



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: Washington State Department of Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Rule Making

(1) Date of adoption: December 1, 2003

(2) Purpose: To require a label statement referring people to the department's Uniform Resource Location (URL or web address) where data regarding the metals content of the product is located.

(3) Citation of existing rules affected by this order:

Repealed:

Amended: WAC 16-200-715

Suspended:

(4) Statutory authority for adoption: Chapter 15.54 RCW and Chapter 34.05 RCW

Other Authority:

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 03-19-125 on 9/17/03 (date).

Describe any changes other than editing from proposed to adopted version:

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

- Yes
 - No
- If Yes, explain:

(6) Effective date of rule:

CODE REVISER USE ONLY

Permanent Rules

Emergency Rules

- 31 days after filing
- Other (specify) _____*

- Immediately
- Later (specify) _____

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print)

Valoria Loveland

Signature

Title

Director

Date

12/1/03

CODE REVISOR'S OFFICE
STATE OF WASHINGTON
FILED

DEC 1 2003

8:35

TIME _____ AM/PM

WSR 03-24-053

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

| | | | | | | |
|---|-----|-------|---------|----------|----------|-------|
| Federal statute: | New | _____ | Amended | _____ | Repealed | _____ |
| Federal rules or standards: | New | _____ | Amended | _____ | Repealed | _____ |
| Recently enacted state statutes: | New | _____ | Amended | <u>1</u> | Repealed | _____ |

The number of sections adopted at the request of a nongovernmental entity:

| | | | | | |
|-----|-------|---------|-------|----------|-------|
| New | _____ | Amended | _____ | Repealed | _____ |
|-----|-------|---------|-------|----------|-------|

The number of sections adopted in the agency's own initiative:

| | | | | | |
|-----|-------|---------|----------|----------|-------|
| New | _____ | Amended | <u>1</u> | Repealed | _____ |
|-----|-------|---------|----------|----------|-------|

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

| | | | | | |
|-----|-------|---------|-------|----------|-------|
| New | _____ | Amended | _____ | Repealed | _____ |
|-----|-------|---------|-------|----------|-------|

The number of sections adopted using:

| | | | | | | |
|---------------------------------------|-----|-------|---------|----------|----------|-------|
| Negotiated rule making: | New | _____ | Amended | _____ | Repealed | _____ |
| Pilot rule making: | New | _____ | Amended | _____ | Repealed | _____ |
| Other alternative rule making: | New | _____ | Amended | <u>1</u> | Repealed | _____ |

AMENDATORY SECTION (Amending Order 1952, filed 9/17/87)

WAC 16-200-715 Fertilizer labels. The following information, in the format presented, is the minimum information required for all fertilizer labels. For packaged products, this information shall either appear on the front or back of the package; or occupy at least the upper-third side of the package; or 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.

- (1) Net weight.
- (2) Brand.
- (3) Grade (provided that the grade shall not be required when no primary nutrients are claimed.)

(4) Guaranteed analysis*

Total Nitrogen (N)** ___%
___% ammoniacal nitrogen
___% nitrate nitrogen
___% water insoluble nitrogen
___% urea nitrogen
___% (other recognized and determined forms of N)
Available Phosphoric Acid (P₂O₅) ___%
Soluble Potash (K₂O) ___%
(Other nutrients, elemental basis)*** ___%

(5) Sources of nutrients guaranteed on the label shall be listed below the completed guaranteed analysis statement.

(6) Name and address of registrant.

(7) At a minimum, one of the following label statements:

(a) "Information received by the Washington state department of agriculture regarding the components in this product is available on the Internet at <http://agr.wa.gov>."

Through June 30, 2006, you may use the following label statement: "Information received by the Washington state department of agriculture regarding the components in this product is available on the Internet at <http://www.wa.gov/agr/>."

(b) "Information regarding the contents and levels of metals in this product is available on the Internet at <http://agr.wa.gov>."

Through June 30, 2006, you may use the following label statement: "Information regarding the contents and levels of metals in this product is available on the Internet at <http://www.wa.gov/agr/>."

(c) "Information regarding the contents and levels of metals in this product is available on the Internet at <http://www.regulatory-info-xx.com>."

Each registrant must substitute a unique alphanumeric identifier for "xx." This statement may be used only if the registrant establishes and maintains the Internet site and the Internet site meets the following criteria:

(i) There is no advertising or company-specific information on the site; and

(ii) There is a clearly visible, direct hyperlink to the department's Internet site specified in (a) and (b) of this subsection.

(d) "Information regarding the contents and levels of metals in this product is available on the Internet at: "http://www.aapfco.org/metals.htm."

Note: The department's Uniform Resource Locator (URL) changed in 2003, thus requiring a revision to the labeling statements required in subsection (7) (a) and (b) of this section. (The new URL is "http://agr.wa.gov." The old URL was "http://www.wa.gov/agr.") In order for companies to deplete existing stocks and revise labels, the department will allow either URL to be referenced on labels distributed through June 30, 2006. During this "phase-in" period, the department will maintain a redirect link to ensure that people are directed to the appropriate website when they enter the old URL. Beginning July 1, 2006, all labels distributed in Washington using the statement in subsection (7) (a) or (b) of this section must include the new URL.

- * Zero guarantees shall not be made and shall not appear in the statement.
- ** If chemical forms of nitrogen are claimed or required, the form shall be shown and the percentages of the individual forms shall add up to the total nitrogen percentage.
- *** As prescribed by WAC 16-200-711.