

# HOUSE BILL REPORT

## HB 2467

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### As Amended by the Senate

**Title:** An act relating to the registration and administration of fertilizers.

**Brief Description:** Regulating fertilizers.

**Sponsors:** By Representatives Warnick, Blake, Grant, Kretz, Newhouse and VanDeWege; by request of Department of Agriculture.

**Brief History:**

**Committee Activity:**

Agriculture & Natural Resources: 1/16/08 [DP].

**Floor Activity:**

Passed House: 2/1/08, 95-0.

Senate Amended.

Passed Senate: 3/7/08, 49-0.

<h3>Brief Summary of Bill</h3>
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- Makes changes regarding regulation of fertilizers by the Washington State Department of Agriculture.

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## HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** Do pass. Signed by 12 members: Representatives Blake, Chair; VanDeWege, Vice Chair; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Eickmeyer, Grant, Hailey, Lantz, Loomis, McCoy, Nelson and Orcutt.

**Staff:** Colleen Kerr (786-7168).

**Background:**

Registration

The Washington State Department of Agriculture (WSDA) requires commercial fertilizer to be registered by the producer, importer, or packager before distribution. Bulk fertilizer does not require registration if all the commercial fertilizer products contained in the final product

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

are already registered. Applications for registration are \$50 and applicants are registered for two-year periods.

#### Labeling Requirements

Commercial fertilizer distributed in Washington must be clearly labeled. Bulk commercial fertilizer must be distributed with a written or printed statement and be supplied to the purchaser at the time of delivery.

#### Registrant Reporting and Fees

Every registrant or licensee who distributes commercial fertilizer must file a semiannual report to the WSDA stating the number of net tons of each commercial fertilizer distributed in Washington. Individuals responsible for payment of inspection fees for commercial fertilizer distributed in Washington must include the fees with the report. For registrants or licensees that distribute less than 83 tons of commercial fertilizer or less than 167 tons of commercial lime or an equivalent combination of the two, they must pay the minimum fee of \$25.

#### WSDA Reports

The WSDA also maintains a fertilizer database of registration information that is open to the public. The WSDA, in consultation with the Department of Ecology and the Department of Health, also reports biennially to the Legislature on the levels of nonnutritive substances in fertilizers.

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### **Summary of Bill:**

The following changes are made to existing statutory provisions:

#### Registration

The registration requirement for customer-formula fertilizers is eliminated if all the components of the fertilizer are registered.

#### Labeling

The bill clarifies requirements for the labeling of packaged, bulk, and customer-formula fertilizers.

#### Registrant Reporting and Fees

The bill reinstates in statute the due dates for fertilizer distribution reports. It also clarifies the statutes regarding late fees.

#### Other Provisions

The bill makes technical changes and removes outdated language in the four amended sections of the statute.

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### **EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment removes those sections of the bill that made technical changes to the provisions regarding customer-formula fertilizers. The underlying bill eliminates the requirement for registration of customer-formula fertilizers if all the individual components of the customer-formula fertilizer are registered with the WSDA; those sections are removed with the Senate amendment and are not amended.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:**

(In support) This is a WSDA housekeeping bill that updates outdated sections of the code regarding the regulation of fertilizer. Fertilizer regulation meets both consumer and environmental protection objectives. The bill remedies discrepancies in statute regarding the distribution of commercial fertilizer and eliminates potential confusion around labeling and reporting. There are no policy changes and no fiscal impact.

(Opposed) None.

**Persons Testifying:** Representative Warnick, prime sponsor; Mary Beth Lang and Ted Maxwell, Department of Agriculture; and Dan Coyne, FarWest Agribusiness Association.

**Persons Signed In To Testify But Not Testifying:** None.