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**IDAPA 02
TITLE 03
Chapter 02**

02.03.02 - SOIL AND PLANT AMENDMENTS RULES

000. -- 099. (RESERVED).

100. LABELING.

01. Ingredient Amendment. The active ingredients in a soil or plant amendment shall be identified in the product label by names contained in the current "The Merck Index," which is hereby incorporated and adopted by reference. (Copies of this publication are on file with the State Law Library and the Idaho Department of Agriculture, 2270 Old Penitentiary Road, P.O. Box 790, Boise, Idaho 83701.) (7-1-93)

02. Microbiological Product. If the soil or plant amendment is a microbiological product intended as an inoculum, the product label shall include an expiration date and state the number and kind of viable organisms per milliliter or, if the product is other than liquid, state the number and kind of viable organisms per gram. However, if the soil or plant amendment is derived from a microbiological process or culture but is not intended as an inoculum, then the product label shall state that the product is not a viable culture. (7-1-93)

03. Code Provision. In addition to the information required by the provisions of Section (22-2204) 22-1104, Idaho Code, when a soil amendment is labeled as a specific material, such as peat moss or leaf mold, the product shall consist of not less than ninety-five percent (95%) of that material. (7-1-93)

04. Outside Required Listing. When the name of an ingredient appears on the label of a soil amendment outside the required listing, the percentage of that ingredient shall appear prominently in print of the same size and color. (7-1-93)

05. Naming. The label shall state the name of each ingredient in decreasing amounts present. (7-1-93)

101. SAMPLING.

01. Methods of Sampling and Analyzing: All sampling and analyses of a soil or plant amendment shall be made according to methods approved by the Department, taking into consideration the methods agreed upon by the Association of Official Analytical Chemists and the advice and opinions of other qualified experts in applicable fields. (7-1-93)

02. Sampling and Analysis: An authorized representative of the Department may draw samples of soil and plant amendments, the brands and grades of which have been filed with the Department, for analyses. A sample shall represent the entire lot from which it is drawn. The analyses may include such other determinations as the Department may, at any time, deem advisable. This section also applies to all such products in bulk as well as in packaged form. (7-1-93)

03. Identification of Official Sample: A sample of a soil or plant amendment shall be identified before removal from the premises where it was drawn. The identification shall consist of the date; name of product as given on the label, if any; initials of the authorized representative and sample number. (7-1-93)

04. Description of Sample: A report of official sample of commercial fertilizer form showing pertinent information concerning the sample shall be prepared at the time each official sample is drawn. Where reasonably possible, a label shall be taken from the lot represented by the sample and accompany the official form. (7-1-93)

102. INVESTIGATIONAL ALLOWANCES.

For the purpose of enforcement of these rules, the investigational allowances shall be those currently published in the official publication of the Association of American Plant Food Control Officials, Association of American Plant Food Control Officials, and are hereby incorporated and adopted by reference. (Copies of this publication are on file with the State Law Library, the Office of the Administrative Rules Coordinator, Department of Administration, 650 W. State Street, Boise, Idaho 83720, and the Idaho Department of Agriculture, 2270 Old Penitentiary Road, P. O. Box

790, Boise, Idaho 83701.)

(7-1-93)

103. PERFORMANCE STANDARDS.

Evaluation of representations:

(7-1-93)

01. Evaluation of Soil or Plant Amendment. In evaluating a soil or plant amendment application for registration, the Department may consider experimental data, manufacturer's evaluations and advice, data from agricultural experiment stations or other authoritative sources and product-review reevaluations and advice of other authoritative sources. Such data shall be from recognized statistically designed and analyzed trials representative of the soil, crops and climatic conditions found in the northwestern area of the United States. For the purposes of this section, "representation" means any label, invoice, advertising brochure or pamphlet (whether accompanying the product or otherwise), containing a declaration of the product's use, value, quality, analysis, type or composition.

(7-1-93)

02. Written Statements. In determining whether approval of a labeling statement or guarantee of an ingredient is appropriate, as prescribed in Section 22-2204, Idaho Code, the Department may require the submission of a written statement describing the methodology of laboratory analysis utilized, the source of the ingredient material and any reference material relied upon to support the label statement or guarantee of the ingredient.

(7-1-93)

104. ADULTERATED PRODUCTS.

01. Adulteration. A person may not sell or distribute an adulterated soil or plant amendment product. A soil or plant amendment product is adulterated if:

(7-1-93)

a. It contains a deleterious or harmful ingredient in sufficient amount to render it injurious to plant life or the environment when applied in accordance with directions for use on the label;

(7-1-93)

b. Its composition falls below or differs from what it is purported to possess by its labeling; or

(7-1-93)

c. It contains unwanted crop seed or weed seed.

(7-1-93)

02. Disposal of Certain Adulterated Products: Adulterated products that cannot be reconditioned must be disposed of according to methods approved by the Department.

(7-1-93)

105. -- 999. (RESERVED).