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**IDAPA 02
TITLE 03
Chapter 01**

02.03.01 - RULES PERTAINING TO IDAHO COMMERCIAL FERTILIZER LAW

000. -- 099. (RESERVED).

100. PLANT NUTRIENTS.

01. Registration And Table. Besides nitrogen, phosphorus and potassium, when mentioned in any form or manner shall be registered and shall be guaranteed. Guarantees shall be shown on the application for registration. The minimum percentages which will be accepted for registration are as follows: (1-1-68)

Element	Percentage
Calcium (Ca)	1.00
Magnesium (Mg)	0.50
Sulphur (S)	1.00
Boron (B)	0.02
Chlorine (Cl)	0.10
Cobalt (Co)	0.0005
Copper (Cu)	0.05
Iron (Fe)	0.10
Manganese (Mn)	0.05
Molybdenum (Mo)	0.0005
Sodium (Na)	0.10
Zinc (Zn)	0.05

(1-1-68)

02. Labeling. Guarantees or claims for the above listed plant nutrients are the only ones which will be accepted. Proposed labels and directions for use of the fertilizer shall furnished with the application for registration upon request. Warning or caution statements are required on the label for any product which contains three hundredths of one percent (0.03%) or more of boron in a water-soluble form or one thousandths of one percent (0.001%) or more of molybdenum. Any of the previous listed elements which are guaranteed shall appear in the order listed, immediately following guarantees for the primary nutrients, nitrogen phosphorus and potassium. (1-1-68)

101. SPECIALTY FERTILIZER LABELS.

The following information if not appearing on the face or display side in a readable conspicuous form, shall occupy at least the upper-third of a side of the container:

Net Weight
(a) Brand Name
(b) Grade

Guaranteed Analysis:
Total Nitrogen (N)%
% Ammoniacal Nitrogen *
% Nitrate Nitrogen *
% Water Insoluble Nitrogen **
Available Phosphate (P2O5)%
Soluble Potash (K2O)%
Additional Plant Nutrients, if claimed, and in order and with minimum percentages as stated in Section 100.

* If claimed or required.

** If claimed or the statement "organic" or "slow" acting nitrogen" is used on the label. (1-1-68)

102. DEFINITIONS, RULES, AND ANALYSES.

When not specifically stated in the Idaho Commercial Fertilizer Law (S.B. No. 41) or otherwise designated by the department, the department will be guided by the definitions of general terms and fertilizer materials as set forth in the Official Publication of the Association of American Fertilizer Control Officials. The methods of sampling and analysis shall be those of the Association of Official Chemists or other approved methods. (1-1-68)

103. LABELING.

The use of multilabeling, including directions for use and grade guarantees for other than the contents of the container, is misleading, and will not be accepted for registration. (1-1-68)

104. FERTILIZER BRAND REGISTRATION.

01. Brand Registration. All fertilizer companies, including companies engaged in custom-formula mixing, dry or liquid, shall comply with Section 5 (S.B. 41) which states, "Each brand and grade of commercial fertilizer shall be registered before being distributed in this state..."; except, grades of customer-formula fertilizers which are not required to be registered when sold or distributed under a registered brand. (1-1-68)

02. Alteration From Original State. When a fertilizer is mixed, added to, or in any way changed from its original grade or content of secondary or minor nutrients, it is a different product. (1-1-68)

03. Registering - Altered Brands. When a registered brand or grade is changed by any commercial fertilizer manufacturer or ultimate dealer, such manufacturer or ultimate dealer, shall have registered a brand as provided under Section 5 (S.B. 41). (1-1-68)

04. Brand Name. The addition of another prominent name or design to the registered brand other than descriptive words associated with the grade, shall constitute a different brand, for example: Rose Bud 5-10-5 vs Kilmer's Rose Bud 5-10-5. (1-1-68)

05. Sale of Fertilizer. When a commercial fertilizer is removed from the package or vehicle in which it was placed by the original registrant and then offered for sale by a person other than the original registrant, it is a different product and shall be registered in accordance with Section 22-605, Idaho Code, except that it shall not be subject to additional fee of fifteen cents (\$.15) per ton if said fee was paid on the product by the original registrant. (1-1-68)

105. INSPECTION FEES.

01. Responsibility. To avoid confusion as to whether a particular fertilizer has been subjected to the

fifteen cents (\$.15) per ton inspection fee required by Section 8 (1) (S.B. 41), the Director of Agriculture hereby places responsibility for reporting and payment of this fee on the basic fertilizer manufacturer or importer who makes or imports the fertilizer for distribution within the state of Idaho. (1-1-68)

02. Report. The fertilizer report and inspection fee shall be reported on forms and in such manner as prescribed by the department. (1-1-68)

03. Remittance. The remittance shall accompany the report and shall be filed by August 1 and February 1 of each year. (1-1-68)

106. PLANT FOOD DEFICIENCY.

01. Penalty. If the analysis shall show that any commercial fertilizer falls short of the guaranteed analysis in any one ingredient, penalty shall be assessed in accordance with the following provisions. Except for Customer-Formula Mixes, deficiencies will be determined and penalties assessed according to the provisions of Subsection 106.02. (1-1-68)

a. Total Nitrogen: A penalty of three times the value of the deficiency, if such deficiency is in excess of two-tenths (0.2) of a pound of nitrogen in one hundred (100) pounds of fertilizer guaranteed two percent (2%); twenty-five hundredths (0.25) of a pound of nitrogen in one hundred (100) pounds of fertilizer guaranteed three percent (3%); thirty-five hundredths (0.35) of a pound of nitrogen in one hundred (100) pounds of fertilizer guaranteed four percent (4%); forty hundredths (0.40) of a pound of nitrogen in one hundred (100) pounds of fertilizer guaranteed five percent (5%) up to and including eight percent (8%); fifty hundredths (0.50) of a pound of nitrogen in one hundred (100) pounds of fertilizer guaranteed above eight percent (8%) up to and including thirty percent (30%); and seventy-five hundredths (0.75) of a pound of nitrogen in one hundred (100) pounds of fertilizer guaranteed over thirty percent (30%). (1-1-68)

b. Available Phosphate or Available Phosphorus: A penalty of three times the value of the deficiency, if such deficiency exceeds forty hundredths (0.40) of a pound of available phosphate (P2O5) in one hundred (100) pounds of fertilizer guaranteed up to and including ten percent (10%); fifty hundredths (0.50) of a pound of available phosphate (P2O5) in one hundred (100) pounds of fertilizer guaranteed above ten percent (10%) up to and including twenty-five percent (25%); and seventy-five hundredths (0.75) of a pound of available phosphate (P2O5) in one hundred (100) pounds of fertilizer guaranteed over twenty-five percent (25%). If guarantees are for available phosphorus, as provided in Section 3(e), the deficiencies shall be calculated for the appropriate percentage of available and soluble elemental phosphorus. (1-1-68)

c. Soluble Potash or Soluble Potassium: a penalty of three times of the value of the deficiency, if the deficiency is in excess of twenty hundredths (0.20) of a pound of soluble potash (K2O) in one hundred (100) pounds of fertilizer guaranteed three percent (3%); forty hundredths (0.40) of a pound of soluble potash (K2O) in one hundred (100) pounds of fertilizer guaranteed four percent (4%); fifty hundredths (0.50) of a pound of soluble potash (K2O) in one hundred (100) pounds of fertilizer guaranteed above four percent (4%) up to and including eight percent (8%); sixty hundredths (0.60) of a pound of soluble potash (K2O) in one hundred (100) pounds of fertilizer guaranteed above eight percent (8%) up to and including twenty percent (20%); and one (1.00) pound of soluble potash in one hundred (100) pounds of fertilizer guaranteed over twenty percent (20%). If guarantees are for soluble potassium as provided in Section 3(e), the deficiencies shall be calculated for the appropriate percentage of available and soluble elemental potassium. (1-1-68)

d. Deficiencies in any other constituent or constituents covered under Section 3(e), (1), (2), (3) and (4) of the Commercial Fertilizer Law of 1967, which the registrant is required to or may guarantee shall be evaluated by the department and penalties therefore shall be prescribed by the Director of Agriculture. (1-1-68)

02. Other Penalty. Customer-Formula fertilizer shall be deemed deficient if the overall index value of the fertilizer is below 97 percent, or if it deviated from guarantee by more than fifteen percent (15%) of any one plant nutrient, and penalties shall be assessed at the rate of three (3) times the value of the deficiency as provided for in Section 22-611, Idaho Code. (1-1-68)

a. The overall index value is calculated by comparing the commercial value guaranteed with the

commercial value found, the commercial will be based on the unit market of nitrogen, phosphorus, and potassium, reviewed periodically to keep it current. (1-1-68)

b. Overall index value is the ratio of commercial value found divided by the commercial value guaranteed multiplied by one hundred (100) to obtain a percent. (1-1-68)

c. Example of calculation for a 10-10-10 grade found to contain ten percent (10%) total nitrogen (N), ten and two-tenths percent (10.2%) available phosphate (P205) and ten and one-tenth percent (10.1%) soluble potash (K20). Nutrient unit values are assumed to be two dollars (\$2) per unit N, two dollars (\$2) per unit available phosphate (P205), and one dollar (\$1) per unit soluble potash (K20). (1-1-68)

03. Payment. All penalties assessed under this regulation shall be paid to the department on the total tonnage of fertilizer represented by the lot analyzed. (1-1-68)

107. -- 999. (RESERVED).