

HB 2488 - S COMM AMD  
By Committee on Environment

1       Strike everything after the enacting clause and insert the  
2 following:

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

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

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

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

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

16       (4) "Commercial fertilizer" means a substance containing one or  
17 more recognized plant nutrients and that is used for its plant nutrient  
18 content or that is designated for use or claimed to have value in  
19 promoting plant growth, and shall include limes, gypsum, and  
20 manipulated animal and vegetable manures. It does not include  
21 unmanipulated animal and vegetable manures, organic waste-derived  
22 material, and other products exempted by the department by rule.

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

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

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

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

2 (9) "Distribute" means to import, consign, manufacture, produce,  
3 compound, mix, or blend commercial fertilizer, or to offer for sale,  
4 sell, barter, exchange, or otherwise supply commercial fertilizer in  
5 this state.

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

7 (11) "Fertilizer material" means a commercial fertilizer that  
8 either:

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

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

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

17 (12) "Grade" means the percentage of total nitrogen, available  
18 phosphoric acid, and soluble potash stated in whole numbers in the same  
19 terms, order, and percentages as in the "guaranteed analysis," unless  
20 otherwise allowed by a rule adopted by the department. Specialty  
21 fertilizers may be guaranteed in fractional units of less than one  
22 percent of total nitrogen, available phosphorus or phosphoric acid, and  
23 soluble potassium or potash. Fertilizer materials, bone meal, manures,  
24 and similar materials may be guaranteed in fractional units.

25 (13) "Guaranteed analysis."

26 (a) Until the director prescribes an alternative form of  
27 "guaranteed analysis" by rule the term "guaranteed analysis" shall mean  
28 the minimum percentage of plant nutrients claimed in the following  
29 order and form:

30	Total nitrogen (N)	.....	percent
31	Available phosphoric acid (P <sub>2</sub> O <sub>5</sub> )	.....	percent
32	Soluble potash (K <sub>2</sub> O)	.....	percent

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

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

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

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

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

17 (e) In commercial fertilizer, the principal constituent of which is  
18 calcium sulfate (gypsum), the percentage of calcium sulfate ( $\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$ )  
19 shall be given along with the percentage of total sulfur.

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

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

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

29 (17) "Licensee" means the person who receives a license to  
30 distribute a commercial fertilizer under the provisions of this  
31 chapter.

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

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

37 (20) "Manufacture" means to compound, produce, granulate, mix,

1 blend, repackage, or otherwise alter the composition of fertilizer  
2 materials.

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

5 (22) "Micronutrient fertilizer" means a produced or imported  
6 commercial fertilizer that contains commercially valuable  
7 concentrations of micronutrients but does not contain commercially  
8 valuable concentrations of nitrogen, phosphoric acid, available  
9 phosphorus, potash, calcium, magnesium, or sulfur.

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

12 (24) "Organic waste-derived material" means grass clippings,  
13 leaves, weeds, bark, plantings, prunings, and other vegetative wastes,  
14 uncontaminated wood waste from logging and milling operations, food  
15 wastes, food processing wastes, and materials derived from these wastes  
16 through composting. "Organic waste-derived material" does not include  
17 products that include biosolids.

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

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

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

23 (28) "Produce" means to compound or fabricate a commercial  
24 fertilizer through a physical or chemical process, or through mining.  
25 "Produce" does not include mixing, blending, or repackaging commercial  
26 fertilizer products.

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

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

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

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

37 (33)(a) "Turf" means land, including residential property,

1 commercial property, and publicly owned land, which is planted in  
2 closely mowed, managed grass.

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

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

8 (b) "Turf fertilizer" does not include a commercial fertilizer  
9 where the phosphorus component is derived solely from exceptional  
10 quality biosolids.

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

15 (36) "Waste-derived fertilizer" means a commercial fertilizer that  
16 is derived in whole or in part from solid waste as defined in chapter  
17 70.95 or 70.105 RCW, or rules adopted thereunder, but does not include  
18 fertilizers derived from biosolids or biosolids products regulated  
19 under chapter 70.95J RCW or wastewaters regulated under chapter 90.48  
20 RCW.

21 NEW SECTION. **Sec. 2.** Section 1 of this act takes effect January  
22 1, 2013."

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23 On page 1, line 1 of the title, after "biosolids;" strike the  
24 remainder of the title and insert "reenacting and amending RCW  
25 15.54.270; and providing an effective date."

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