

Effective 5/12/2020

Superseded 5/3/2023

4-13-102 Definitions.

As used in this chapter:

- (1) "Adulterated fertilizer" means a fertilizer or soil amendment that:
 - (a) contains a deleterious or harmful substance in sufficient amount to render it injurious to beneficial plant life, animals, humans, aquatic life, soil, or water when applied in accordance with the directions for use on the label;
 - (b) has a composition that falls below or differs from that which the composition is purported to possess by the composition's labeling;
 - (c) contains unwanted crop or weed seed; or
 - (d) exceeds levels of metals permitted by the United States Environmental Protection Agency.
- (2) "Beneficial substances or compounds" means a substance or compound other than primary, secondary, and micro plant nutrients that can be demonstrated by scientific research to be beneficial to one or more species of plants when applied exogenously.
- (3) "Biostimulant" means a product containing naturally-occurring substances and microbes that are used to stimulate plant growth, enhance resistance to plant pests, and reduce abiotic stress.
- (4) "Blender" means a person engaged in the business of blending or mixing fertilizer, soil amendments, or both.
- (5) "Brand" means a term, design, or trade mark used in connection with one or several grades of fertilizer or soil amendment.
- (6) "Bulk fertilizer" means fertilizer delivered to the purchaser either in solid or liquid state in a non-packaged form to which a label cannot be attached.
- (7) "Custom blend" means a fertilizer blended according to specification provided to a blender in a soil test nutrient recommendation or to meet the specific consumer request before blending.
- (8) "Deficiency" means the amount of nutrient found by analysis to be less than that guaranteed.
- (9) "Derivation" means the source from which the guaranteed nutrients are derived.
- (10) "Distribute" means to import, consign, manufacture, produce, compound, mix, blend, or to offer for sale, sell, barter, or supply fertilizer or soil amendments in the state.
- (11) "Distributor" means a person who distributes.
- (12) "Fertilizer" means a substance that contains one or more recognized plant nutrients that is used for the substance's plant nutrient content and is designed for use or claimed to have value in promoting plant growth, exclusive of unmanipulated animal and vegetable manures, marl, lime, limestone, wood ashes, gypsum, and other products exempted by rule.
- (13) "Fertilizer material" means a fertilizer that contains:
 - (a) quantities of no more than one of the primary plant nutrients, nitrogen (N), phosphate (P₂O₅), Potash (K₂O);
 - (b) 85% plant nutrients in the form of a single chemical compound; or
 - (c) plant or animal residues or by-products, or a natural material deposit that is processed so that its primary plant nutrients have not been materially changed, except through purification and concentration.
- (14) "Grade" means the percentage of total nitrogen, available phosphate and soluble potash stated in whole numbers in the same terms, order, and percentages as in the guaranteed analysis if that specialty fertilizers may be guaranteed in fractional units of less than one percent of total nitrogen, available phosphorus or phosphoric acid, and soluble potassium or soluble potash and that fertilizer materials such as bone meal, manures, and similar raw materials may be guaranteed in fractional units.

(15)

(a) "Guaranteed analysis" means the minimum percentage by weight of plant nutrients claimed in the following order and form:

| | |
|--|---------------|
| Total Nitrogen (N) | _____ percent |
| Available Phosphate (P ₂ O ₅) | _____ percent |
| Soluble Potash (K ₂ O) | _____ percent |

(b) For unacidulated mineral phosphatic material and basic slag, bone, tankage, and other organic phosphate or degree of fineness may also be guaranteed.

(c)

(i) Guarantees for plant nutrients other than nitrogen, phosphorus, and potassium may be permitted or required by rule of the department.

(ii) The guarantees for such other nutrients shall be expressed in the form of the element.

(iii) The sources of such other nutrients, such as oxides, salt, chelates, may be required to be stated on the application for registration and may be included as a parenthetical statement on the label.

(iv) Other beneficial substances or compounds, determinable by laboratory methods, also may be guaranteed by permission of the department.

(v) Any plant nutrients or other substances or compounds guaranteed are subject to inspection and analysis in accord with the methods and rules prescribed by the department.

(16) "Investigational allowance" means an allowance for variations inherent in the taking, preparation, and analysis of an official sample of fertilizer or soil amendment.

(17) "Label" means the display of the written, printed, or graphic matter upon the immediate container or statement accompanying a fertilizer or soil amendment.

(18) "Labeling" means the written, printed, or graphic matter upon or accompanying fertilizer or soil amendment, or advertisements, brochures, posters, television and radio announcements used in promoting the sale of fertilizers or soil amendments.

(19) "Lot" means a definite quantity identified by a combination of numbers, letters, characters, or amount represented by a weight certificate from which every part is uniform within recognized tolerances from which the distributor can be determined.

(20) "Micro plant nutrient" means boron, chlorine, cobalt, copper, iron, manganese, molybdenum, nickel, sodium, and zinc.

(21) "Mixed fertilizer" means a fertilizer containing any combination or mixture of fertilizer materials.

(22) "Nonplant food ingredient" means a substance or compound other than the primary, secondary, or micro nutrients.

(23) "Official sample" means a sample of fertilizer or soil amendment taken by the department and designated as "official."

(24) "Other ingredients" means the non-soil amending ingredients present in soil amendments.

(25) "Percent" or "percentage" means the percentage by weight.

(26) "Plant amendment" means a substance applied to plants or seeds that is intended to improve growth, yield, product quality, reproduction, flavor, or other favorable characteristics of plants except fertilizer, soil amendments, agricultural liming materials, animal and vegetable manure, pesticides, or plant regulators.

(27) "Primary nutrient" includes total nitrogen, available phosphate, and soluble potash.

(28) "Registrant" means a person who registers a fertilizer or a soil amendment under this chapter.

(29) "Secondary nutrient" includes calcium, magnesium, and sulfur.

- (30) "Slow release fertilizer" means a fertilizer in a form that releases, or converts to a plant-available form, plant nutrients at a slower rate relative to an appropriate reference soluble product.
- (31) "Soil amending ingredient" means a substance that will improve the physical, chemical, biochemical, biological, or other characteristics of the soil.
- (32) "Soil amendment" means a substance or a mixture of substances that is intended to improve the physical, chemical, biochemical, biological, or other characteristics of the soil, except fertilizers, agricultural liming materials, unmanipulated animal manures, unmanipulated vegetable manures, or pesticides.
- (33) "Specialty fertilizer" means fertilizer distributed primarily for non-farm use, such as home gardens, lawns, shrubbery, flowers, golf courses, municipal parks, cemeteries, greenhouses, and nurseries.
- (34) "Ton" means a net weight of 2,000 pounds avoirdupois.