

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1943

(1) I, C. Alan Pettibone, director of The Washington State Department of Agriculture do promulgate and adopt at Olympia, Washington the annexed rules relating to:

Chapter 16-200 definitions, labeling requirements and examination of fertilizer minerals and limes.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on Such rules shall take effect:

- I] pursuant to RCW 34.04.040(2).
I] at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, C. Alan Pettibone, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

The 1987 legislature adopted major amendments to the Washington State Fertilizer Act. In order to implement those changes on the date the law becomes effective, it is necessary to institute this emergency order.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules (fill in statement (a), (b), or (c) as appropriate):

I] (a) This rule is promulgated pursuant to RCW 15.54 RCW and is intended to administratively implement that statute.

I] (b) This rule is promulgated pursuant to RCW which directs that the

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

I] (c) This rule is promulgated under the general rule-making authority of the

(agency)

as authorized in RCW

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 31.03 RCW).

(5) This order after being first recorded in the order register of this agency is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED July 24 19 87

JUL 24 1987

By [Signature]

Deputy Director

Title

CODE REVISER'S OFFICE 54
WSR 87-16-015 015

NEW SECTION

WAC 16-200-695 DEFINITIONS. The definitions set forth in this section shall apply throughout this chapter unless context otherwise requires:

- (1) "Organic" means a material containing carbon and one or more elements (other than hydrogen and oxygen) essential for plant growth. When the term "organic" is utilized in the label or labeling of any commercial fertilizer, it shall be qualified as either "synthetic organic" or "natural organic," with the percentage of each specified.
- (2) "Natural organic" means a material derived from either plant or animal products containing carbon and one or more elements (other than hydrogen and oxygen) essential for plant growth.
- (3) "Synthetic organic" means a material that is manufactured chemically (by synthesis) from its elements and other chemicals, containing carbon and one or more elements (other than hydrogen and oxygen) essential for plant growth.
- (4) "Unit" means one percent (by weight) of a ton.
- (5) "AOAC" means the association of official analytical chemists.

NEW SECTION

WAC 16-200-705 PURPOSE. The following rules concerning the definitions, labeling requirements and examination of fertilizer minerals and limes are established in this chapter under the authority of the Commercial Fertilizer Act, chapter 15.54 RCW.

NEW SECTION

WAC 16-200-711 PLANT NUTRIENTS IN ADDITION TO NITROGEN, PHOSPHORUS AND POTASSIUM. (1) Plant nutrients, other than nitrogen, phosphorus and potassium, when mentioned in any form or manner shall be registered and shall be guaranteed on the label. Guarantees shall be made on the elemental basis. Sources of the elements guaranteed shall be shown on the label. Proof of availability shall be provided the director upon request. Except guarantees for those water soluble nutrients labeled solely for hydroponic or continuous liquid feed programs, the minimum percentages which will be accepted for registration are as follows:

<u>Element</u>	<u>%</u>
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
Sodium (Na)	0.1000
Zinc (Zn)	0.0500

(2) Guarantees or claims for the plant nutrients listed in subsection (1) of this section are the only ones which shall be accepted by the department. Proposed labels and directions for the use of the fertilizer shall be furnished to the department 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, phosphorus and potassium.

(3) A warning or caution statement may be required on the label for any commercial fertilizer containing more than 0.1% boron or more than 0.001% molybdenum. The following are examples of possible warning or caution statements:

(a) Boron:

(i) This fertilizer contains boron which may be injurious to certain crops. Contact your local county agent or field consultant for specific information.

(ii) WARNING: This fertilizer carries added borax and is intended for use only on alfalfa. Its use on any other crops or under conditions other than those recommended may result in serious injury to the crops.

(b) Molybdenum: CAUTION: This fertilizer is to be used only on soil which responds to molybdenum. Crops high in molybdenum are toxic to grazing animals (ruminants).

NEW SECTION

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.

* 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.

NEW SECTION

WAC 16-200-721 SLOWLY RELEASED PLANT NUTRIENTS. (1) 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 nutrient or nutrients are identified and guaranteed.

(2) Types of products with slow release properties recognized are:

(a) Water insoluble (nitrogen products only), such as natural organics, ureaform materials, urea-formaldehyde products, IBDU, oxamide, etc.;

(b) Coated slow release, such as sulfur coated urea and other encapsulated soluble fertilizers;

(c) Occluded slow release, where fertilizers or fertilizer materials are mixed with waxes, resins, or other inert materials and formed into particles; and

(d) Products containing water soluble nitrogen such as ureaform materials, urea-formaldehyde products, methylenediurea (MDU), dimethylenetriurea (DMTU), dicyanodiamide (DCD), etc.

(3) The terms "water insoluble," "coated slow release," "slow release," "controlled release," "slowly available water soluble," and "occluded slow release" are accepted as descriptive of the products listed in subsection (2) of this section; however the registrant can show a testing program substantiating the claim (testing under guidance of experiment station personnel or a recognized reputable researcher acceptable to the director). A laboratory procedure, acceptable to the director for evaluating the release characteristics of the product(s) shall also be provided by the registrant upon request.

(4) When the nitrogen is organic, it shall be established that if a label states the amount of organic nitrogen present in a phrase, such as "nitrogen in organic form equivalent to X% N," then the water insoluble nitrogen guarantee shall not be less than sixty percent of the nitrogen so designated. For example: If the total nitrogen guarantee for a fertilizer is ten percent and the label states "Nitrogen in organic form equivalent to 2.5% N" then the water insoluble nitrogen guarantee shall not be less than 1.5% ($2.5\% \times 0.6 = 1.5\%$).

(5) When a slowly released nutrient is less than fifteen percent of the guarantee for either total nitrogen (N), available phosphoric acid (P2O5), or soluble potash (K2O), as appropriate, the label shall bear no reference to such designations.

(6) AOAC method 2.074 (13th Edition), or as designated in subsequent editions, shall be used to confirm the coated slow release and occluded slow release nutrients and others whose slow release characteristics depend on particle size. AOAC method 2.072 (13th Edition) or as designated in subsequent editions, shall be used to determine the water insoluble nitrogen of organic materials.

NEW SECTION

WAC 16-200-725 COMMERCIAL FERTILIZER DEFINITIONS. Except as the director 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.

NEW SECTION

WAC 16-200-731 COMMERCIAL VALUE OF PLANT NUTRIENTS. The commercial values used in assessing penalties for plant nutrient deficiencies are as follows:

(1) Fertilizer Materials	Commercial Value (\$/Unit)		
	N	P ₂ O ₅	K ₂ O
Urea	4.20		
Ammonium Nitrate (33.5% - 34% N)	4.75		
Ammonium Sulfate	3.27		
Ammonium Phosphate:			
16-20-0	5.61	5.61	
18-46-0	4.81	4.81	
11-52-0	4.68	4.68	
11-55-0	4.63	4.63	
Triple Superphosphate (45%-46% P ₂ O ₅)		5.25	
Muriate of Potash (60%-62% K ₂ O)			2.17
Potassium Sulfate (50%-53% K ₂ O)			6.64
Sulfate of Potash-Magnesia			8.20
Anhydrous Ammonia (82% N)	3.00		
Urea ammonium nitrate (32-0-0)	4.62		
Aqua Ammonia (20-0-0)	3.00		
Ammonium Thiosulfate (12-0-0)	5.00		
Ammonium Polyphosphate (10-34-0)	6.00	6.10	

If the commercial value of any of the fertilizer materials listed above varies by more than 10% of the actual invoice value of the lot sampled, the registrant may request that the invoice be used in determining the commercial value of the fertilizer. The request must be accompanied by a copy of the invoice.

(2) Relative values for macronutrients:	Commercial Value (\$/Unit)		
	N	P ₂ O ₅	K ₂ O
Dry blend nonspecialty fertilizer (not listed in (1) above)	4.48	5.16	2.74
Liquid blend nonspecialty fertilizer (not listed in (1) above)	3.93	5.96	2.74
Dry blend specialty fertilizer	18.96	18.96	18.96
Liquid blend specialty fertilizer	18.96	18.96	18.96

(3) Values used for determining and assessing penalties for secondary and minor plant nutrients shall be determined from the sales invoice.

NEW SECTION

WAC 16-200-735 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. For example: 4% Nitrate Nitrogen.

NEW SECTION

WAC 16-200-739 BRAND NAME. The addition of another prominent name or design to a registered brand (other than descriptive words associated with the grade) shall constitute a new and different brand. For example: Blue Bird 5-10-10 vs. John Dce Blue Bird 5-10-10.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-200-700 DEFINITION, LABELING, AND REGISTRATION OF CUSTOMER-FORMULA FERTILIZERS.
 WAC 16-200-710 SECONDARY AND MINOR PLANT NUTRIENTS.
 WAC 16-200-720 DEFINITIONS, REGULATIONS, AND ANALYSIS.
 WAC 16-200-730 SPECIALTY FERTILIZERS.
 WAC 16-200-740 FERTILIZER BRAND REGISTRATION.
 WAC 16-200-743 FERTILIZER BRAND REGISTRATION--LABELING.