand; the guaranteed  
31 analysis which may be stated to the nearest tenth of a percent or to  
32 the next lower whole number; the name and address of the registrant or  
33 licensee, or manufacturer, or both; and the name and address of the  
34 purchaser.

35 (4) Any person who distributes a commercial fertilizer in this  
36 state shall make available to the purchaser on request, a copy of  
37 standards for metals established in RCW 15.54.800.

1        NEW SECTION.    **Sec. 3.**    This act is necessary for the immediate  
2    preservation of the public peace, health, or safety, or support of the  
3    state government and its existing public institutions, and takes effect  
4    July 1, 1999.

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