

## New Legislation Report

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### AAPFCO New Legislation Survey 2005

This survey queries Control Officials each year to determine what changes in legislation and regulations have been made during the previous year and gauges intentions in the next year.

Fifty-one surveys were E-mailed on June 7, 2005, to the 49 states with fertilizer laws, Canada and Puerto Rico. Responses were received from 38 states for a 75% response rate.

Thanks to the following jurisdictions which completed the survey:

AR, AZ, CT, DE, FL, GA, IA, ID, IL, IN, KS, KY, LA, MA, MI, MO, MS, MT, ND, NH, NJ, NM, NY, NV, OH, OK, OR, PA, RI, SC, SD, TN, UT, VT, WA, WI, WV, & WY

**Question 1. In the last year, have there been any changes in your state's laws governing fertilizer, liming materials, soil amendments, horticultural growing media, compost, bulk storage, ammonia, nutrient management, etc.? YES: 7 NO: 31**

Summary of changes:

GA Preemption of local fertilizer ordinances  
ID Preemption of local fertilizer ordinances  
IA Ammonium nitrate security  
KS Soil Amendment Law – eliminates tonnage fee, increases registration fee  
OH Tonnage fee increase, license year change, tonnage reporting from semi to annual  
SC Tonnage reporting from monthly to quarterly  
OK Ammonium nitrate license for bagged, HGM added, Label changes, Soil Amend. defin.

**Question 2. In the last year, have there been any changes in your state's rules/regulations governing fertilizer, liming materials, soil amendments, horticultural growing media, compost, bulk storage, ammonia, nutrient management, etc.? YES: 7 NO: 31**

IN Containment regs. updated/simplified  
IA re. Anhydrous ammonia tanks and name plating  
NV Adopted SUIP 25, rules to license restrict. dealers, track sale of anhyd. & ammon. nitrate  
ND Minor rule change re. anhydrous ammonia  
OK Ammonium nitrate regulations  
SC Soil amendment definition brought into accord w/AAPFCO  
SD Fee changes

**Question 3. Do you anticipate any legislative changes to your laws in the next year?**

**YES: 9      NO: 29**

- IL      Updates
- IN      Add civil penalties, possible licensing and sale of AN
- KY      Possible AN security, require scientific data to support label claims
- LA      Bill in progress to require registration, inspection and documentation of Ammonia tanks
- MI      AN and AA security
- NY      Possible AN
- UT      Possible AN legislation
- VT      Possible effort to further regulate P content of specialty fertilizers
- WA      Possible nutrient management planning for livestock facilities

**Question 4. Do you anticipate any administrative changes to your rules/regulations in the next year?**

**YES: 12      NO: 26**

- AZ      Regular 5-year review of rules
- FL      Commercial values update for penalty assessment
- ID      Secondary containment
- IL      Heavy metals to be addressed
- KS      AA regulation update
- KY      Rules changes in accordance with law changes
- MS      Lime regs. to simplify guarantees
- MO      AN security
- NV      Fee increase
- OK      Update rules for storage of dry, liquid and AA
- OR      Dependent on AN legislation passage
- WI      Clarifies procedures for licensing, permitting & labeling; Exempts manipulated manure from licensing when applied under Nut. Mgmt. plan; Exempts qualified organic products from product permit requirements; Heavy metal concentrations per AAPFCO

**Question 5. Please indicate whether there have been fee increases or reductions in the past year.      Fee increase: YES 4      NO 33      Decrease: 1**

Fee increases noted included:

- KS      Soil amendment from \$60 to \$100
- OH      Tonnage from .12 to .25/ton, now annual instead of biannual
- OR      Tonnage from .10 to .35/ton
- WI      Tonnage from 1.00 to 1.48/ton effect. 9/1/04

Decreases:

- SD      Tonnage from .10 to .05/ton (.02 for manure)

**Question 6. Has your state passed legislation governing the reporting, distribution, storage or use of Ammonium Nitrate (AN)? If so, what agency is charged with enforcement. Summarize the requirements.**

YES 6      NO 31      Pending 1 (MT)

(Authority rests with the fertilizer control program in all of the states below)

IL      Proposed rule re-write to require records and ID  
IA      Secure storage, copy of ID, and sales records  
MI      Secure storage, sale records for 2 years, retailers may refuse a sale (effective July 5, 2005)  
NV      License for dealers, records of sales, ID  
OK      Secure storage, records of sales, buyer IDs  
SC      Dealer permit, records of sale, maintained 2 yrs., buyer IDs  
(MT)      (Pending – Secure storage, record keeping)

**Question 7. Has your state passed legislation governing the reporting, distribution, storage or use of Anhydrous Ammonia (AA)? If so, what agency is charged with enforcement. Summarize the requirements.**

YES 8      NO 30

ID      Transportation in approved container (State Police authority)  
IN      Felony to possess AA in unauthorized container (State Police authority)  
MI      Felony to possess AA in illegal container (State Police authority)  
MT      Tanks to be locked, \$80K grant to purchase locks (Dept. AG. authority)  
NV      License for dealers, IDs and sales tracking for 2 years  
ND      Locking devices required (Insurance Dept. boiler inspector authority)  
SC      Same as AN – dealer permit, records of sale, buyer ID  
SD      Felony for tampering with AA container, unauthorized container

*In addition to regulatory approaches, 2 other states have grants, as does Montana*

FL      Grant program for locking devices on nurse tanks  
IL      Grant program for locking devices and marker agent use