

OFFICIALLY ADOPTED DOCUMENTS

Note - Although these documents have not been passed into law in all states, the subject matter covered herein does represent the official policy of this Association. NOTE: Tentative actions are in **BOLD ITALICS**, new wording is enclosed in brackets and underlined [], and deleted material is denoted with strike throughs,-----

UNIFORM STATE FERTILIZER BILL
(Official 1982)

AN ACT to regulate fertilizers, including the registration, packaging, labeling, sale, storage, distribution, use, and application in the State of _____. BE IT ENACTED by the legislature of the State of _____. (Official 2003)

Section 1. Title

This Act shall be known as the "_____ Fertilizer Law of 20__".

Section 2. Enforcing Official

This Act shall be administered by the _____ of the State of _____, hereinafter referred to as the "_____".

Section 3. Local Legislation - Prohibition (Official 2003)

No political subdivision shall regulate the registration, packaging, labeling, sale, storage, distribution, use and application of fertilizers. No political subdivision shall adopt or continue in effect local legislation relating to the registration, packaging, labeling, sale, storage, distribution, use or application of fertilizers. Local legislation in violation of this section is void and unenforceable.

Section 4. Definitions of Words and Terms (Official 2003)

When used in this Act:

- (a) The term "fertilizer" means any substance containing one or more recognized plant nutrient(s) which is used for its plant nutrient content and which is designed for use or claimed to have value in promoting plant growth, except unmanipulated animal and vegetable manures, marl, lime, limestone, wood ashes and other products exempted by regulation by the _____.
- (1) The term "Fertilizer material" means a fertilizer which either:
- A. Contains important quantities of no more than one of the primary plant nutrients: nitrogen (N), phosphate (P_2O_5) and potash (K_2O), or (Official 1994)
 - B. Has 85 percent or more of its plant nutrient content present in the form of a single chemical compound, or
 - C. Is derived from a plant or animal residue or by-product or natural material deposit which has been processed in such a way that its content of plant nutrients has not been materially changed except by purification and concentration.
- (2) The term "mixed fertilizer" means a fertilizer containing any combination or mixture of fertilizer materials.

- (3) The term "specialty fertilizer" means a fertilizer distributed for non-farm use.
- (4) The term "bulk fertilizer" means a fertilizer distributed in a non-packaged form.
- (b) The term "brand" means a term, design, or trademark used in connection with one or several grades of fertilizer.
- (c) The term "Guaranteed Analysis" shall mean the minimum percentage of plant nutrients claimed in the following order and form:
- | | | | |
|-----|--|-------|---|
| (1) | Total Nitrogen (N) | _____ | % |
| | Available Phosphate (P ₂ O ₅) | _____ | % |
| | Soluble Potash (K ₂ O) | _____ | % |
- (Official 1994)
- (2) For unacidulated mineral phosphatic material and basic slag, bone, tankage and other organic phosphatic materials, the Total Phosphate and/or degree of fineness may also be guaranteed. (Official 1994)
- (3) Guarantees for plant nutrients other than nitrogen, phosphorus and potassium may be permitted or required by regulation by the _____. The guarantees for such other nutrients shall be expressed in the form of the element. The source (oxides, salts, chelates, etc.) of such other nutrients may be required to be stated on the application for registration and may be included on the label. Other beneficial substances or compounds, determinable by laboratory methods, also may be guaranteed by permission of the _____ and with the advice of the Director of the Agricultural Experiment Station. When any plant nutrients or other substances or compounds are guaranteed, they shall be subject to inspection and analysis in accord with the methods and regulations prescribed by the _____. (Official 1994)

Secretary's Note: Section 3.(c)(2) (Off. Pub. No. 47) deleted. (Official 1994)

- (d) The term "grade" means the percentage of total nitrogen, available phosphate, and soluble potash stated in whole numbers in the same terms, order, and percentages as in the guaranteed analysis . Provided, however, That specialty fertilizers may be guaranteed in fractional units of less than one percent of total nitrogen, available phosphate, and soluble potash: Provided, further, That fertilizer materials, bone meal, manures, and similar materials may be guaranteed in fractional units. (Official 1994)
- (e) The term "official sample" means any sample of fertilizer taken by the _____ or his agent and designated as "official" by the _____.
- (f) The term "ton" means a net weight of two thousand pounds avoirdupois.
- (g) The term "primary nutrient" means total nitrogen, available phosphate, and soluble potash. (Official 1994)
- (h) The term "percent" or "percentage" means the percentage by weight.
- (i) The term "person" means individual, partnership, association, firm and corporation.
- (j) The term "distribute" means to import, consign, manufacture, produce, compound, mix, or blend fertilizer, or to offer for sale, sell, barter or otherwise supply fertilizer in this state.
- (k) The term "distributor" means any person who distributes.
- (l) The term "registrant" means the person who registers fertilizer under the provisions of this Act.
- (m) The term "licensee" means the person who receives a license to distribute a fertilizer under the provisions of this Act.

- (n) The term "label" means the display of all written, printed, or graphic matter, upon the immediate container, or a statement accompanying a fertilizer.
- (o) The term "labeling" means all written, printed, or graphic matter, upon or accompanying any fertilizer, or advertisements, brochures, posters, television and radio announcements used in promoting the sale of such fertilizer.
- (p) The term "investigational allowance" means an allowance for variations inherent in the taking, preparation and analysis of an official sample of fertilizer.
- (q) The term "deficiency" means the amount of nutrient found by analysis less than that guaranteed which may result from a lack of nutrient ingredients or from lack of uniformity. (Official 1985)
- (r) The term "local legislation" means, but is not limited to, any ordinance, motion, resolution, amendment, regulation, or rule adopted by a political subdivision. (Official 2003)
- (s) The term "political subdivision" means any local government entity which includes, but is not limited to, any city, county, township, or municipal corporation and any other body corporate and politic that is responsible for government activities in a geographic area smaller than that of the state. (Official 2003)
- (t) The term "blender" means any person or system engaged in the business of blending fertilizer. This includes both mobile and fixed equipment used to achieve this function. (Official 2007)
- (u) The term "blending" means the physical mixing or combining of: one (1) or more fertilizer material(s) and one (1) or more filler material(s); two (2) or more fertilizer materials; two (2) or more fertilizer materials and filler materials, including mixing through the simultaneous or sequential application of any of the outlined combinations listed herein, to produce a uniform mixture. (Official 2007)
- (v) The term "custom blend" means a fertilizer blended according to specifications provided to a blender in a soil test nutrient recommendation or to meet the specific consumer (end user) request(s) prior to blending. (Official 2007)
- (w) The term "application" (use) means the process of placement or usage of fertilizer onto a targeted growing area. (Official 2007)

Section 5. Option A - Registration (Official 2003)

- (a) Each brand and grade of fertilizer shall be registered in the name of that person whose name appears upon the label before being distributed in this state. The application for registration shall be submitted to the _____ on a form furnished by the _____ and shall be accompanied by a fee of \$_____ per each grade of each brand except those fertilizers sold in packages of 10 pounds or less shall be registered at a fee of \$_____ per each grade of each brand. Upon approval by the _____ a copy of the registration shall be furnished to the applicant. All registrations expire on _____ each year. The application shall include the following information:
 - (1) The brand and grade;
 - (2) The guaranteed analysis ;
 - (3) The name and address of the registrant;
 - (4) Net weight. (Official 1988)
- (b) A distributor shall not be required to register any fertilizer which is already registered under this Act by another person, providing the label does not differ in any respect.

- (c) A distributor shall not be required to register each grade of fertilizer formulated according to specifications which are furnished by a consumer prior to mixing, but shall be required to register his firm in a manner and at a fee as prescribed in regulations by the _____ and to label such fertilizer as provided in Section 6(b). (Official 2003)

Section 5. Option B - Registration and Licensing (Official 2003)

- (a) No person whose name appears upon the label of a fertilizer shall distribute that fertilizer, except specialty fertilizers, to a non-licensee until a license to distribute has been obtained by that person from the _____ upon payment of a \$_____ fee. All licenses expire on the _____ day of _____ each year.
- (b) An application for license shall include:
- (1) The name and address of licensee.
 - (2) The name and address of each distribution point in the state. The name and address shown on the license shall be shown on all labels, pertinent invoices, and storage facilities for fertilizer distributed by the licensee in this state.
- (c) The licensee shall inform the _____ in writing of additional distribution points established during the period of the license.
- (d) No person shall distribute in this state a specialty fertilizer until it is registered with the _____ by the distributor whose name appears on the label. An application for each brand and product name of each grade of specialty fertilizer shall be made on a form furnished by the _____ and shall be accompanied by a fee of \$_____ per each grade of each brand, except those fertilizers sold in packages of 10 pounds or less shall be registered at a fee of \$_____ per each grade of each brand. Labels for each brand and product name of each grade shall accompany the application. Upon the approval of an application by the _____, a copy of the registration shall be furnished the applicant. All registrations expire on the _____ day of _____ each year.
- (e) An application for registration shall include the following:
- (1) The brand and grade;
 - (2) The guaranteed analysis ;
 - (3) Name and address of the registrant;
 - (4) Net weight. (Official 1988)

Section 5. Option C - Licensing (Official 2003)

- (a) No person whose name appears upon the label of a fertilizer shall distribute that fertilizer to a non-licensee until a license to distribute has been obtained by that person from the _____ upon payment of a \$_____ fee. All licenses expire on the _____ day of each year.
- (b) An application for license shall include:
- (1) The name and address of licensee.
 - (2) The name and address of each distribution point in the state.

The name and address shown on the license shall be shown on all labels, pertinent invoices, and storage facilities for fertilizers distributed by the licensee in this state.

- (c) The licensee shall inform the _____ in writing of additional distribution points established during the period of the license.

Section 6. Labels (Official 2003)

- (a) Any fertilizer distributed in this state in containers shall have placed on or affixed to the container a label setting forth in clearly legible and conspicuous form the following information:
- (1) Net weight;
 - (2) Brand and grade; provided, that the grade shall not be required when no primary nutrients are claimed;
 - (3) Guaranteed analysis ;
 - (4) Name and address of the registrant/licensee;
 - (5) Directions for use for fertilizer distributed to the end user. (Official 2001)

In case of bulk shipments, this information in written or printed form shall accompany delivery and be supplied to the purchaser at time of delivery.

- (b) A fertilizer formulated according to specifications which are furnished by or for a consumer prior to mixing shall be labeled to show the net weight, the guaranteed analysis , and the name and address of the distributor or registrant/licensee.

Section 7. Inspection Fees (Official 2003)

- (a) There shall be paid to the _____ for all fertilizers distributed in this state to non-registrants/non-licensees an inspection fee at the rate of _____ cents per ton; Provided, That sales or exchanges between importers, manufacturers, distributors or registrants/licensees are hereby exempted.
- (b) Every registrant/licensee who distributes fertilizer in the state shall file with the _____ a (monthly, quarterly, or semi-annual) statement for the reporting period setting forth the number of net tons of each fertilizer so distributed in this state during such period. The report shall be due on or before thirty days following the close of the filing period and upon such statement the registrant/licensee shall pay the inspection fee at the rate stated in paragraph (a) of this section. If the tonnage report is not filed and the payment of inspection fees is not made within 30 days after the end of the specified filing period, a collection fee, amounting to 10 percent (minimum \$10) of the amount due, shall be assessed against the registrant/licensee and added to the amount due.
- (c) When more than one person is involved in the distribution of a fertilizer, the last person who has the fertilizer registered (is licensed) and who distributed to a non-registrant/licensee dealer, or consumer is responsible for reporting the tonnage and paying the inspection fee, unless the report and payment is made by a prior distributor of the fertilizer.
- (d) On individual packages of fertilizer containing 10 pounds or less there shall be paid, in lieu of the inspection fee of _____ cents per ton and in lieu of \$_____ per brand and grade, an annual registration and inspection fee of \$_____ for each grade of each brand sold or distributed. Where a person distributes fertilizer in packages of 10 pounds or less and in packages over 10 pounds, the annual fee shall apply only to that portion distributed in packages of 10 pounds or less.
- (e) Fees so collected shall be used for the payment of the costs of inspection, sampling and analysis, and other expenses necessary for the administration of this Act.

Section 8. Tonnage Reports (Official 2003)

- (a) The person distributing or selling fertilizer to a non-registrant/non-licensee shall furnish the _____ a report showing the county of the consignee, the amounts (tons) of each grade of fertilizer, and the form in which the fertilizer was distributed (bags, bulk, liquid, etc.). This information shall be reported by one of the following methods:
- (1) Submitting a summary report approved by the _____ on or before the _____ day of each month covering shipments made during the preceding month; or
 - (2) Submitting a copy of the invoice within _____ business days after shipment.
- (b) No information furnished the _____ under this section shall be disclosed in such a way as to divulge the operation of any person.

Section 9. Inspection, Sampling, Analysis (Official 2003)

- (a) It shall be the duty of the _____, who may act through his authorized agent, to sample, inspect, make analyses of, and test fertilizers distributed within this state and inspect the storage of bulk fertilizer at any time and place and to such an extent he may deem necessary to determine whether such fertilizers are in compliance with the provisions of this Act. The _____, individually or through his agent, is authorized to enter upon any public or private premises or carriers during regular business hours in order to have access to fertilizer subject to provisions of this Act and the regulations pertaining thereto, and to the records relating to the distribution and storage of fertilizer. (Official 1990)
- (b) The methods of sampling and analysis shall be those adopted by the AOAC International. In cases not covered by such methods, or in cases where methods are available in which improved applicability has been demonstrated, the _____ may adopt such appropriate methods from other sources.
- (c) The _____, in determining for administrative purposes whether any fertilizer is deficient in plant food, shall be guided solely by the official sample as defined in paragraph (e) of Section 4, and obtained and analyzed as provided for in paragraph (b) of this section. (Official 2003)
- (d) The results of official analysis of fertilizers and portions of official samples shall be distributed by the _____ as provided by regulation. Official samples establishing a penalty for nutrient deficiency shall be retained for a minimum of 90 days from issuance of a deficiency report.

Section 10. Plant Food Deficiency (Official 2003)

- (a) Penalty for nitrogen, available phosphate, and soluble potash -- (1) If the analysis shall show that a fertilizer is deficient in one or more of its guaranteed primary plant nutrients beyond the investigational allowances and compensations as established by regulation, or (2) if the overall index value of the fertilizer is below the level established by regulation, a penalty payment of _____ times the value of such deficiency or deficiencies shall be assessed. When a fertilizer is subject to a penalty payment under both (1) and (2), the larger penalty payment shall apply. (Official 1994)
- (b) Penalty payment for other deficiencies -- Deficiencies beyond the investigational allowances as established by regulation in any other constituent(s) covered under Section 4 paragraphs (c) (1) and (c) (2) of this Act, which the registrant/licensee is required to or may guarantee, shall be evaluated and penalty payments prescribed by the _____. (Official 2003)
- (c) All penalty payments assessed under this section shall be paid by the registrant/licensee to the consumer of the lot of fertilizer represented by the sample analyzed within three months after the date of notice from the _____ to the registrant/licensee, receipts taken therefore and promptly forwarded to the _____. If said consumer cannot be

found, the amount of the penalty payments shall be paid to the _____ who shall deposit the same in the appropriate state fund allocated to fertilizer control service. If upon satisfactory evidence a person is shown to have altered the content of a fertilizer shipped to him by a registrant/licensee, or to have mixed or commingled fertilizer from two or more suppliers such that the result of either alteration changes the analysis of the fertilizer as originally guaranteed, then that person shall become responsible for obtaining a registration/license and shall be held liable for all penalty payments and be subject to other provisions of this Act, including seizure, condemnation and stop sale.

- (d) A deficiency in an official sample of mixed fertilizer resulting from non-uniformity is not distinguishable from a deficiency due to actual plant nutrient shortage and is properly subject to official action. (Official 1985)
- (e) Nothing contained in this section shall prevent any person from appealing to a court of competent jurisdiction praying for judgment as to the justification of such penalty payments.

Section 11. Commercial Value (Official 2003)

For the purpose of determining the commercial value to be applied under the provisions of Section 10 the _____ shall determine and publish annually the values per unit of nitrogen, available phosphate, and soluble potash in fertilizers in this state. The value so determined and published shall be used in determining and assessing penalty payments. (Official 1994)

Section 12. Misbranding (Official 2003)

No person shall distribute misbranded fertilizer. A fertilizer shall be deemed to be misbranded:

- (a) If its labeling is false or misleading in any particular.
- (b) If it is distributed under the name of another fertilizer product.
- (c) If it is not labeled as required in Section 6 of this Act and in accordance with regulations prescribed under this Act. (Official 2003)
- (d) If it purports to be or is represented as a fertilizer, or is represented as containing a plant nutrient or fertilizer unless such plant nutrient or fertilizer conforms to the definition of identity, if any, prescribed by regulation of the _____; in adopting such regulations the _____ shall give due regard to commonly accepted definitions and official fertilizer terms such as those issued by the Association of American Plant Food Control Officials.

Section 13. Adulteration (Official 2003)

No person shall distribute an adulterated fertilizer product. A fertilizer shall be deemed to be adulterated:

- (a) If it contains any deleterious or harmful substance in sufficient amount to render it injurious to beneficial plant life, animals, humans, aquatic life, soil, or water when applied in accordance with directions for use on the label; or, if adequate warning statements or directions for use which may be necessary to protect plant life, animals, humans, aquatic life, soil, or water are not shown upon the label. (Official 1997)
- (b) If its composition falls below or differs from that which it is purported to possess by its labeling.
- (c) If it contains unwanted crop seed or weed seed.

Section 14. Publications (Official 2003)

The _____ shall publish at least annually and in such forms as he may deem proper: (a) Information concerning the distribution of fertilizers, (b) Results of analyses based on official samples of fertilizer distributed within the state as compared with analyses guaranteed under Section 5 and Section 6.

Section 15. Storage, Use and Application (Official 2003)

Bulk fertilizers must be stored in a manner that minimizes the release of fertilizers and protects the environment. Fertilizer use and application may be set forth in regulations to foster best management practices, and to protect the environment.

Section 16. Rules and Regulations (Official 2003)

The _____ is authorized to prescribe and, after a public hearing following due public notice, to enforce such rules and regulations relating to investigational allowances, definitions, records, distribution, storage, use, and application of fertilizers as may be necessary to carry into effect the full intent and meaning of this Act, including protection of the environment. (Official 1997)

Section 17. Short Weight (Official 2003)

If any fertilizer in the possession of the consumer is found by the _____ to be short in weight, the registrant/licensee of said fertilizer shall within thirty days after official notice from the _____ submit to the consumer a penalty payment of _____ times the value of the actual shortage.

Section 18. Cancellation of Registration/License (Official 2003)

The _____ is authorized and empowered to cancel the registration (license of any person) of any brand of fertilizer or to refuse to register any brand of fertilizer (issue a license) as herein provided, upon satisfactory evidence that the registrant/licensee has used fraudulent or deceptive practices in the evasion or attempted evasion of the provisions of this Act or any regulations promulgated thereunder: Provided, That no license or registration shall be revoked or refused until the person (registrant/licensee) shall have been given the opportunity to appear for a hearing by the _____.

Section 19. "Stop Sale" Orders (Official 2003)

The _____ may issue and enforce a written or printed "stop sale, use, or removal" order to the owner or custodian of any lot of fertilizer and to hold at a designated place when the _____ finds said fertilizer is being offered or exposed for sale in violation of any of the provisions of this Act until the law has been complied with and said fertilizer is released in writing by the _____, or said violation has been otherwise legally disposed of by written authority. The _____ shall release the fertilizer so withdrawn when the requirements of the provisions of this Act have been complied with and all costs and expenses incurred in connection with the withdrawal have been paid.

Section 20. Seizure, Condemnation and Sale (Official 2003)

Any lot of fertilizer not in compliance with the provisions of this Act shall be subject to seizure on complaint of the _____ to a court of competent jurisdiction in the area in which said fertilizer is located. In the event the court finds the said fertilizer to be in violation of this Act and orders the condemnation of said fertilizer it shall be disposed of in any manner consistent with the quality of the fertilizer and the laws of the state: Provided, That in no instance shall the disposition of said fertilizer be ordered by the court without first giving the claimant an opportunity to apply to the court for release of said fertilizer or for permission to process or relabel said fertilizer to bring it into compliance with this Act.

Section 21. Violations (Official 2003)

- (a) If it shall appear from the examination of any fertilizer that any of the provisions of this Act or the rules or regulations issued thereunder have been violated, the _____ shall cause notice of the violations to be given to the registrant/licensee or distributor from whom said sample was taken; any person so notified shall be given opportunity to be heard under such regulations as may be prescribed by the _____. If it appears after such hearing, either in the presence or absence of the person so notified, that any of the provisions of this Act or rules and regulations issued thereunder have been violated, the _____ may certify the facts to the proper prosecuting attorney. (Official 1989)
- (b) Any person convicted of violating any provision of this Act or the rules and regulations issued thereunder shall be punished in the discretion of the court.
- (c) Nothing in this Act shall be construed as requiring the _____ or his representative to report for prosecution or for the institution of seizure proceedings as a result of minor violations of the Act when he believes that the public interests will be best served by a suitable notice of warning in writing.
- (d) It shall be the duty of each _____ attorney to whom any violation is reported to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.
- (e) The _____ is hereby authorized to apply for and the court to grant a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this Act or any rule or regulation promulgated under this Act notwithstanding the existence of other remedies at law. Said injunction to be issued without bond.

Section 22. Cooperation with Other Entities (Official 2003)

The _____ may cooperate with and enter into agreement with governmental agencies of this State, other States, and agencies of the Federal Government in order to carry out the purpose and provisions of this Act. (Official 1991)

Section 23. Exchanges Between Manufacturers (Official 2003)

Nothing in this Act shall be construed to restrict or avoid sales or exchanges of fertilizers to each other by importers, manufacturers, or manipulators who mix fertilizer materials for sale, or as preventing the free and unrestricted shipments of fertilizer to manufacturers or manipulators who have registered their brands (are licensed) as required by provisions of this Act.

Section 24. Constitutionality (Official 2003)

If any clause, sentence, paragraph or part of this Act shall for any reason be judged invalid by any court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 25. Repeal (Official 2003)

All laws and parts of laws in conflict with or inconsistent with the provisions of this Act are hereby repealed.

Section 26. Effective Date (Official 2003)

This Act shall take effect and be in force from and after the first day of _____.

RULES AND REGULATIONS-FERTILIZER

Under the Uniform State Fertilizer Bill by the _____ of the State of _____ pursuant to due publication and notice of opportunity for a public hearing, the _____ has adopted the following regulations.

1. Plant Nutrients in Addition to Nitrogen, Phosphate and Potash.

Other plant nutrients when mentioned in any form or manner shall be registered and shall be guaranteed. Guarantees shall be made on the elemental basis. Sources of the elements guaranteed and proof of availability shall be provided the _____ upon request. Except guarantees for those water soluble nutrients labeled for ready to use foliar fertilizers, ready to use specialty liquid fertilizers, hydroponic or continuous liquid feed programs and guarantees for potting soils, the minimum percentages which will be accepted for registration are as follows: (Official 1996)

Element	Minimum Conc., %
Calcium (Ca)	1.0000
Magnesium (Mg)	0.5000
Sulfur (S)	1.0000
Boron (B)	0.0200
Chlorine (Cl)	0.1000
Cobalt (Co)	0.0005
Copper (Cu)	0.0500
Iron (Fe)	0.1000
Manganese (Mn)	0.0500
Molybdenum (Mo)	0.0005
Nickel (Ni)	0.0010
Sodium (Na)	0.1000
Zinc (Zn)	0.0500

Guarantees or claims for the above listed plant nutrients are the only ones which will be accepted. Proposed labels and directions for the use of the fertilizer shall be furnished with the application for registration upon request. Any of the above listed elements which are guaranteed shall appear in the order listed immediately following guarantees for the primary nutrients of nitrogen, phosphate and potash. (Official 1994)

Secretary's Note - Paragraphs 3 and 4 (Off. Publication No. 38) were deleted - Official 1985.

A warning or caution statement may be required for any product which contains (name of micronutrient) in water soluble form when there is evidence that (name of micronutrient) in excess of _____% may be harmful to certain crops or where there are unusual environmental conditions. (Official 1984)

Examples of Warning or Caution Statements:

- (a) Directions: Apply this fertilizer at a maximum rate of (number of pounds) per acre for (name of crop).
- CAUTION: Do not use on other crops. The (name of micronutrient) may cause injury to them.
- (b) CAUTION: Apply this fertilizer at a maximum rate of (number of pounds) per acre for (name of crop). Do not use on other crops; the (name of micronutrient) may cause serious injury to them.
- (c) WARNING: This fertilizer carries added (name of micronutrient) and is intended for use only on (name of crop). Its use on any other crops or under conditions other than those recommended may result in serious injury to the crops.

- (d) CAUTION: This fertilizer is to be used only on soil which responds to (name of micronutrient). Crops high in (name of micronutrient) are toxic to grazing animals (ruminants). (Official 1991)

Secretary's Note - Example Warning and Caution statements for boron and molybdenum (page 36 Off. Pub. No. 43) were deleted and above generic statements substituted. (Official 1991)

- (e) CAUTION: (Name of micronutrient) is recommended for all crops where (name of micronutrient) may be deficient; however, excessive application to susceptible crops may cause damage. (Official 1999)

2. Fertilizer Labels.

The following information, in the format presented, is the minimum required for all fertilizer labels. For packaged products, this information shall either (1) appear on the front or back of the package, (2) occupy at least the upper-third of a side of the package, or (3) be printed on a tag and attached to the package. This information shall be in a readable and conspicuous form. For bulk products, this same information in written or printed form shall accompany delivery and be supplied to the purchaser at time of delivery.

- (a) Net weight
 (b) Brand
 (c) Grade (Provided that the grade shall not be required when no primary nutrients are claimed.)
 (d) Guaranteed Analysis *

Total Nitrogen (N)** %
 _____ % Ammoniacal Nitrogen
 _____ % Nitrate Nitrogen
 _____ % Water Insoluble Nitrogen
 _____ % Urea Nitrogen
 _____ % (Other recognized and determinable forms of N)
 Available Phosphate(P_2O_5)..... %
 Soluble Potash (K_2O)..... %
 (Other nutrients, elemental basis)***.....%(Official 1993)

* Zero (0) guarantees should not be made and shall not appear in statement except in nutrient guarantee breakdowns. (Official 1993)

** If chemical forms of N are claimed or required, the form shall be shown. No implied order of the forms of nitrogen is intended. (Official 1997)

*** As prescribed by regulation No. 1. (Official 1986)

- (e) Sources of nutrients, when shown on the label, shall be listed below the completed guaranteed analysis statement.

[(f) Beneficial substances or compounds guarantees shall appear under the heading "Contains Beneficial Substances" or "Contains Beneficial Compounds".

Contains Beneficial Substances
Beneficial Substance.....% Or acceptable units
Purpose Statement:

Or

Contains Beneficial Compounds
Beneficial Compound.....% or acceptable units
Purpose Statement: (Tentative 2009)]

(ffg) Name and address of registrant or licensee

(g/h) Directions for use for fertilizer distributed to the end user:

- (1) For specialty fertilizer, minimum directions for use shall include:
 - A. Recommended application rate or rates in units of weight or volume per unit of area coverage (where application rates are given in volume, the label shall provide sufficient information to calculate the application rates by weight); and
 - B. Application timing and minimum intervals to apply the product when plants can utilize nutrients; and
 - C. The statement "Apply Only as Directed" or a statement of similar designation.
- (2) For all other fertilizers, minimum directions for use shall include at least one of the following:
 - A. A statement such as:

Use in accordance with recommendations of a qualified individual or institution, such as, but not limited to, a certified crop advisor, agronomist, university crop extension publication, or apply according to recommendations in your approved nutrient management plan ; or,
 - B. Detailed directions for a specific use. (Official 2001)

3. Slowly Released Plant Nutrients.

- (a) No fertilizer label shall bear a statement that connotes or implies that certain plant nutrients contained in a fertilizer are released slowly over a period of time, unless the slow release components are identified and guaranteed at a level of at least 15% of the total guarantee for that nutrient(s). (Official 1991)
- (b) Types of products with slow release properties recognized are (1) water insoluble, such as natural organics, ureaform materials, urea-formaldehyde products, isobutylidene diurea, oxamide, etc., (2) coated slow release, such as sulfur coated urea and other encapsulated soluble fertilizers, (3) occluded slow release, where fertilizers or fertilizer materials are mixed with waxes, resins, or other inert materials and formed into particles and (4) products containing water soluble nitrogen such as ureaform materials, urea-formaldehyde products, methylenediurea (MDU), dimethylenetriurea (DMTU), dicyanodiamide (DCD), etc. The terms, "water insoluble", "coated slow release", "slow release", "controlled release", "slowly available water soluble", and "occluded slow release" are accepted as descriptive of these products, provided the manufacturer can show a testing program substantiating the claim (testing under guidance of Experiment Station personnel or a recognized reputable researcher acceptable to the _____). A laboratory procedure, acceptable to the _____ for evaluating the release characteristics of the product(s) must also be provided by the manufacturer. (Official 1991)

Secretary's Note: Rule 3(c) was deleted and Rule 3(d) renamed as they appeared on page 40 and 41 of Off. Pub. No. 47. (Official 1994)

- (c) Until more appropriate methods are developed, AOAC International Method 970.04 (15th Edition) is to be used to confirm the coated slow release and occluded slow release nutrients and others whose slow release characteristics depend on particle size. AOAC International Method 945.01 (15th Edition) shall be used to determine the water insoluble nitrogen of organic materials. (Official 1994)

4. Definitions.

Except as the _____ designates otherwise in specific cases, the names and definitions for commercial fertilizers shall be those adopted by the Association of American Plant Food Control Officials.

5. Percentages.

The term of "percentage" by symbol or word, when used on a fertilizer label shall represent only the amount of individual plant nutrients in relation to the total product by weight.

6. Investigational Allowances.

- (a) A commercial fertilizer shall be deemed deficient if the analysis of any nutrient is below the guarantee by an amount exceeding the values in the following schedule, or if the overall index value of the fertilizer is below 98%. Note: For these investigational allowances to be applicable, the recommended AOAC International procedures for obtaining samples, preparation and analysis must be used. These are described in Official Methods of Analysis of the Association of Official Analytical Chemists, 13th Edition, 1980, and in succeeding issues of the Journal of the Association of Official Analytical Chemists. In evaluating replicate data, Table 19, page 935, Journal of the Association of Official Analytical Chemists, Volume 49, No. 5, October, 1966, should be followed.

Guarantee, percent	Nitrogen (N)	Avail. Phosphate (P ₂ O ₅)	Sol. Potash (K ₂ O)
	Investigational Allowance, percent		
04 or less	0.49	0.67	0.41
05	0.51	0.67	0.43
06	0.52	0.67	0.47
07	0.54	0.68	0.53
08	0.55	0.68	0.60
09	0.57	0.68	0.65
10	0.58	0.69	0.70
12	0.61	0.69	0.79
14	0.63	0.70	0.87
16	0.67	0.70	0.94
18	0.70	0.71	1.01
20	0.73	0.72	1.08
22	0.75	0.72	1.15
24	0.78	0.73	1.21
26	0.81	0.73	1.27
28	0.83	0.74	1.33
30	0.86	0.75	1.39
32 or more*	0.88	0.76	1.44

*For DAP and MAP the Investigational Allowance for Available Phosphate shall be: 0.70. (Official 2000)

*For TSP the Investigational Allowance shall be: 1.53. (Official 2000)

For guarantees not listed, calculate the appropriate value by interpolation.

The overall index value is calculated by comparing the commercial value guaranteed with the commercial value found. Unit values of the *nutrients used shall be those referred to in Section 11 of the Act. (Official 2003)*

Overall index value - Example of calculation for a 10-10-10 grade found to contain 10.1% Total Nitrogen (N), 10.2% Available Phosphate (P₂O₅) and 10.1% Soluble Potash (K₂O). Nutrient unit values are assumed to be \$3 per unit N, \$2 per unit P₂O₅, and \$1 per unit K₂O. (Official 1993)

10.0 units N	x3=	30.0
10.0 units P ₂ O ₅	x2=	20.0
10.0 units K ₂ O	x1=	10.0
Commercial Value Guaranteed	=	60.0

10.1 units N	x3=	30.3
10.2 units P ₂ O ₅	x2=	20.4
10.1 units K ₂ O	x1=	10.1
Commercial Value Found	=	60.8

Overall Index Value = $100(60.8/60.00) = 101.3\%$

- (b) Secondary and micro plant nutrients shall be deemed deficient if the analysis of any element is below the guarantee by an amount exceeding the values calculated according to the following schedule:

Element	Investigational Allowance
Calcium	0.2 unit + 5% of guarantee
Magnesium	0.2 unit + 5% of guarantee
Sulfur	0.2 unit + 5% of guarantee
Boron	0.003 unit + 15% of guarantee
Cobalt	0.0001 unit + 30% of guarantee
Chlorine	0.005 unit + 10% of guarantee
Copper	0.005 unit + 10% of guarantee
Iron	0.005 unit + 10% of guarantee
Manganese	0.005 unit + 10% of guarantee
Molybdenum	0.0001 unit + 30% of guarantee
Sodium	0.005 unit + 10% of guarantee
Zinc	0.005 unit + 10% of guarantee
The maximum allowance when calculated in accordance to the above shall be 1 unit (One percentage point).	

EXAMPLES:

Zinc guaranteed at: 0.75% Zn.

The investigational allowance is calculated as: $0.005 + 0.1(0.75) = 0.08\%$. A 'found' value for zinc of 0.66 ($0.75 - 0.08 = 0.67$) or less would be declared deficient. A 'found' value for zinc of 0.67 or more is within the investigational allowance for a zinc guarantee of 0.75% Zn

Zinc guaranteed at 36% Zn.

The investigational allowance is calculated as: $0.005 + 0.1(36) = 3.605$; **however, the maximum allowance is 1 unit (one percentage point)**. Therefore, the investigational allowance for a 36% Zn guarantee is 1 percentage point. A 'found' value of 34.99% Zn or less would be declared deficient. A 'found' value for zinc of 35.0 or more is within the investigational allowance for a 36% zinc guarantee.

Sampling.

Sampling equipment and procedures shall be those adopted by the AOAC International wherever applicable.

Breakdown of Plant Food Elements Within the Guaranteed Analysis.

When a plant nutrient guarantee is broken down into the component forms, the percentage for each component shall be shown before the name of the form.

EXAMPLES:

Total Nitrogen (N)..... %
 % Ammoniacal Nitrogen
 % Nitrate Nitrogen
 Magnesium (Mg)..... %

_____ % Water Soluble Magnesium (Mg)
Sulfur (S) %
_____ % Free Sulfur (S)
_____ % Combined Sulfur (S)
Iron (Fe) %
_____ % Chelated Iron (Fe)
Manganese (Mn) %
_____ % Water Soluble Manganese (Mn)

(Official 1992)

9. Organic Nitrogen

If an amount of nitrogen is designated as organic then the water insoluble nitrogen or the slow release nitrogen guarantee must not be less than 60% of the nitrogen so designated. Coated urea shall not be included in meeting the 60% requirement. (Official 1994)

UNIFORM FERTILIZER REGISTRATION APPLICATION

APPLICATION FOR REGISTRATION OF COMMERCIAL FERTILIZERS IN _____

Mail to: _____
(name and address of enforcement agency)Application is hereby made for the registration of _____ brands and grades of commercial fertilizer at \$ _____ per brand and grade for the period ending _____, 19 ____.
Make check payable to _____

REGISTERED BY _____

STREET _____ CITY _____ STATE _____ ZIP CODE _____

NET WEIGHT OF PACKAGES: _____

DATE _____, 19 ____ SIGNED BY _____ TITLE _____

CERTIFICATE OF REGISTRATION

This certifies that the following brands and grades of commercial fertilizer have been approved for sale in _____ beginning with the date of registration and ending _____, 19 ____.

DATE _____, 19 ____ AMOUNT _____ BY _____

BRAND NAME AND GRADE OF FERTILIZER OR FERTILIZER MATERIAL	Nitro- gen	Avail. Phos.	Pot- ash	Ca	Mg	S	B	Cl	Co	Cu	Fe	Mn	Mo	Na	Zn	Registration Number

Note: See other side for minimum guarantees for secondary and micro-nutrients.

REVERSE SIDE

SECONDARY AND MICRO-NUTRIENTS: When claims for such nutrients are made, the minimum percentages which will be accepted for registration are as follows:

Calcium (Ca)	.....1.00	Copper (Cu)	.....0.05
Magnesium (Mg)	.....0.50	Iron (Fe)	.....0.10
Sulfur (S)	.....1.00	Manganese (Mn)	.....0.05
Boron (B)	.....0.02	Molybdenum (Mo)	.....0.0005
Chlorine (Cl)	.....0.10	Sodium (Na)	.....0.10
Cobalt (Co)	.....0.0005	Zinc (Zn)	.....0.05

UNIFORM COMMERCIAL FERTILIZER LICENSE APPLICATION

APPLICATION FOR COMMERCIAL FERTILIZER LICENSE		FOR CONTROL OFFICIAL'S USE	
STATE OF _____	DATE: _____ 19 ____		
Control Agency			
Address			
Application is hereby made and fee of \$ _____ enclosed for a license to manufacture and/or distribute commercial fertilizer at the following location for the period _____, 19 ____ through _____, 19 ____.			
Applicant's Business Name		Plant Name, If Different	
P.O. Box	Number & Street	P.O. Box	Number & Street
City	State	Zip Code	City
Person in Charge and Title		Area Code	Telephone Number
Type of Operation: Manufacturer; Distributor; Other _____ Describe Kind			
Materials Produced:			
<input type="checkbox"/> Dry Blends; <input type="checkbox"/> Ammoniation; <input type="checkbox"/> Liquid Hot Mix;			
<input type="checkbox"/> Liquid Cold Mix; <input type="checkbox"/> Anhydrous Ammonia; <input type="checkbox"/> Solutions;			
<input type="checkbox"/> Suspensions; <input type="checkbox"/> Secdy. or Micronutrients; <input type="checkbox"/> Other _____ Desc.			
Signature			
Submit in duplicate. Make check payable to: (Name of agency authorized to receive funds)			
COMMERCIAL FERTILIZER LICENSE			
This license entitles the above named applicant to manufacture and/or distribute commercial fertilizer at the above location in the State of _____ for the period _____, 19 ____ through _____, 19 ____ Such license shall remain in effect unless suspended or revoked by the _____ for cause.			
LICENSE NUMBER: _____ DATE _____, 19 ____.			
Signature Control Official			
Title			

RULES AND REGULATIONS – BULK COMPOST
(Official 2007)

These Rules and Regulations for Bulk Compost are approved by the AAPFCO under the Uniform State Fertilizer Bill and in conjunction with the Rules and Regulations for Fertilizer. States proposing to adopt these Rules and Regulations for Bulk Compost under their own state fertilizer law are encouraged to adopt AAPFCO's Rules and Regulations for Fertilizer, which also apply to compost, unless otherwise noted within these regulations.

Under the Uniform State Fertilizer Bill by the _____ of the State of _____ pursuant to due publication and notice of opportunity for a public hearing, the _____ has adopted the following regulations.

(i) 1. Definitions of Words and Terms

When used in these Rules and Regulations:

- a. "Annual Production" means the quantity of compost produced by a composting facility.
- b. "Batch" means a specified volume or quantity of compost. A batch may represent:
 - (1.) The volumetric capacity of a windrow or stockpile; or
 - (2.) A testing frequency of no less than:
 - (A) Once per quarter for a facility with an annual production of 1 – 6,250 tons of compost; or
 - (B) Once per two (2) months for a facility with an annual production of 6,251 – 17,500 tons of compost; or
 - (C) Once per month for a facility with an annual production of 17,501 tons of compost and above.
- c. "Bulk" means in non-packaged form.
- d. "Compost" means a biologically stable material derived from the composting process.
- e. "Composting" means the biological decomposition of organic matter. It is accomplished by mixing and piling in such a way to promote aerobic and/or anaerobic decay. The process inhibits pathogens, viable weed seeds, and odors.
- [f. "Feedstock" means source material used for the production of compost.]
- g. "Lot" means an identifiable quantity of compost that can be sampled officially up to and including a freight car load or 50 tons maximum, or that amount contained in a single vehicle, or that amount delivered under a single invoice.
- h. "Quantity Statement" means net weight or net volume.

2. Net Weight

The label of a bulk compost must include a statement of the net weight; however, if the quantity statement is provided on a volume basis:

- a. A weight conversion shall be provided elsewhere on the product label (e.g., 2 cubic yards = 1 ton); or
- b. A weigh scale ticket shall accompany delivery and be supplied to the purchaser at time of delivery.

3. Product Claims

Compost shall be exempt from (cite State's Soil Amendment Law), "the State Soil Amendment Law" provided that the compost is registered as a fertilizer and also provided that the label and labeling may bear a statement that the product is intended solely to be used for one or more of the following purposes:

- a. Improves soil structure and porosity – creating a better plant root environment;
- b. Increase moisture infiltration and permeability, and reduces bulk density of heavy soils – improving moisture infiltration rates and reducing erosion and runoff;
- c. Improves the moisture holding capacity of light soils – reducing water loss and nutrient leaching, and improving moisture retention;
- d. Improves the cation exchange capacity (CEC) of soils;
- e. Supplies organic matter;

- f. Aids the proliferation of soil microorganisms;
- g. Supplies beneficial microorganisms to soils and growing media;
- h. Encourages vigorous root growth;
- i. Allows plants to more effectively utilize nutrients, while reducing nutrient loss by leaching;
- j. Enables soils to retain nutrients longer;
- k. Contains humus – assisting in soil aggregation and making nutrients more available for plant uptake;
- l. Buffers soil pH.

4. Expression of Guarantees

- a. Guarantees shall be stated on a wet basis ("as is"). However, for compost stored in environmental conditions that may result in a variable moisture content in the compost, guarantees may be determined and guaranteed at a specific moisture level, provided that the moisture value shall be stated on the label. Provided that the _____ determines the moisture level to be in excess of the stated value, the nutrient guarantees shall be adjusted accordingly.
- b. Each batch of bulk compost may be tested for nutrient content, and such test results may constitute a guarantee:
 - (1.) Except that Total Phosphate (P_2O_5) may be guaranteed in addition to Available Phosphate (P_2O_5) and Total Potash (K_2O) may be guaranteed in addition to Soluble Potash (K_2O);
 - (2.) And such test results shall accompany each batch of bulk compost.
 - c. Guarantees for Total Nitrogen (N), Available Phosphate (P_2O_5), Total Phosphate (P_2O_5), Soluble Potash (K_2O) and Total Potash (K_2O) may be guaranteed in fractional units of less than one percent, regardless if whether the compost is sold as a specialty or agricultural fertilizer.

5. Feedstock Statement

The label must contain a list of feedstocks from which the compost was derived.

6. Sources of Nutrients

When shown on the label, the sources of nutrients shall be listed below the completed guaranteed analysis statement. The statement shall include any additional sources of nutrients that have been added to the compost. (Official 2007)