



**House  
Legislative  
Analysis  
Section**

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**ALLOW POTASH ON FIELDS**

House Bill 5404 as enrolled  
Public Act 392 of 1996  
Second Analysis (10-28-96)

**Sponsor: Rep. David Anthony**  
**House Committee: Conservation,  
Environment and Great Lakes**  
**Senate Committee: Agriculture and  
Forestry**

***THE APPARENT PROBLEM:***

The ash that is produced through the burning of wood and wood waste products contains minerals and nutrients that can be beneficial to plants if properly applied. The ash that contains potassium is referred to as potash. The Department of Environmental Quality (DEQ) has gathered data on potash since 1988, and now agrees that it would be beneficial as a soil supplement on farm fields. The NREPA, however, needs to be amended to specifically permit a farmer to use potash in this manner without first having to obtain a DEQ permit.

***THE CONTENT OF THE BILL:***

Part 115 of the Natural Resources and Environmental Protection Act (NREPA), which concerns solid waste management, defines the term "solid waste" and regulates its use and how it is to be disposed of. House Bill 5404 would amend NREPA to exempt from the definition of "solid waste" potash produced solely from a source that burned only untreated and inert wood. The act also exempts aquatic plants from the definition of solid waste, and specifies that they may be applied on farmland or used as animal feed, as appropriate, without having to obtain a permit to do so. House Bill 5404 would further clarify this provision by specifying that aquatic plants could be applied on farmland for an agricultural or silvicultural purpose.

MCL 324.11506

***FISCAL IMPLICATIONS:***

The House Fiscal Agency estimates that the bill would have no fiscal impact on the state. (2-2-96)

***ARGUMENTS:***

***For:***

The bill would simply amend the Natural Resources and Environmental Protection Act to permit the use of potash as a fertilizer in agricultural use. Thus, owners of farm operations could use this product without first having to obtain approval from the Department of Environmental Quality (DEQ). Currently, wood ash may be applied to the soil if it is inert and will not decompose or break down and release chemicals into the ground water, surface water, or soil. If it is determined that the wood ash is inert, the farmer must notify the DEQ by letter, specifying the type of application planned for the material. If the wood ash does not meet the department's inertness criteria, the farmer must receive departmental approval before it is applied.

In addition, according to paper company representatives, the state of Minnesota has an extensive program using potash as a soil supplement, and also forbids landfilling of the material. It makes sense that Michigan move toward a similar policy.

***Against:***

Although potash obtained from the burning of untreated wood has been proven to contain minerals that are beneficial to plants, the potash obtained from the burning of treated wood is not, since it contains harmful substances such as creosote, or possibly even lead. What is to prevent farmers from using these harmful products on their soils?

House Bill 5404 (10-28-96)

***Response:***

Those who use ash from treated wood would be in violation of the solid waste management provisions of the Natural Resources and Environmental Protection Act, and, if detected, would be subject to the penalties provided under the act.

Analyst: R. Young

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.