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April 1, 2015

Mr. Stuart Clark, Program Manager
State of Washington
Department of Ecology
PO Box 47600
Olympia WA 98504-7600

Dear Mr. Clark,

Far West Agribusiness Association (FWAA) is a fifty-six year old trade organization representing 130 agribusinesses who are retailers, manufacturers, wholesalers, and custom applicators that are responsible for providing crop input products and services to agricultural producers in Washington, Idaho, Oregon, Utah, and Nevada.

FWAA recently learned that the Washington State Department of Ecology (DOE) has included Ammonium Sulfate in its Toxic Air Pollutant (TAP) list. A member who was revising an existing DOE air permit was advised that they would need to include a fertilizer product, ammonium sulfate (AS), in their air permit because of its inclusion on the DOE TAP list.

As a fertilizer, AS typically contains 21% nitrogen and provides an excellent source of sulfur, which has numerous essential functions in plants, including protein synthesis. A solution containing dissolved ammonium sulfate is often added to post-emergence herbicide sprays to improve their effectiveness at weed control. The practice of increasing herbicide efficacy with AS is particularly effective when the water supply contains significant concentrations of calcium, magnesium, or sodium.

While FWAA understands DOE's intent to reduce toxic air pollutants, we are concerned that including AS on the TAP list without regard to physical form or beneficial use will create confusion and unneeded expenditure of scarce resources for both our members and DOE.

We have learned that the basis for the listing is in WAC 173-460-150 and that DOE has relied primarily on the California Office of Environmental Health Hazard Assessment (OEHHA) for its resource information. California OEHHA established an acute reference exposure level (REL) for "sulfates" of 120 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) as a protective level against mild adverse respiratory effects for individuals with sensitivities such as asthma. However, the

OEHHA REL is intended for atmospheric sulfate aerosols,¹ not liquid solutions and solid blends intended for agricultural use. Further, it is FWAA's understanding that the Washington state TAP list is intended for new source reviews for stationary and portable sources requiring an air permit.

FWAA does not feel that AS fertilizers in liquid solution or solid blends should be covered under the Washington state TAP regulations for several reasons. AS in liquid solution has extremely low volatility. In the dry form, it must be kept covered and protected from moisture or evaporation and is not subjected to wind. The physical nature of the product has very few fines or dust which could leave the product. The OSHA dust standard sets an indoor threshold of 15 ppm, which for typical AS concentrations in fertilizer products would not be expected to come anywhere near the 120 ppm threshold. Finally, typical agricultural activities regarding AS – including transport, blending, handling, distribution and application – would not be expected to meet the definition of a stationary or portable source under DOE air regulations.

If AS were to remain on the Washington TAP list to include fertilizer products, agricultural retailers would be required to either update their permitted products or to apply for an Air Quality Permit, which was not the intention of this rule. An additional unintended consequence would be that agricultural retailers across the state would be bombarding Washington State DOE with unwarranted requests for updates or new permits.

In consideration of the aforementioned, we respectfully request that AS fertilizers be exempt from new source review under WAC 173-460-150 by virtue of being exempt under WAC 173-400-110 (4) or (5). In addition, we request a letter of clarification be issued, which would exclude existing operations and perhaps new facilities if certain criteria were met.

We have included the "Screening Information Data Set" (SIDS) program operated under the auspices of the Organization for Economic Cooperation and Development (OECD) as a resource in making your determination.

Thank you for the opportunity to make this request and to provide information, which supports it. If you have any questions or concerns, please feel free to contact me. We look forward to your response.

Sincerely,



James F. Fitzgerald
Executive Director

Enclosure

¹ Cal EPA. Appendix D.2 Acute RELs and toxicity summaries using the previous version of the Hot Spots Risk Assessment guidelines (OEHHA 1999). pp 257-258.