



House  
Legislative  
Analysis  
Section  
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## USE OF NATURAL FERTILIZERS

House Bill 4297 (Substitute H-2)  
Sponsor: Rep. Carl F. Gnodtke

House Bill 4318 (Substitute H-2)  
Sponsor: Rep. Alvin H. Kukuk

Committee: Agriculture & Forestry

First Analysis (2-28-95)

### ***THE APPARENT PROBLEM:***

Public Act 102 of 1993 amended the Solid Waste Management Act to permit agricultural uses of by-products from fruit, vegetable, and sugar beet processing which are applied consistent with "generally accepted agricultural and management practices" (GAAMPS) under the Right to Farm Act. The idea of permitting these uses apparently was prompted by an incident involving a vineyard owner who had been found merely spreading grape pulp on his land, which at the time could not be done without obtaining a permit from the DNR. Nearly two years after the SWMA was amended, however, legislative action was taken to recodify all the laws relating to the environment and natural resources into a single act, known as the Natural Resources and Environmental Protection Act (NREPA). As might be expected in attempting to undertake such a huge project, the legislature inadvertently overlooked incorporating the provisions of Public Act 102 into the NREPA.

In a related issue, a "seaweed crisis" that erupted along the shores of Lake St. Clair last summer, which experts believe is related to zebra mussels eating much of the algae in the lake, has left communities along the lake with an abundance of rotting aquatic plants. Some people believe one good use for the decomposing organic material from last year, and for any future aquatic growth, would be as fertilizer or animal feed on nearby farms. The NREPA, however, needs to be amended to specifically permit a farmer to use aquatic plants this way without first having to obtain a DNR permit.

### ***THE CONTENT OF THE BILLS:***

The Natural Resources and Environmental Protection Act defines the terms "hazardous substance" and "solid waste" and regulates their uses and how they are to be disposed of. The act also defines what constitutes a "release." The bills would amend different sections of the act (MCL 324.20101 and MCL 324.11506, respectively) to do the following:

\* House Bill 4297 specifies that a hazardous substance would not include fruit, vegetable, or field crop residuals or processing by-products, or aquatic plants, that were applied to land for agricultural purposes or used as animal feed if the use complied with "generally accepted agricultural management practices" (GAAMPS) established pursuant to the Right to Farm Act. The bill also would exempt from the definition of a "release" the application of fruit, vegetable, or field-crop residuals or processing by-products, or aquatic plants, if applied consistent with GAAMPS. (Note: Language proposed in the bill that would affect the definition of "release" refers to field "croop" residuals.)

\* House Bill 4318 would exempt aquatic plants from the definition of solid waste and specifies that they could be applied on farmland or used as animal feed, as appropriate, without having to obtain a DNR permit to do so.

### ***FISCAL IMPLICATIONS:***

The House Fiscal Agency reports that neither bill would have state or local fiscal impact. (2-17-95)

House Bills 4297 and 4318 (2-28-95)

**ARGUMENTS:**

**For:**

The bills simply would amend various definitions within the recently enacted Natural Resources and Environmental Protection Act to permit the use of fruit, vegetable, or field crop residuals or processing

by-products, or "aquatic plants" (i.e., seaweed), for agricultural purposes or as animal feed, as long as the uses complied with GAAMPS under the Right to Farm Act. Thus, owners of farm operations could use these substances without first having to obtain approval by the DNR. The provisions in House Bill 4297 that would exempt fruit, vegetable, or field-crop residuals or processed by-products from the definitions of "hazardous waste" and "release" closely mirror a provision added to the Solid Waste Management Act by Public Act 102 of 1993. But the SWMA was one of many natural resources and environmental protection acts that were recodified into the NREPA, and in the rush to recodify the acts the legislature apparently overlooked including the provisions of P.A. 102 of 1993 in the NREPA. Also, allowing tons of decomposing aquatic plants remaining from last summer's seaweed deluge along the shores of Lake St. Clair to be used for various agricultural uses, as proposed by House Bill 4318, would both enable shoreline communities to rid themselves of the stuff and provide farmers with fertilizer and animal feed that is both inexpensive and high in nutrients.

**POSITIONS:**

The Department of Agriculture supports the bills. (2-22-95)

The Michigan Farm Bureau supports the bills. (2-24-95)

The Macomb County Farm Bureau supports the bills. (2-22-95)

The Michigan Association of Food Processors supports the bills. (2-22-95)