

JAN 17 2007

A BILL FOR AN ACT

RELATING TO HAZARDOUS WASTE.

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. The use of fertilizers that fail to
9 meet the state standards for total controlled substances poses
10 an emergency situation because these fertilizers may contain
11 levels of hazardous substances that make them detrimental to our
12 soil and water and harmful to humans, animals, beneficial plant
13 life, and aquatic life.

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



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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 a consumer 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 labeling program that:

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

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

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

20 (b) As used in the section:

21 "Fertilizer" means a substance containing one or more
22 recognized plant nutrients that is used for its plant nutrient



1 content or is designated for that use or is claimed to have
2 value in promoting plant growth, including manipulated animal
3 and vegetable manure and commercial, bulk, custom, and specialty
4 fertilizer; provided that the term shall not include
5 unmanipulated animal and vegetable manure, organic waste-derived
6 material, lime, gypsum, or any other product exempted by the
7 department under subsection (d).

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

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

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



1 food waste, food processing waste, and materials derived from
2 these wastes through composting.

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

12 (c) The department shall adopt rules pursuant to chapter
13 91 to:

- 14 (1) Implement this section generally;
15 (2) Establish appropriate penalties that shall not exceed
16 class C felonies; and
17 (3) Exempt products from the applicability of this
18 section, if any, as deemed appropriate by the
19 department."

20 SECTION 3. This Act does not affect rights and duties that
21 matured, penalties that were incurred, and proceedings that were
22 begun, before its effective date.



1 SECTION 4. New statutory material is underscored.

2 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: Clarence W. Frickham



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.

