

NO FISCAL IMPACT**Drafting Number:** LLS 11-0040**Date:** January 12, 2011**Prime Sponsor(s):** Sen. Tochtrop
Rep. Miklosi**Bill Status:** Senate Agriculture**Fiscal Analyst:** Clare Pramuk (303-866-2677)

TITLE: CONCERNING A REQUIREMENT THAT CERTAIN INCIDENTS INVOLVING ANHYDROUS AMMONIA USED AS AGRICULTURAL FERTILIZER BE REPORTED TO THE DEPARTMENT OF AGRICULTURE.

Summary of Legislation

This bill, as recommended by the Legislative Audit Committee, requires the reporting of incidents involving anhydrous ammonia and anhydrous ammonia storage tanks, mobile transportation tanks, and tank-mounted applicators, to the Inspection and Consumer Services Division in the Department of Agriculture. Incidents include any release of anhydrous ammonia that causes injury to a person, or any damage to a storage tank that releases, or immediately threatens to release anhydrous ammonia into the environment. The person who has custody of, or control of the anhydrous ammonia, bears the responsibility for reporting the incident to the division.

The bill is effective upon signature of the governor or upon becoming law without his signature.

Background

Anhydrous ammonia is a nonflammable, colorless gas with a pungent odor and is classified as a hazardous material by the U.S. Department of Transportation. It is widely used as an agricultural fertilizer because of its rich nitrogen content. A number of federal, state, and local agencies have regulatory oversight or other responsibilities related to anhydrous ammonia, but this bill pertains to the responsibilities of the Inspection and Consumer Services Division of the Department of Agriculture. The division is responsible for the registration and inspection of anhydrous ammonia storage tanks, as well as the enforcement of state statutes and rules related to the storage, handling, transportation, and utilization of the chemical as an agricultural fertilizer.

The Office of State Auditor performed a performance audit on the Anhydrous Ammonia Program in July 2010. The report recommended that the department work with the General Assembly to develop incident reporting requirements.

Assessment

This bill is assessed at no fiscal impact. The department will hold a public hearing to gather input from stakeholders prior to the Commissioner of Agriculture promulgating a rule for incident reporting. Rulemaking is part of the normal course of business for the department, so does not reflect an increase in workload.

Departments Contacted

Agriculture

Public Health and Environment

Public Safety