

Title 2. Agriculture

Chapter II. State Plant Board, Department of Agriculture

Subchapter A. Generally

Part 26. Fertilizer Rules

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"(Act 106 of 1951 as amended by Acts 221 and 301 of 1953, Act 356 of 1957, Act 398 of 1981 and Act 189 of 1991, and Act 783 of 1993)"

Subpart 1. Generally

2 CAR § 26-101. Records and reports.

(a) Adequate records shall be kept to indicate accurately the tonnage of commercial fertilizers distributed in this state by each:

- (1) Manufacturer;
- (2) Manipulator; or
- (3) Registrant.

(b)(1) Monthly fertilizer tonnage reports are required of all registrants by the twentieth of the following month even though no tonnages are distributed and/or no inspection fees are due.

(2) Manufacturers may elect not to pay the inspection fees on shipments to the account of other manufacturers whose fertilizers are registered in Arkansas, provided however, that in such cases the required invoices or shipping tickets in subsection (c) of this section bear a notation similar to "Arkansas inspection fee not paid – responsibility of registrant listed above".

(c)(1) Each registrant shall mail a numbered invoice or shipping ticket to the State Plant Board, P.O. Box 1069, Little Rock, Arkansas 72203, within five (5) days after each sale or distribution in Arkansas.

- (2) The invoice or shipping ticket shall bear the following:
- (A) Date of shipment or sale;
 - (B) Name and grade of fertilizer material;
 - (C) Name and address of manufacturer or shipper;
 - (D) Name, address, and county of purchaser and/or party to whom shipment is made;
 - (E) Number and weight of packages, if any, and total weight in tons for each grade and material;
 - (F) Bulk and liquid shipments shall be identified on the invoice by the terms "Bulk" or "Liquid", and the total weight in tons must be given; and
 - (G) If the shipment is to the account of a registrant, and the inspection fee responsibility is intended to be passed on to such registrant, a notation similar to "Arkansas inspection fee not paid - responsibility of the registrant listed above".

(3)(A) Provided that, on distributions of fertilizer on which a registrant will pay the inspection fees, the board may permit such registrants to submit in lieu of the foregoing a weekly or monthly summary listing the county, tons, form (bulk, liquid, bagged, etc.), and grade of each fertilizer so distributed.

(B) Such summary shall be submitted within five (5) days after the end of the permitted reporting period.

(C) When inspection fees are passed on to another registrant, the invoice and shipping ticket with notation requirements as given in this registration shall be complied with.

Authority. Arkansas Code § 2-19-210.

2 CAR § 26-102. Brand registration and facility license fees.

(a) Registrations.

(1) Each fertilizer shall be registered before being offered for sale, sold, or distributed in Arkansas.

(2) The application for registration shall be:

(A) Submitted in duplicate to the State Plant Board on forms furnished by the board; and

(B) Accompanied by a fee of twenty-five dollars (\$25.00) per brand.

(3) All registrations shall expire June 30 of each year.

(4) The name of any commercial fertilizer or fertilizer material shall be considered as a distinct and separate brand when differing in any aspect other than the grade or common name of the fertilizer material.

(5) A distributor shall not be required to register any brand of fertilizer or fertilizer material which is already registered under this act by another firm or person, provided the label is not modified in any respect.

(b) Licenses.

(1) All manufacturers, jobbers, blenders, and manipulators of commercial fertilizer and of fertilizer materials to be used in the manufacture of fertilizer, who may desire to sell or offer for sale in Arkansas fertilizer or fertilizer materials, shall first obtain a facility license.

(2) Application for the license will be furnished by the board, and shall be:

(A) Submitted in duplicate; and

(B) Accompanied by a fee of fifty dollars (\$50.00) for each fertilizer blending and/or bulk storage facility.

(3) All licenses shall expire June 30 of each year.

Authority. Arkansas Code §§ 2-19-202, 2-19-210.

2 CAR § 26-103. Penalties for plant food storage.

(a)(1) Penalties shall be assessed according to Penalty A or Penalty B as herein stated.

(2) Provided, when a fertilizer is subject to a penalty under both Penalty A and Penalty B, only the larger penalty shall be assessed.

(b) Penalty A.

(1) When the total nitrogen, available phosphoric acid, potash value of a

fertilizer is found to be deficient from the guarantee to the extent of three percent (3%) and not over five percent (5%), the manufacturer shall be liable for the actual deficiency.

(2) When the deficiency exceeds five percent (5%) of the total value, the penalty shall be three (3) times the actual value of the shortage.

(c) **Penalty B.** When either nitrogen, available phosphoric acid, or potash is found deficient from the guarantee to the extent of ten percent (10%) or more, the manufacturer shall be liable for the value of such shortages.

Authority. Arkansas Code §§ 2-19-206, 2-19-210.

2 CAR § 26-104. Penalty for short weight.

(a) When any fertilizer shipment is found to be short in net weight to the extent of one percent (1%) and not exceeding five percent (5%) of the guarantee, the manufacturer or his agent shall be liable for the value of the actual shortage.

(b) When the weight shortage exceeds five percent (5%), the penalty shall be three (3) times the value of the actual shortage.

Authority. Arkansas Code §§ 2-19-206, 2-19-210.

2 CAR § 26-105. Penalty for other variances.

Deficiencies in any other constituents not listed in 2 CAR §§ 26-103 and 26-104, which the registrant is required to or may guarantee, or excesses of those which are known to be harmful to plants, may be evaluated and penalties prescribed by the State Plant Board or its authorized representatives.

Authority. Arkansas Code §§ 2-19-206, 2-19-210.

2 CAR § 26-106. Stop-sale orders.

(a) The State Plant Board may issue and enforce a stop-sale order:

(1) On any fertilizer found subject to a penalty under this part; or
(2) When said fertilizer is consistently found deficient from the guaranteed claims to any appreciable extent.

(b) Fertilizers so stop-saled shall be released when:

(1) The same are labeled by the manufacturer or his or her agent to reflect the true contents; or

(2) When the shipment is to be returned to the manufacturer for reprocessing.

(c) All costs and expenses incurred by the board in such withdrawals shall be paid by the manufacturer to the board within fifteen (15) days after release is given.

Authority. Arkansas Code § 2-19-210.

2 CAR § 26-107. Labeling of bulk, liquid, or dry fertilizers.

(a) An invoice shall accompany each bulk fertilizer shipment and be given to the purchaser at the time of delivery.

(b) The invoice shall bear the following information:

(1) Net weight;

(2) Brand name and grade;

(3) Guaranteed analysis;

(4) Name and address of the manufacturer; and

(5) Name and address of the purchaser.

Authority. Arkansas Code § 2-19-210.

2 CAR § 26-108. Secondary and minor plant nutrients.

(a) When any reference or claim is made on the label for secondary and minor plant nutrients, a specific percent (%) guarantee as the element shall be given in the guaranteed analysis.

(b) The elements and the minimum amount of each that may be guaranteed shall be limited to the following, provided however, that the minimum or minimums may be

lower for chelates of these elements upon specific authorization of the State Plant Board or its authorized representatives.

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

(c) An additional numeral or numerals referring to the guarantee of secondary or minor plant nutrients will not be permitted in conjunction with the usual N-P-K designations of a fertilizer grade.

Authority. Arkansas Code § 2-19-210.