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**IDAPA 02
TITLE 06
CHAPTER 41**

02.06.41 - RULES PERTAINING TO THE IDAHO SOIL AND PLANT AMENDMENT ACT OF 2001

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 22-2204, Idaho Code. (3-15-02)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.41, "Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001." (3-15-02)

02. Scope. These rules specify general registration and label requirements, sampling methods and analysis, and the necessity for warning or caution statements. (3-15-02)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (3-15-02)

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeals before the Idaho State Department of Agriculture under this chapter. Hearing and appeal rights are pursuant to Title 67, Chapter 52, Idaho Code. (3-15-02)

004. INCORPORATION BY REFERENCE.

Copies of these documents may be viewed at the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. IDAPA 02.06.41 incorporates by reference: (4-7-11)

01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication. The terms, ingredient definitions and policies as published in the "2015 Official Publication" of AAPFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 22, Chapter 22, Idaho Code, and any rule promulgated thereunder. The AAPFCO Official Publication is a copyrighted publication and not available in electronic format. A copy may be purchased online from the AAPFCO website at: http://www.aapfco.org/pdf/publication_order_form.pdf. (4-11-15)

02. The Merck Index. The "2006 Merck Index," 14th Edition, as published by Merck Research Laboratories Division of Merck & Co., Incorporated. The Merck Index is a copyrighted publication and not available in an electronic format. A copy may be purchased online from Merck & Co., Inc. at: <http://www.merckbooks.com/mindex/index.html>. (4-7-11)

03. The Association of Official Agricultural Chemists (AOAC) International. The "2005 Official Methods of Analysis (OMA) of the AOAC," 18th Edition, a copyrighted publication, is maintained and published by the AOAC International. The AOAC OMA is available in electronic format at: www.EOMA.AOAC.org. A copy may be purchased online from AOAC International. (3-29-12)

005. PUBLIC RECORDS ACT COMPLIANCE.

These rules are public records and are available for inspection and copying at the department. (3-15-02)

006. ADDRESS -- OFFICE HOURS -- TELEPHONE AND FAX NUMBERS.

01. Physical Address. The central office of the Idaho State Department of Agriculture is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. (3-15-02)

02. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (3-15-02)

03. Mailing Address. The mailing address for the central office is Idaho State Department of

Agriculture, PO Box 790, Boise, Idaho 83701. (3-15-02)

04. Telephone Number. The telephone number of the central office is (208) 332-8500. (3-15-02)

05. Fax Number. The fax number of the central office is (208) 334-2170. (3-15-02)

007. DEFINITIONS.

The Idaho State Department of Agriculture adopts the definitions set forth in Section 22-2203, Idaho Code. In addition as used in this chapter: (3-15-02)

01. Animal Manure. The excreta of animals together with whatever bedding material is present. (3-15-02)

02. Dried Animal Manure. Animal manure resulting from confined animal feeding operations manipulated only to reduce the moisture content. (3-15-02)

008. ABBREVIATIONS.

01. AAPFCO. Association of American Plant Food Control Officials. (3-15-02)

02. AOAC. Association of Official Analytical Chemists, International. (3-15-02)

03. ISDA. Idaho State Department of Agriculture. (3-15-02)

009. FINDINGS.

These rules are promulgated pursuant to Title 22, Chapter 22, Idaho Code. The adoption of these rules will update and replace outdated soil and plant amendment label requirements, sampling methods and analysis, investigational allowances, and add warning or caution statements. (3-15-02)

010. SOIL AMENDMENT AND PLANT AMENDMENT REGISTRATION.

Each separately identifiable soil amendment or plant amendment product shall be registered pursuant to Section 22-2205, Idaho Code. (3-15-02)

01. Product Registration. All soil amendment and plant amendment companies, including companies engaged in custom-formula mixing of dry or liquid soil amendments or plant amendments, shall comply with the product registration requirements of the Idaho Soil and Plant Amendment Act of 2001, Section 22-2205, Idaho Code, subject to the provisions of this chapter. (3-15-02)

02. Exemptions from Registration. (3-15-02)

a. Dried animal manure without nutrient claims and not commercially packaged or labeled. (3-15-02)

b. Horticultural growing media containing live plant material. (3-15-02)

03. Alteration from Original State. When a soil amendment or plant amendment that has been registered is mixed, added to, or in any way changed from its original content, it is a different product, and must be registered as provided under Section 22-2205, Idaho Code. (3-15-02)

04. Sale of Soil Amendment or Plant Amendment. When a commercial soil amendment or plant amendment is removed from the package or container 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 22-2205, Idaho Code, except that it shall not be subject to an additional inspection fee as provided under Section 22-2208, Idaho Code, provided that said fee was paid on the product by the original or prior registrant. (3-15-02)

011. -- 029. (RESERVED)

030. SOIL AMENDMENT AND PLANT AMENDMENT LABELS.

01. Content or Guaranteed Analysis Exemptions. (3-29-12)

a. The labeling requirements of the Idaho Soil and Plant Amendments Act of 2001, Section 22-2207(1)(c), Idaho Code, requiring that soil and plant amending ingredients and other ingredients shall be stated in terms of percentage is required except the following single ingredient soil amendments, when clearly and conspicuously identified as such on the label, are exempt from the content or guaranteed analysis: (3-29-12)

i. Mulch; (3-29-12)

ii. Peat; (3-29-12)

iii. Perlite; (3-29-12)

iv. Vermiculite; and (3-29-12)

v. Vermicompost. (3-29-12)

b. In lieu of a content or guaranteed analysis as required in Section 22-2207(1)(c), Idaho Code, the label of the following soil amendments when clearly and conspicuously identified as such on the label may include an ingredient statement: (3-29-12)

i. Compost; (3-29-12)

ii. Garden Soil; (3-29-12)

iii. Landscape Soil; (3-29-12)

iv. Mulch; (3-29-12)

v. Planting Mix; and (3-29-12)

vi. Potting Mix. (3-29-12)

c. In lieu of a content or guaranteed analysis as required in Section 22-2207(1)(c), Idaho Code, a product that claims the presence of a microbe(s), other than naturally occurring microbes, shall guarantee the microbe(s) as follows: (3-29-12)

i. Minimum number of each claimed viable organism at the genus and species level in colony forming units (CFU), spores or propagules per gram or milliliter (cm³); (3-29-12)

ii. Expiration date; and (3-29-12)

iii. Storage & handling instructions. (3-29-12)

02. Nutrient Claims and the Use of the Term "Fertilizer." (3-15-02)

a. The term "fertilizer" and like terms shall not be used in labeling or literature to describe a soil amendment or plant amendment. (3-15-02)

b. Nutrient claims do not change the primary intended use of a soil or plant amendment product. Any nutrient claim shall be provided on the labeling and literature as an estimated range and shall be stated as a percentage. Nutrient claims and estimates must be supported by lab analysis or documentation acceptable by the ISDA. (3-15-02)

c. Labeling or literature that makes nutrient claims or estimates is required to contain the following

statement: "This product is recognized for its soil amendment characteristics. It is recognized that it has nutrient value. Any nutrient claims, verbal or written, are estimates and not guaranteed." (3-15-02)

d. At the discretion of the registrant, labeling or literature that does not make nutrient claims or estimates may contain the following statement: "This product is recognized for its soil amendment characteristics. It is recognized that it has nutrient value. Any nutrient claims, verbal or written, are estimates and not guaranteed." (3-15-02)

e. A guaranteed analysis of plant nutrients will be permitted on potting soils, landscape and garden soils, and related amendment products containing only levels of fertilizer sufficient to initiate growth. (4-7-11)

03. Microbiological Product. If the soil amendment 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 amendment 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. (3-15-02)

04. Ninety-Five Percent Rule. When a soil amendment or plant 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 specific material. (3-15-02)

05. Other Ingredients. When the name of an ingredient(s) appears on the label of a soil amendment or plant amendment and is not one of the ingredients required to be listed, the percentage of that ingredient(s) shall appear prominently in print of the same size and color. (3-15-02)

06. Warning or Caution Statements. The ISDA may require a registrant to include a warning or caution statement to ensure safety to handlers, crops, and the environment. (3-15-02)

07. Precautionary Statements. ISDA may require precautionary statements when needed for safe and effective use of the soil amendment or plant amendment. (3-29-12)

031. -- 048. (RESERVED)

049. SAMPLING AND ANALYSIS.

The methods of sampling and analysis shall be those of AAPFCO, AOAC, or other methods as approved by the ISDA. (3-15-02)

050. DEFICIENCIES AND PENALTIES.

01. Deficiency. Soil amendments or plant amendments are deemed deficient according to Section 22-2212, Idaho Code, and are subject to penalty. (3-15-02)

02. Penalties. Penalties will be assessed on deficient soil amendments or plant amendments according to Sections 22-2212 through 22-2213, Idaho Code. (3-15-02)

051. VIOLATIONS.

Violations and remedies for violations are stated in Sections 22-2218 and 22-2219, Idaho Code. (3-15-02)

052. -- 999. (RESERVED)

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