

July 14, 2017

To: Fertilizer Control Officials

From: Joseph Slater for, New Legislation Investigator TBD

Re: 2017 AAPFCO New Legislation Survey

AZ, AR, CA, CT, IL, IN, KS, KY, ME, MI, MS, MO, NE, NM, NY, OK, OR, WA, WI, UT

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 IIII NO IIIII IIIII IIIII I

MS: Quarterly tonnage reporting for fertilizer was changed to annual reporting via a legislative change.

MO: Fertilizer Control Board was created, Powers of the Director have been severely curtailed. Changed tonnage reporting from monthly to semi-annual, require initial sample analysis within 5 days of the sample being obtained, distributor notification within in two days of a sample being misbranded.

NY: Remove the details of sampling lime and fertilizer from the law and adopt methods of sampling and analysis by regulation, based on methods adopted by AOAC International. Clarify the definitions of Specialty fertilizer. Define the term AOAC international. Expand the conditions under which a commercial fertilizer shall be deemed to be adulterated and based on AAPFCO SUIP statement number 25.

UT: The content and wording remain unchanged. The code and chapter remain the same but the ending numbers changed from -1 to -101. Example 4-13-1 is now 4-13-101

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 III NO IIIII IIIII IIIII II

CA: California has three regulation packages. Two have currently passed and one is pending the initial 45-day public comment period. One of the passed regulation packages changes our product registration cycle from every two years (expiring every odd-numbered year) to four six-month registration periods (registration period remains two years). The six month registration periods are based on firm name (alphabetized). The second passed regulation package mainly cleans up and clarifies 26 regulatory subsections dealing with standards and labeling. The pending package mainly revises our administrative penalty violation matrix. Details of all packages can be found here: <https://www.cdfa.ca.gov/is/regulations.html>

MO: All of the old rules were deemed null and void by AG, new rules for permit fee, tonnage inspection & reporting fee, powers of the Fertilizer Control Board

WI: We have updated ATCP 40 with technical rule changes by updated dates and official publication numbers referenced in our rule.

If yes, do the restrictions cover professional applicators? _____

YES IIIII

NO I

Who is exempt from the restrictions?

CT: Agricultural Lands and golf courses

NY: all applications are covered. None are exempt.

WA: NO ONE IS EXEMPT FROM THE REGULATION. IT APPLIES TO ANYONE APPLYING TURF FERTILIZER CONTAINING PHOSPHORUS TO TURF.

WI: A person who applies fertilizer in order to establish grass, using seed or sod, during the growing season in which the person began establishing the grass. A person who applies fertilizer to an area if the soil in the area is deficient in phosphorus, as shown by a soil test performed no more than 36 months before the application by a laboratory.

7. Does your state's laws or rules define retail? _____ Wholesale? _____

RETAIL YES III

NO IIIII IIIII IIIII II

WA: YES, in our tax code (RCW 82.04.050

WHOLESALE YES II

NO IIIII IIIII IIIII III

WA: YES, in our tax code (RCW 82.04.060) These definitions are not in the fertilizer law or rule.

8. Has your state passed legislation governing the reporting, distribution, storage or use of Ammonium Nitrate? YES IIIII NO IIIII IIIII IIIII I

If so, is your agency charged with implementing the law? And if not, what state agency is?

CA: CDFA

IL: ILDA

MI: State police

NY: yes, Inspections are also in conjunction with NYS Dept. of Homeland Security

OK: OKDA

9. Has your state passed legislation governing the reporting, distribution, storage or use of Anhydrous Ammonia as it relates to the illegal manufacture of methamphetamine?

YES ___ NO IIIII IIIII IIIII IIIII ___ If so, is your agency charged with implementing the law? And if not, what state agency is? _____

10. Has your state adopted Section 3 of the model bill which prohibits government below the state level (political subdivisions) from regulating the sale, labeling, and use of fertilizer?

YES IIIII III NO IIIII IIIII II

Which of the following outcomes would you expect in your state regarding the adoption of Section 3 in the near future: LIKELY _____ UNLIKELY IIIII II UNSURE IIIII _____?

Thank you for completing this survey. The results will be shared with the membership at the annual meeting in August and through the AAPFCO Official Publication.

Please return the survey by **July 25, 2017** to:

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