



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 5404 (Substitute S-1 as reported)
 Sponsor: Representative David Anthony
 House Committee: Conservation, Environment and Great Lakes
 Senate Committee: Agriculture and Forestry

Date Completed: 7-1-96

RATIONALE

The ash that is produced through the burning of wood and wood waste products contains minerals and nutrients that can be beneficial to plants when properly applied. According to the Department of Environmental Quality (DEQ), 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 applicator must notify the DEQ by letter of this determination and of the planned application of the material. If the wood ash does not meet the Department's inertness criteria, the applicator must receive Departmental approval permitting its application. Some people believe that applicators should not be required to notify the DEQ if the wood ash is inert.

CONTENT

The bill would amend the Natural Resources and Environmental Protection Act to permit the application on farmland of wood ashes resulting solely from a source that burned only wood that was untreated and inert. Further, the bill specifies that aquatic plants, which currently may be applied on farmland, would have to be applied for an agricultural or silvicultural purpose.

Currently, under the Act, a by-product from the processing of fruits, vegetables, sugar beets, field crops, or lime from kraft pulping processes generated prior to bleaching may be applied on farmland or used as animal feed without a solid waste management plan, permit, or license. The application of a by-product or compost to land or for use as animal feed currently must occur in a manner that prevents runoff and leaching and, if applied to land, must be consistent with

agricultural and management practices under the Michigan Right to Farm Act.

MCL 324.11506

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Currently, owners of farm operations who want to apply wood ash to their lands must have the product tested. If the material meets certain inertness criteria, the farm owner must send a letter to the DEQ about the test results and plans to apply the ash. The bill would permit the application on farmland of wood ash that was considered inert and did not pose an environmental hazard. Thus, owners of farm operations could use this product without first having to notify the Department.

Opposing Argument

Although ash obtained from the burning of untreated wood has been proven to contain minerals that are beneficial to plants, the ash obtained from the burning of treated wood is not, since it contains harmful substances such as creosote. Some people are concerned that as a result of the bill, some farmers would apply this material to their land without seeking DEQ approval.

Response: The bill would permit the application only of ash that was obtained from untreated wood. The bill would not change the current requirement that farmers who wish to apply ash that does not meet the DEQ's inertness

criteria seek approval from the Department. Furthermore, those who use ash from treated wood would be in violation of the Act and, if detected, would be subject to the Act's penalties.

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: G. Cutler

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.