ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES AGRICULTURAL CHEMISTRY ADMINISTRATIVE CODE

CHAPTER 80-1-6 SALE OF COMMERCIAL FERTILIZER

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80-1-6-.01 Purpose.

The purpose of this Chapter is to implement the provisions for Code of Ala. 1975, Chapter 22 of Title 2, denoted as the Alabama Fertilizer Law of 1969.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §2-22-20.
History: Filed April 19, 1982.

80-1-6-.02 Previous Regulations Withdrawn And Amended.

Regulations entitled **Commercial Fertilizer Regulations by State Board of Agriculture and Industries as Amended - January 13, 1970,** adopted October 7, 1969, and effective February 1, 1970, and regulation entitled **Commercial Fertilizer Regulation** adopted February 6, 1973, and effective March 1, 1973, and **Agricultural Chemistry Regulation No. 3** dated September 25, 1980, are withdrawn and repealed. The following Chapter amending the above referenced regulations is submitted in their place.
Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-22-20.
History: Filed April 19, 1982.

80-1-6-.03 Plant Nutrients To Be Identified.

The materials in commercial fertilizer from which each plant nutrient is derived shall be shown immediately following the name of each material on the label or invoice or other accompanying statement; provided, however, that the above requirement shall not apply to specialty (nonfarm) fertilizers.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §2-22-20.
History: Filed April 19, 1982.

80-1-6-.04 Minor Plant Nutrients, If Claimed, Shall Be Guaranteed.

(1) Additional plant nutrients other than nitrogen (N) available phosphorus (P_2O_5), and soluble potassium (K_2O), when mentioned or claimed on the label or container shall be guaranteed in the element form. Guarantees or claims for the following secondary plant nutrients and micronutrients only will be accepted as being of value:

ELEMENT

Calcium (Ca)	Chlorine (Cl)	Manganese (Mn)
Magnesium (Mg)	Cobalt (Co)	Molybdenum (Mo)
Sulfur (S)	Copper (Cu)	Sodium (Na)
Boron (B)	Iron (Fe)	Zinc (Zn)

(2) Any of the above-1isted elements which are claimed or guaranteed shall appear in the order listed, immediately following guarantees for the primary nutrients, nitrogen, phosphorus and potassium.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §2-22-20.
History: Filed with April 19, 1982. **Amended:** Filed August 12, 1987.

80-1-6-.05 Soil Conditioners Or Amendments Must Be Verified.

Those persons requesting a license under the provisions of Code of Ala. 1975, §2-22-8, of the fertilizer law concerning products identified as soil conditioners or soil amendments shall first make application for said license. In conjunction with the license request, all claims made by the applicant concerning plant

nutrients, or any other claim, shall be verified by research and experimental data from Auburn University or any other sources acceptable to the Commissioner of Agriculture and Industries.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §2-22-20.
History: Filed April 19, 1982.

80-1-6-.06 Penalties For Plant Food Deficiencies.

If any fertilizer sold in this state shall, upon official analysis, prove to be deficient from its guarantee as stated on the bag or other container, or upon the invoice or other accompanying statement if sales are made in bulk or liquid form, penalties shall be assessed as follows:

(a) For a single ingredient fertilizer containing nitrogen (N), available phosphorus ($P_2 0_5$) or soluble potassium ($K_2 0$), when the deficiency exceeds five percent of the guaranteed content, the penalty shall be three times the commercial value of the deficiency.

(b) In a multiple ingredient fertilizer containing two or more of the ingredients, nitrogen (N), available phosphorus ($P_2 0_5$) and soluble potassium ($K_2 0$), when the deficiency of either such ingredient is 10 percent or more of the guaranteed content thereof, the penalty shall be three times the commercial value of the deficiency.

(c) For a multiple ingredient fertilizer containing two or more of the ingredients, nitrogen (N), available phosphorus ($P_2 0_5$) and soluble potassium ($K_2 0$), if the total combined commercial value of these nutrients is found to be deficient in excess of five percent of the total commercial value, the penalty shall be three times the actual value of the deficiency; provided, however, when a multiple ingredient fertilizer is subject to a penalty under both (b) and (c) above, only the larger penalty shall be assessed.

(d) If the content of calcium, magnesium, sulfur, chlorine, sodium, copper, iron, manganese or zinc in mixed fertilizer shall be shown by official analysis to be deficient to the extent of 35 percent or more from the guarantee, the penalty shall be $6.00 per ton, provided that the minimum penalty assessed shall be no less than $25.00.

(e) If the content of boron, molybdenum or cobalt in mixed fertilizers shall be shown by analysis to be deficient from the guarantee to the extent of 50 percent or more, the penalty

shall be $6.00 per ton, provided that the minimum penalty assessed shall be no less than $25.00.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §2-22-20.
History: Filed April 19, 1982.

80-1-6-.07 Special Labeling Required For Fertilizer Containing Economic Poisoning.

(1) Each bag or container used for a pesticide- fertilizer mixture in addition to labeling information required on fertilizer packages by the fertilizer law, and the labeling information required on pesticide packages by the Alabama Economic Poison Law, shall also bear a special caution tag of bright yellow color printed in ink of a contrasting color. This tag shall be headed **PESTICIDE-FERTILIZER MIXTURE** or words of like import to inform the purchaser of its contents and such tag shall contain the economic poison ingredient statement and the warning or caution statement required by the Alabama Economic Poison Law.

(2) The labeling information required on the special caution tag may be printed on the bag or other container on a bright yellow background in ink of a contrasting color so as to appear on the container in a prominent and conspicuous manner. Package labels so printed in the required color do not require additional yellow caution tags separately attached.

(3) The use of the yellow tag on fertilizer containing no pesticides is not permitted. The printing of the required information concerning pesticides on the reverse side of the fertilizer tag is not permitted.

(4) Invoices accompanying shipments of fertilizer-pesticide mixtures in bulk (dry or liquid) shall have attached thereto a caution tag as required on bagged deliveries, or in lieu thereof this information may be typed or printed on the invoice in a contrasting color.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §2-22-20.
History: Filed April 19, 1982.

80-1-6-.08 Definitions Of AAFCO Adopted.

The definitions for fertilizer materials as approved and adopted by the Association of American Fertilizer Control Officials as presently set forth in official publication No. 22 (1968-69) or as same may hereafter be revised, are hereby adopted and accepted as definitions for materials for the purpose of the administration and enforcement of the Alabama Fertilizer Law.

Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §2-22-20.
History: Filed April 19, 1982.

80-1-6-.09 Guarantee Required For Fertilizer Blended With Other Material.

Every person who sells commercial fertilizer blended with other material at the purchaser's request shall furnish each purchaser with a written and signed statement showing the total weight and grade of all fertilizers and other materials used in the blend, the source of plant nutrients from which the fertilizer materials are derived and the statement shall guarantee that the total number of pounds of nitrogen, phosphorus, potash and other ingredients shown on the invoice of sale are present in the mixture.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §2-22-20.
History: Filed with April 19, 1982.

80-1-6-.10 Sampling Of Blended Fertilizer.

When an official sample is taken from fertilizers blended with other material for analysis by the Department of Agriculture and Industries, the information required to be furnished under Rule 80-1-6-.09 above shall be recorded by the sampling inspector on his sample report which information shall be used for computing the actual guarantee of the blended fertilizer product shall be responsible for any deficiencies which occur below the actual guaranteed analysis of the product prior to the addition of the blended material. Penalties shall be assessed as provided in Rule 80-1-6-.06 above.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §2-22-20.
History: Filed April 19, 1982.

80-1-6-.11 Retention Of Samples.

All official samples of commercial fertilizer taken and analyzed under the provisions of Code of Ala. 1975, §2-22-11, shall be retained by the Department of Agriculture and Industries as follows:

(a) Samples, after analysis, where no deficiency has been determined, may be discarded at any time following conclusion of the analysis.

(b) Samples, after analysis, where a deficiency has been determined, shall be retained for a period of 180 days. It is found that a period of 180 days is a reasonable time within which to allow the licensee to request a portion of deficient samples, as provided under Code of Ala. 1975, §2-22-11(e). The above period of 180 days may be extended at the discretion of the Chief of the Agricultural Chemistry Division of the Department of Agriculture and Industries upon the request of any interested party.

Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §2-22-20.
History: Filed April 19, 1982.

80-1-6-.12 Inspection Fee Required.

(a) An inspection fee of 75¢ per ton for all commercial fertilizer sold in this state for use therein or sold for importation into this state for use therein is hereby imposed as provided under the provisions of Code of Ala. 1975, §2-22-9.

(b) Before any person may sell or offer for sale or exchange in this state any commercial fertilizer to a user thereof, the person shall first procure a fertilizer dealer permit from the commissioner authorizing the person to sell, exchange, or deal therein. The permit shall be issued on payment of a fee of $10.00, and shall expire on September 30 of each year. A permit as required by this section shall be obtained for each separate place of business at which commercial fertilizer is sold or offered for sale to the user thereof. Any person required to procure a license under Section 2-22-5 shall not be required to procure a permit as required by this section as it is the intent of this section that every person who purchases any commercial fertilizer for resale where the fertilizer is not manufactured, mixed, formulated, or labeled by the person is required to obtain the permit required by this section.

Author: Charles H. Barnes, Robert J. Russell
Statutory Authority: Code of Ala. 1975, §§2-22-9, 2-22-20.
History: Filed April 19, 1982. **Amended:** Filed August 27, 1991. **Amended:** Filed August 16, 2004; effective September 20, 2004. **Amended:** Filed August 10, 2011; effective September 14, 2011.

80-1-6-.13 Reporting Of Fertilizer Sales.

(a) Before any person sells or offers for sale any commercial fertilizer in this state for use herein or before any person sells such fertilizer for importation into this state for use herein where such person is required to comply with the labeling requirements of Section 2-22-7, such person shall apply for and obtain from the commissioner a license authorizing the sale of

commercial fertilizer. The application for a license shall be accompanied by the fee required by subsection (b) of this section and shall be on forms furnished by the Commissioner, which forms shall contain certain information as is necessary for the issuance of the license. All such licenses shall expire on September 30, the end of the fiscal year for which they are issued, and shall be renewed annually as of October 1, upon payment of the required license fee.

(b) The license fee shall be based upon the number of tons of commercial fertilizer sold in or for importation into the state for use therein during the preceding 12-month period which ends on June 30. The amount of the license fee shall be based upon the following schedule:

Tons Sold	License Fee
Less than 100 tons	$ 37.50
100 tons or more but less than 1,000 tons	$ 75.00
1,000 tons or more but less than 5,000 tons	$150.00
5,000 tons or more but less than 10,000 tons	$225.00
10,000 tons or more but less than 25,000 tons	$300.00
25,000 tons or more but less than 50,000 tons	$375.00
50,000 tons or more but less than 75,000 tons	$450.00
75,000 tons or more but less than 100,000 tons	$525.00

If the license fee is not paid within a period of 30 days after the due date, a delinquent penalty of 10 percent of the amount due (minimum $10.00) shall be added to the license fee. The license fee due under this subsection and delinquent penalty shall constitute a debt and become the basis of judgment against the person required to obtain the license if not paid by such person as required in this subsection. The amount of the license fee required to be paid by persons not previously selling commercial fertilizer in or for importation into this state shall be the minimum fee of $30.00, which license shall also expire on September 30 following the date of issuance, at which time said license shall be renewable in accordance with subsection (a) of this rule.

Author: Charles H. Barnes, John P. Hagood, Robert J. Russell
Statutory Authority: Code of Ala. 1975, §2-22-20.
History: Filed April 19, 1982. **Amended:** Filed August 16, 2004; effective September 20, 2004. **Amended:** Filed August 10, 2011; effective September 14, 2011.