

STAND. COM. REP. NO.

2269

Honolulu, Hawaii

FEB. 17

, 2006

RE: S.B. No. 3179

S.D. 1

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committees on Energy, Environment, and International Affairs and Water, Land, and Agriculture, to which was referred S.B. No. 3179 entitled:

"A BILL FOR AN ACT RELATING TO FERTILIZER,"

beg leave to report as follows:

The purpose of this measure is to regulate the sale, distribution, and use of fertilizers, soil amendments, and liming materials in the State.

The Conservation Council for Hawaii and the Sierra Club submitted testimony in support of this measure. The Department of Health and the Hawaiian Alliance for Responsible Technologies & Science submitted testimony in opposition to this measure. The Hawaii Farm Bureau submitted comments.

According to the Department of Health, current administrative rules require a fertilizer manufacturer to notify the Department of Health if hazardous waste is a component of their product. Further, if a fertilizer fails to meet the standards for placement on land, the manufacturer becomes subject to hazardous waste regulations, including manifests and a ninety-day limit on storage.

Your Committee finds that there is a concern regarding the impact of waste-derived fertilizers, especially a consumer or end user's possible exposure to hazardous substances. Consumers should be informed of the presence of waste-derived fertilizers

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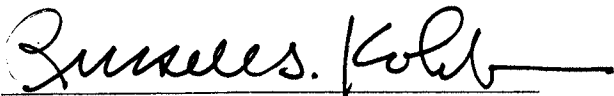
and a fertilizer's label should disclose whether the fertilizer is made from recycled hazardous waste.

Upon further consideration, your Committee amended this measure by:

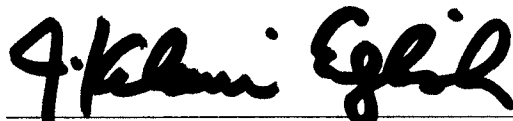
- (1) Requiring the Department of Health to develop and implement a labeling program that:
 - (A) Establishes more stringent standards than the current United States Environmental Protection Agency and Association of American Plant Food Control Official Standards;
 - (B) Limits imports of fertilizers to fertilizers that meet the more stringent standards; and
 - (C) Informs a consumer of the presence of any hazardous or waste-derived substance in a fertilizer;
- (2) Deleting all unrelated provisions; and
- (3) Making technical, non-substantive amendments for clarity and style.

As affirmed by the records of votes of the members of your Committees on Energy, Environment, and International Affairs and Water, Land, and Agriculture that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3179, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3179, S.D. 1, and be referred to the Committee on Commerce, Consumer Protection, and Housing.

Respectfully submitted on
behalf of the members of the
Committees on Energy,
Environment, and International
Affairs and Water, Land, and
Agriculture,



RUSSELL S. KOKUBUN, Chair

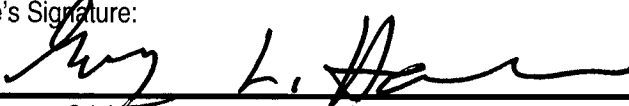


J. KALANI ENGLISH, Chair



The Senate
 Twenty-Third Legislature
 State of Hawaii

Record of Votes of the
 Committee on Water, Land and Agriculture
 (Bills and Resolutions)

Measure:* <i>SB3179</i>	Committee Referral: <i>EIA/WLA, CPA</i>	Date: <i>2/15/06</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is to: <input type="checkbox"/> Pass, unamended (2312) <input checked="" type="checkbox"/> Pass, with amendments (2311) <input type="checkbox"/> Hold (2310) <input type="checkbox"/> Recommit (2313)				
Members	Ayes	Ayes(WR)	Nays	Excused
KOKUBUN, Russell S. (C)	✓			
HOOSER, Gary L. (VC)	✓			
ENGLISH, J. Kalani	✓			
FUKUNAGA, Carol				✓
HEMMINGS, Fred	✓			
TOTAL	<i>4</i>			<i>1</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: <input checked="" type="checkbox"/> Original <input type="checkbox"/> Yellow <input type="checkbox"/> Pink <input type="checkbox"/> Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Do not list more than one measure per Record of Votes.