

JAN 19 2007

A BILL FOR AN ACT

RELATING TO FERTILIZER.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that residents and the
2 environment are being exposed each year to a large number of
3 hazardous substances that are used in fertilizers. This
4 exposure is without the public's knowledge or consent. There is
5 significant scientific uncertainty about the environmental
6 transport and plant uptake rates for these hazardous substances.
7 Current regulations fail to systematically integrate economic
8 and environmental goals. Fertilizers that fail to meet the
9 state standards for total controlled substances pose an
10 emergency situation because they may contain hazardous
11 substances at levels that are harmful to humans, animals,
12 beneficial plant life, and aquatic life, and that are
13 detrimental to the soil and water.

14 The purpose of this Act is to require the department of
15 health to establish a labeling program that:

16 (1) Establishes more stringent standards than the current
17 United States Environmental Protection Agency and



1 Association of American Plant Food Control Officials
2 standards;

3 (2) Limits imports of fertilizers to those that meet the
4 more stringent standards; and

5 (3) Informs consumers of the presence of any hazardous or
6 waste-derived substance in a fertilizer.

7 SECTION 2. Chapter 342J, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 "§342J- Labeling; fertilizer. (a) The department of
11 health shall develop and implement a fertilizer labeling program
12 that:

13 (1) Establishes more stringent standards than the current
14 United States Environmental Protection Agency and
15 Association of American Plant Food Control Officials
16 standards;

17 (2) Limits imports of fertilizers to those that meet the
18 more stringent standards; and

19 (3) Informs a consumer of the presence of any hazardous or
20 waste-derived substance in a fertilizer.

21 (b) As used in this section:



1 "Fertilizer" means a substance containing one or more
2 recognized plant nutrients and that is used for its plant
3 nutrient content or that is designated for use or is claimed to
4 have value in promoting plant growth, including manipulated
5 animal and vegetable manure, and commercial, bulk, custom, and
6 specialty fertilizer; provided that it shall not include
7 unmanipulated animal and vegetable manure, organic waste-derived
8 material, lime, gypsum, or any other product that the department
9 may exempt pursuant to rules adopted in accordance with chapter
10 91.

11 "Hazardous substance" means any liquid, solid, gas, or
12 sludge, including any material, substance, product, commodity,
13 or waste, regardless of quantity, that exhibits any of the
14 characteristics or criteria of hazardous waste as described in
15 rules adopted pursuant to chapter 91, regardless of whether the
16 substance is waste or virgin material as defined under state or
17 federal law.

18 "Labeling" includes all written, printed, or graphic matter
19 on or accompanying a fertilizer, including any advertisement,
20 brochure, or poster that is used to promote the sale of the
21 fertilizer.



1 "Organic waste" means grass clippings, leaves, weeds, bark,
 2 plantings, prunings, and any other vegetative waste,
 3 uncontaminated wood waste from logging and milling operations,
 4 food waste, food processing waste, and materials derived from
 5 these wastes through composting.

6 "Waste-derived product" means any fertilizer, agricultural
 7 mineral, agricultural amendment, or liming material derived in
 8 whole or in part from hazardous waste as defined in section
 9 342J-2 or in rules adopted pursuant to chapter 91, or solid
 10 waste as defined in section 342G-1 or in rules adopted pursuant
 11 to chapter 91; provided that it shall not include biosolids,
 12 biosolids-derived products, domestic septage, domestic
 13 wastewater treatment facility solids, reclaimed water, or
 14 treated effluent.

15 (c) The department shall adopt rules, including penalties,
 16 pursuant to chapter 91 for the purposes of this section."

17 SECTION 3. New statutory material is underscored.

18 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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Report Title:

Fertilizer; Health; Hazardous Substances

Description:

Requires the department of health to establish a labeling program that establishes more stringent standards than the current U.S. Environmental Protection Agency and Association of American Plant Food Control Officials standards. Limits imports of fertilizers to those that meet the more stringent standards.

