



REQUEST FOR PUBLIC COMMENT Fertilizer – Five Year Rule Review

The rules in this package have been reviewed pursuant to Chapter 119 of the Revised Code and are being proposed as follows. **The comment period will remain open through May 18, 2018.** Comments may be emailed to ecomments@agri.ohio.gov or mailed to Legal Section, Ohio Department of Agriculture, 8995 E. Main St., Reynoldsburg, Ohio 43068.

The rules in chapter 901:5-1 of the Ohio Administrative Code regulate the labeling, weighing, manufacturing and distributing of fertilizer in the state of Ohio. The rules ensure that individuals seeking to purchase fertilizer have the consumer confidence to expect that the product they seek to purchase meets their expectations. The rules have been reviewed pursuant to a five year rule review and are being proposed as follows:

OAC 901:5-1-01 sets for the labeling requirements for fertilizer. Specifically, the rule requires that all packages for fertilizer shall be labeled in accordance with the standards set forth by the American Plant Food Control Officials. Further, all fertilizer packages must clearly identify the percent guaranteed of particular elements contained within the fertilizer. The rule is being amended to make necessary clarifications as well as to allow Nickel (Ni) to be listed on the label.

OAC 901:5-1-02 has been proposed to be rescinded and replaced due to the Legislative Service Commission's Administrative Rule Drafting Manual. The new proposed rule adopts the definitions that are set out in both Ohio Revised Code section 905.31 and the definitions listed in the American Plant Food Control Officials 2017 official publication.

OAC 901:5-1-03 has been proposed to be rescinded. The existing rule outlined definitions for fertilizer mixtures. These definitions have been incorporated into OAC 901:5-1-02.

OAC 901:5-1-04 sets out the requirements for the sale of fertilizer from bulk storage facilities. The rule requires that bulk storage facilities label the fertilizer grades and areas where they are stored. The rule is being amended to make clarifying edits which should help with reader comprehension.

OAC 901:5-1-05 outlines the requirements for the weighing of fertilizer and the requirements for shipping invoices. The rule is being amended to change the term quantity by volume which should clear confusion.

OAC 901:5-1-06 outlines what constitutes mislabeled fertilizer. The rule establishes percent allowances that the percent guaranteed may be off by. These allowances are in conformance with the American Plant Food Control Officials. The rule is being amended to add the table of allowances into the rule.

