



Dated: 4/20/11

## Restrictions On Fertilizer Containing Phosphorus Signed Into Law

Earlier this month, **HB 1489 restricting fertilizer containing phosphorus passed the legislature and was signed into law by Governor Gregoire.** As passed, **the legislation will ban the use of fertilizer that contains phosphorus from sale or use on turf.** It will not affect fertilizer labeled for other purposes. Exemptions are provided for newly established turf, repair of damaged turf, and turf with a soil test that shows it needs phosphorus. The act will be administered by the Washington Department of Agriculture, however, it will have no authority to issue penalties.

Bagged fertilizer labeled for use on turf, must be phosphorus free. Bulk fertilizer or fertilizer labeled for use on trees, shrubs, gardens, vegetables, etc. will not be affected. Sod farms and all production agriculture is exempt.

In order to buy or sell bagged fertilizer labeled for use on turf that contains phosphorus, the bag or tag will have to include directions for use on newly established turf from seed or sod or for repairing turf via over seeding or patching, etc.

It will be legal to sell fertilizer with phosphorus to those with a soil sample showing they need it. It remains to be seen if it will be readily available in most stores.

There is no exemption for organic fertilizer. The intent section was removed.

The act takes effect January 1, 2013.

To read the full text of the bill:

<http://apps.leg.wa.gov/documents/billdocs/2011-12/Pdf/Bills/House%20Passed%20Legislature/1489-S.PL.pdf>

*(Remember that only underlined language and Section 2 are new, the rest is existing language.)*

## Department Of Labor Takes Aim At Ending H-2B Program – Act Now!

**It appears that the Department of Labor will be successful in ending the H-2B program!** If the new hourly wages you will be required to pay H-2B workers on January 1, 2012 do not cause you to abandon the program, then the new proposed changes will.

PLANET and the H-2B Work Force Coalition have hired an expert to do a complete analysis of the proposal so that they can submit comments by the May 17, 2011 due date. The proposal would include some of the following:

- Define temporary as less than nine months and eliminate the attestation process.
- Require a registration process to substantiate the need for temporary workers.

- In addition to the registration process, employers must file an Application for Temporary Employment Certification 75–90 days before the date of need for workers.
- Job orders must be listed with the State Workforce Agency and in the unionized industries with the appropriate labor union until three days before the H-2B workers are expected to start work. Jobs must also be posted on an electronic job registry. Jobs must be offered to qualified U.S. workers who apply for the position up to three days before the H-2B workers are scheduled to begin work. If applicable, the collective bargaining representative must also be notified of the job posting. Available jobs must also be posted at the employer's place of business for up to 10 days. The certifying officer can also require additional recruitment measures.
- During the recruitment period, employers must contact former U.S. employees and labor unions of traditionally unionized industries and notify them of the job listing.
- Employers must advertise in a newspaper of general circulation in the area on two separate days, including a Sunday. The ad must include wages, information about the ¾ guarantee, wages and transportation costs to be paid, and the fact that any needed tools or equipment will be provided.
- Employers must guarantee that workers will be paid for ¾ of the hours discussed in the contract.
- Employers are required to pay H-2B workers inbound and outbound transportation costs, subsistence costs, visa, and other costs. This requirement also applies to U.S. workers who do not live near the place of employment. If lodging is provided for H-2B workers, the same lodging must be provided for U.S. workers who do not live near the workplace.
- The H-2B workers must be given full-time work, defined as more than 35 hours per week.
- Workers must be paid every two weeks or in accordance with the prevailing practice in the area.
- The job qualifications and requirements listed in the job offer must be bona fide and consistent with those required by employers that do not use H-2B workers for the same or comparable occupations.
- As part of increased program enforcement, the proposed rule would give DOL's Wage and Hour Division independent debarment authority.

**The WALP Board of Directors recently voted to sign on to a letter to Secretary Solis of the U.S. Department of Labor (DOL) expressing opposition** to the January 19 rule issued by the DOL that contradicts President Obama's Executive Order 13563, as well as addresses concerns about a March 18 proposed DOL rule that would make further changes to the H-2B program.

**If you disagree with the direction of the DOL, it is imperative that you contact your representative and senators and request their help.** PLANET is working with other associations representing industries that rely on the program. However, the Green Industry is the biggest user of the program and must therefore take the major part of grassroots action. Use PLANET's Legislative Action Center to send letters to the Hill. [Click here](#). Questions? Please feel free to contact Tom Delaney, PLANET's Director of Government Affairs at [tomdelaney@landcarenetwork.org](mailto:tomdelaney@landcarenetwork.org) or (800) 395-2522.

*Questions on any of the topics addressed in this "WALP Watch"? Contact the WALP Office at [info@walp.org](mailto:info@walp.org) or (425) 967-0729.*