
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 U.S. Environmental Protection Agency and Association
18 of American Plant Food Control Officials standards;



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

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

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

8 "§342J- Labeling; fertilizer. (a) The department of
9 health shall develop and implement a labeling program that:

10 (1) Establishes more stringent standards than the current
11 U.S. Environmental Protection Agency and Association
12 of American Plant Food Control Officials standards;

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

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

17 (b) As used in the section:

18 (1) "Fertilizer" means a substance containing one or more
19 recognized plant nutrients and that is used for its
20 plant nutrient content or that is designated for use
21 or is claimed to have value in promoting plant growth,
22 including manipulated animal and vegetable manure, and



1 commercial, bulk, custom, and specialty fertilizer;
2 provided that it shall not include unmanipulated
3 animal and vegetable manure, organic waste-derived
4 material, lime, gypsum, or any other product that the
5 department may exempt pursuant to rules adopted in
6 accordance with chapter 91.

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

15 (3) "Labeling" includes all written, printed, or graphic
16 matter on or accompanying a fertilizer, including any
17 advertisement, brochure, or poster that is used to
18 promote the sale of the fertilizer.

19 (4) "Organic waste" means grass clippings, leaves, weeds,
20 bark, plantings, prunings, and any other vegetative
21 waste, uncontaminated wood waste from logging and
22 milling operations, food waste, food processing waste,



1 and materials derived from these wastes through
2 composting.

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

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

16 SECTION 3. New statutory material is underscored.

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



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, and limits imports of fertilizers to those that meet the more stringent standards. (SD1)

