

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2338

Chapter 204, Laws of 1996

(partial veto)

54th Legislature
1996 Regular Session

ANHYDROUS AMMONIA USED AS FERTILIZER--EXEMPTION FROM REGULATION

EFFECTIVE DATE: 6/6/96

Passed by the House February 6, 1996
Yeas 97 Nays 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Passed by the Senate March 1, 1996
Yeas 47 Nays 0

JOEL PRITCHARD

President of the Senate

Approved March 28, 1996, with the
exception of section 1, which is
vetoed.

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of
the House of Representatives of the
State of Washington, do hereby certify
that the attached is **SUBSTITUTE HOUSE
BILL 2338** as passed by the House of
Representatives and the Senate on the
dates hereon set forth.

TIMOTHY A. MARTIN

Chief Clerk

FILED

March 28, 1996 - 4:20 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2338

Passed Legislature - 1996 Regular Session

State of Washington 54th Legislature 1996 Regular Session

By House Committee on Agriculture & Ecology (originally sponsored by Representatives Schoesler, Grant, Sheahan, McMorris, Mastin, Fuhrman, Chandler, Honeyford and Thompson)

Read first time 01/31/96.

1 AN ACT Relating to anhydrous ammonia; adding a new section to
2 chapter 70.94 RCW; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 ****NEW SECTION.** Sec. 1. The legislature finds that:*

5 *(1) Anhydrous ammonia is the most important nutrient material used*
6 *for the production of wheat and barley crops in Washington state;*

7 *(2) The federal environmental protection agency regulates one*
8 *hundred eighty-nine toxic air pollutants;*

9 *(3) Ammonia is not federally regulated as a toxic air pollutant;*

10 *(4) Ammonia is regulated at the state and federal level through*
11 *rules established to protect workers from unhealthful levels of*
12 *exposure to ammonia; and*

13 *(5) The department of ecology regulates ammonia as a toxic air*
14 *pollutant and uses a threshold that is three hundred times more*
15 *stringent than the standard used to protect workers.*

16 **Sec. 1 was vetoed. See message at end of chapter.*

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.94 RCW
18 to read as follows:

1 The department shall not regulate ammonia emissions resulting from
2 the storage, distribution, transport, or application of ammonia for use
3 as an agricultural or silvicultural fertilizer.

Passed the House February 6, 1996.

Passed the Senate March 1, 1996.

Approved by the Governor March 28, 1996, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State March 28, 1996.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to section 1,
3 Substitute House Bill No. 2338 entitled:

4 "AN ACT Relating to anhydrous ammonia;"

5 Substitute House Bill No. 2338 prohibits the Department of Ecology
6 from regulating ammonia emissions from the storage, distribution,
7 transport, or application of ammonia for use as an agricultural or
8 silvicultural fertilizer.

9 Section 1 of Substitute House Bill No. 2338 contains some
10 misleading and inaccurate statements which I cannot approve. First, it
11 is misleading to state, as is done in section 1, that the Department of
12 Ecology regulates ammonia as a toxic air pollutant by using a threshold
13 that is "three hundred times more stringent than the standard used to
14 protect workers." The Department does use a high threshold for the
15 purpose of screening, not regulation. As such, this threshold is used
16 as a tool to determine whether further evaluation is warranted.

17 Second, section 1 of Substitute House Bill No. 2338 suggests that
18 the Department has no role whatsoever in regulating ammonia and is
19 engaging in regulatory overkill. Clearly, where ammonia is used in
20 large industrial facilities or processes, the Department's oversight
21 role is essential for protecting public health and safety.

22 The intent language in section 1 of Substitute House Bill No. 2338
23 is not relevant to the substance of the bill which is contained in
24 section 2. The Department of Ecology has not, and does not, regulate
25 such use of ammonia. Section 2 of Substitute House Bill No. 2338 is a
26 reflection of existing Department of Ecology policy which I do support.

27 For these reasons, I have vetoed section 1 of Substitute House Bill
28 No. 2338.

29 With the exception of section 1, Substitute House Bill No. 2338 is
30 approved."