

Exemptions Criteria Worksheet

1. **Exemption:** RCW 42.56.380(2) 2. **Session Law:** 1987 chapter 45
3. **Category:** agriculture 4. **Cross-ref.:** RCW 15.54.362 5. **Date Enacted:** 1987
6. **(Text of exemption)** Information provided under RCW 15.54.362 (a statute requiring semi-annual reports of tonnage from businesses distributing fertilizer).
7. **Exemption protects:** ☐ Safety ☐ Privacy ☒ Financial ☐ Other (explain):

8. **Purpose (including purpose of accompanying legislation if applicable):**

No purpose stated in legislative history.

9. **Information covered:** ☐ About gov't function ☒ Collected/held by gov't
- ☐ Public funds ☐ Public official ☐ Vital gov't Interest ☐ Confidential/private ☐ Other

Describe: Tonnage information is collected to allow assessment of inspection fees.

10. **Stakeholders:**

- | | |
|------------------------|--|
| 1. Dept of Agriculture | Contacted: <input checked="" type="checkbox"/> yes <input type="checkbox"/> no |
| 2. Farm Bureau | Contacted: <input checked="" type="checkbox"/> yes <input type="checkbox"/> no |
| 3. | Contacted: <input type="checkbox"/> yes <input type="checkbox"/> no |
| 4. | Contacted: <input type="checkbox"/> yes <input type="checkbox"/> no |

11. **Add'l bill**

Information: Floor debate: ☐ yes ☒ no Bill Reports: ☒ yes ☐ no

12. **Comments (including significant court decisions; related WACs sections, or other).**

Inspection fees are based on tonnage reports. RCW 15.54.350. Other statutes require disclosure of information in the Department's fertilizer database and annual reports based on Department's testing of samples. RCW 15.54.430 and 15.54.433.

Tab 2, Nov. 1, 2007 binder prepared by Dept of Agriculture contains additional information.

RCW 42.56.380

Agriculture and livestock.

The following information relating to agriculture and livestock is exempt from disclosure under this chapter:

- (1) Business-related information under RCW 15.86.110;
- (2) Information provided under RCW 15.54.362;
- (3) Production or sales records required to determine assessment levels and actual assessment payments to commodity boards and commissions formed under chapters 15.24, 15.26, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.100, 15.89, and 16.67 RCW or required by the department of agriculture to administer these chapters or the department's programs;
- (4) Consignment information contained on phytosanitary certificates issued by the department of agriculture under chapters 15.13, 15.49, and 15.17 RCW or federal phytosanitary certificates issued under 7 C.F.R. 353 through cooperative agreements with the animal and plant health inspection service, United States department of agriculture, or on applications for phytosanitary certification required by the department of agriculture;
- (5) Financial and commercial information and records supplied by persons (a) to the department of agriculture for the purpose of conducting a referendum for the potential establishment of a commodity board or commission; or (b) to the department of agriculture or commodity boards or commissions formed under chapter 15.24, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.100, 15.89, or 16.67 RCW with respect to domestic or export marketing activities or individual producer's production information;
- (6) Except under RCW 15.19.080, information obtained regarding the purchases, sales, or production of an individual American ginseng grower or dealer;
- (7) Information that can be identified to a particular business and that is collected under RCW 15.17.140(2) and 15.17.143 for certificates of compliance;
- (8) Financial statements provided under RCW 16.65.030(1)(d);
- (9) Information submitted by an individual or business for the purpose of participating in a state or national animal identification system. Disclosure to local, state, and federal officials is not public disclosure. This exemption does not affect the disclosure of information used in reportable animal health investigations under chapter 16.36 RCW once they are complete; and
- (10) Results of testing for animal diseases not required to be reported under chapter 16.36 RCW that is done at the request of the animal owner or his or her designee that can be identified to a particular business or individual.

[2007 c 177 § 1. Prior: 2006 c 330 § 26; 2006 c 75 § 3; 2005 c 274 § 418.]

Notes:

Effective date -- 2006 c 330 § 26: "Section 26 of this act takes effect July 1, 2006." [2006 c 330 § 32.]

Construction -- Severability -- 2006 c 330: See RCW 15.89.900 and 15.89.901.

Effective date -- 2006 c 75 § 3: "Section 3 of this act takes effect July 1, 2006." [2006 c 75 § 5.]

Findings -- 2006 c 75: "The legislature finds that livestock identification numbers, premise information, and animal movement data are proprietary information that all have a role in defining a livestock producer's position within the marketplace, including his or her competitive advantage over other producers. The legislature therefore finds that exempting certain voluntary livestock identification, premise, and movement information from state public disclosure requirements will foster an environment that is more conducive to voluntary participation, and lead to a more effective livestock identification system." [2006 c 75 § 1.]

RCW 15.54.362**Reports — Inspection fees — Confidentiality, exception.**

(1) Every registrant or licensee who distributes commercial fertilizer in this state shall file a semiannual report on forms provided by the department setting forth the number of net tons of each commercial fertilizer so distributed in this state. The reports will cover the following periods: January 1 through June 30 and July 1 through December 31 of each year. Upon permission of the department, an annual statement under oath may be filed for the annual reporting period of July 1 through June 30 of any year by any person distributing within the state less than one hundred tons for each six-month period during any calendar year, and upon filing such statement, such person shall pay the inspection fee required under RCW 15.54.350. The department may accept sales records or other records accurately reflecting the tonnage sold and verifying such reports.

(2) Each person responsible for the payment of inspection fees for commercial fertilizer distributed in this state shall include the inspection fees with the report on the same dates and for the same reporting periods mentioned in subsection (1) of this section. If in one year a registrant or licensee distributes less than eighty-three tons of commercial fertilizer or less than one hundred sixty-seven tons of commercial lime or equivalent combination of the two, the registrant or licensee shall pay the minimum inspection fee. The minimum inspection fee shall be twenty-five dollars per year.

(3) The department may, upon request, require registrants or licensees to furnish information setting forth the net tons of commercial fertilizer distributed to each location in this state.

(4) Semiannual or annual reports filed after the close of the corresponding reporting period shall pay a late filing fee of twenty-five dollars. Inspection fees which are due and have not been remitted to the department by the due date shall have a late-collection fee of ten percent, but not less than twenty-five dollars, added to the amount due when payment is finally made. The assessment of this late collection fee shall not prevent the department from taking any other action as provided for in this chapter.

(5) It shall be a misdemeanor for any person to divulge any information provided under this section that would reveal the business operation of the person making the report. However, nothing contained in this subsection may be construed to prevent or make unlawful the use of information concerning the business operations of a person in any action, suit, or proceeding instituted under the authority of this chapter, including any civil action for the collection of unpaid inspection fees, which action is hereby authorized and which shall be as an action at law in the name of the director of the department.

[1993 c 183 § 7; 1987 c 45 § 14.]

Notes:

Construction – Severability – 1987 c 45: See notes following RCW 15.54.270.

is that such disclosure may, in certain circumstances, jeopardize the safety of public employees, particularly in those situations involving domestic violence or harassment.

Summary: All applications, resumes, and other related materials submitted for public employment, other than executive positions, are exempt from public inspection and copying.

Applications and resumes of persons who apply for executive positions are available for public inspection and copying unless the agency: (1) adopts a policy requiring the preparation of a list of applicants who submit information in addition to that requested in the original application; and (2) makes that list, together with applications and resumes, available for public inspection when selected and at least five days before it makes its final selection.

"Executive position" means any position which primarily consists of the management of the public agency by which the person is employed or of a customarily recognized department.

The following are also exempt from public inspection and copying: (1) the residence addresses and telephone numbers of employees or volunteers of a public agency held in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers; and (2) the residence addresses and telephone numbers of utility customers contained in records of the public utilities.

A positive duty to disclose or a positive duty to withhold information that is contained in any other law is not affected by these provisions.

Votes on Final Passage:

Senate	46	0	
House	95	0	(House amended)
Senate	44	0	(Senate concurred)

Effective: July 26, 1987

Partial Veto Summary: The provisions that make applications and resumes of persons who apply for executive positions available for public inspection and copying are deleted. (See VETO LETTERS)

SSB 5144

C 45 L 87

By Committee on Agriculture (originally sponsored by Senators Hansen, Barr and Gaspard; by request of Department of Agriculture)

Modifying regulation of fertilizers and pesticides.

Senate Committee on Agriculture

House Committee on Agriculture & Rural Development

Background: The Department of Agriculture administers and enforces the Commercial Fertilizer Act and the Washington Pesticide Application Act. Since 1967 there have been no amendments to the Fertilizer Act, and as the fertilizer industry has progressed and developed, the Act has become outdated and cumbersome to administer. To conform to the American Association of Plant Food Control Officials (AAPFCO) Uniform Fertilizer Bill, provisions of the Act need updating and clarification. Further, contemporary issues, including ground water contamination, need to be addressed.

Summary: The provisions and definitions of the Commercial Fertilizer Act are updated in keeping with the AAPFCO Uniform Fertilizer Bill. The Director of the Department of Agriculture has authority to adopt rules for administering the Act, including regulation of the use and disposal of fertilizer for the protection of ground and surface water. A civil penalty of up to \$1,000 may be imposed on persons failing to comply with the chapter, or rules adopted under it. Requirements for labeling, reporting, registration of brands and inspection fees are clarified.

Misbranded or adulterated fertilizer may not be sold, and if there is reasonable cause to believe the sale of fertilizer is violating any provisions, the Department may take control over the fertilizer and, after a hearing, cancel the registration of that brand.

Under the Washington Pesticide Application Act, the Director of the Department of Agriculture has authority to adopt rules fixing and collecting examination fees and establishing the testing procedures, licensing classifications and requirements for licenses and permits.

Pesticide applicators need not keep records on the person who supplied the pesticide which was applied.

Votes on Final Passage:

Senate	48	0	
House	95	0	(House amended)
Senate	44	0	(Senate concurred)

Effective: July 26, 1987

SB 5146

C 50 L 87

By Senators Smitherman, von Reichbauer, Tanner, Zimmerman and Bauer

Authorizing life insurance coverage for port district commissioners.

RCW 15.54.433
Fertilizer database — Public availability — Biennial report to legislature.

(1) The department shall expand its fertilizer database to include additional information required for registration under RCW 15.54.325 and 15.54.330.

(2) Except for confidential information under RCW 15.54.362 regarding fertilizer tonnages distributed in the state, information in the fertilizer database shall be made available to the public upon request.

(3) The department, and the department of ecology in consultation with the department of health, shall biennially prepare a report to the legislature presenting information on levels of nonnutritive substances in fertilizers. Results from agency testing of products that were sampled shall also be displayed. The first such report will be provided to the legislature by December 1, 1999.

(4) After July 1, 1999, the department shall post on the internet the information contained in applications for fertilizer registration.

[1998 c 36 § 21.]

Notes:

Short title — 1998 c 36: See note following RCW 15.54.265.

RCW 15.54.430

Publication of distribution information, analyses results.

The department shall publish at least annually and in such form as it may deem proper (1) information concerning the distribution of commercial fertilizers and (2) results of analyses based on official samples as compared with the analyses guaranteed.

[1967 ex.s. c 22 § 31.]

RCW 15.54.350
Inspection fees.

(1) There shall be paid to the department for all commercial fertilizers distributed in this state to nonregistrants or nonlicensees an inspection fee of fifteen cents per ton of lime and thirty cents per ton of all other commercial fertilizer distributed during the year beginning July 1st and ending June 30th.

(2) Distribution of commercial fertilizers for shipment to points outside this state may be excluded.

(3) When more than one distributor is involved in the distribution of a commercial fertilizer, the last registrant or licensee who distributes to a nonregistrant or nonlicensee is responsible for paying the inspection fee, unless the payment of fees has been made by a prior distributor of the fertilizer.

[1993 c 183 § 6; 1987 c 45 § 13; 1981 c 297 § 18; 1975 1st ex.s. c 257 § 9; 1967 ex.s. c 22 § 23.]

Notes:

Construction – Severability – 1987 c 45: See notes following RCW 15.54.270.

Severability – 1981 c 297: See note following RCW 15.36.201.

Effective date – 1975 1st ex.s. c 257: See note following RCW 15.13.470.