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



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

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

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

17 "Organic waste" means grass clippings, leaves, weeds, bark,  
18 plantings, prunings, and any other vegetative waste,  
19 uncontaminated wood waste from logging and milling operations,  
20 food waste, food processing waste, and materials derived from  
21 these wastes through composting.



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

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

12       SECTION 3. New statutory material is underscored.

13       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. (SD2)

