

Washington State Department of Agriculture

Please see the attached regarding comments from the Washington State Department of Agriculture.



STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
P.O. Box 42560 • Olympia, Washington 98504-2560 • (360) 902-1800

July 2, 2021

Emily Kijowski
Washington Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

Re: Washington State Department of Agriculture's Comments for Statewide General Permit for Biosolids Management

Dear Ms. Kijowski:

The Washington State Department of Agriculture (WSDA) has delegated authority from Chapter 15.54 RCW to regulate the distribution and storage of Fertilizers, Minerals and Limes in Washington State. As the state lead agency (SLA) in Washington State, WSDA maintains a broad range of fertilizer specific programs including product registration, compliance, enforcement, bulk distributor licensing, sampling, and inspections.

The following summarizes WSDA's comments in response to the Department of Ecology's Statewide General Permit for Biosolids Management.

- The disclaimer requirement in section 4.6.1 should not be limited to exceptional quality biosolids and should apply to all biosolids applied to the land.
 - According to WAC 173-308-260, "**Unless registered as a fertilizer by the Washington state department of agriculture,**" any person who prepares biosolids that are sold or given away in a bag or other container must affix a label or information sheet that includes "**a disclaimer stating that the product is not a commercial fertilizer and that all nutrient claims are estimates or averages and not guaranteed.**"
 - Also, WAC 16-200-703 states "**Unpackaged biosolids and packaged biosolids that do not meet the definition for commercial fertilizer must include a legible and conspicuous disclaimer on their labeling. The disclaimer must specifically state that the product is not a commercial fertilizer, and that any nutrient claims are estimates or averages and are not guaranteed.**"
 - Neither WAC differentiates between exceptional quality biosolids or non-exceptional biosolids.
- Section 4.6 makes a reference to section 4.7. However, there is no section 4.7 in the draft document.

WSDA would like to thank the Department of Ecology for the opportunity to read and comment on the draft permit. We hope that the information we have provided is useful. In addition, many years ago, the Departments of Ecology and Agriculture worked together to address the issues of co-authorities of biosolids being applied to

the lands of Washington State. Many things have changed in the biosolids industry over the years and the rules of 1998 may not properly address the current issues. We see this as an opportunity for our two agencies to once again work together to keep regulation of these materials safe, effective, and fair for all parties involved. Once this Statewide General Permit for Biosolids Management is finalized we would like to meet to discuss collaboration between our two agencies and to discuss modernization of both of our rules.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kelle M. Davis". The signature is fluid and cursive, with the first name "Kelle" being the most prominent part.

Kelle M. Davis
Program Manager, Registration Services
Pesticide Management Division
Washington State Department of Agriculture
kmdavis@agr.wa.gov
(360) 902-1851