

# FINAL BILL REPORT

## ESHB 1489

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### PARTIAL VETO C 73 L 11 Synopsis as Enacted

**Brief Description:** Protecting water quality through restrictions on fertilizer containing phosphorus.

**Sponsors:** House Committee on Environment (originally sponsored by Representatives Billig, Morris, Frockt, Carlyle, Crouse, Ryu, Finn, Jinkins, Fitzgibbon, Tharinger, Rolfes, Liias, Moscoso, Stanford, Dunshee, Pettigrew, Ladenburg, Ormsby, Van De Wege, Moeller, Hunt, Pedersen, Maxwell, Roberts, Reykdal, Kagi, Darneille, Clibborn, Jacks and Kenney).

**House Committee on Environment**  
**Senate Committee on Environment, Water & Energy**

#### **Background:**

Only commercial fertilizer that has been registered with the Washington State Department of Agriculture (WSDA) may be distributed. Registering with the WSDA includes the creation of a label for each product. Most packaged commercial fertilizers must have, placed on or affixed to the package, a conspicuous label stating in a clear, legible form the product name, the net weight, the brand, and the grade. Both the registration form submitted to the WSDA and label must identify if the products are waste-derived fertilizers, micronutrient fertilizers, or fertilizer materials containing phosphate.

It is unlawful to distribute misbranded commercial fertilizer.

#### **Summary:**

The sale and application to turf of turf fertilizer that is labeled as containing phosphorus is prohibited. These prohibitions do not apply if the fertilizer is being used to establish or repair grass during a growing season, for adding phosphorus to soils with deficient plant-available phosphorus levels, or for application to pasture lands, houseplants, flower or vegetable gardens, or agricultural or silvicultural lands.

Retailers may not display turf fertilizers labeled as containing phosphorus unless the product is also labeled for one of the permitted uses. Retailers may continue to display otherwise prohibited turf fertilizers that were in stock prior to 2012.

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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.*

Local governments are prohibited from adopting less restrictive ordinances on the use of phosphorous-containing fertilizer.

**Votes on Final Passage:**

House	58	39	
Senate	32	16	(Senate amended)
House	56	37	(House concurred)

**Effective:** January 1, 2013

**Partial Veto Summary:** The Governor vetoed the section that exempted violations of the prohibitions on the use and sale of certain fertilizers from civil enforcement by the WSDA.