

NATURAL ORGANIC FERTILIZERS

Amended Act 24 1988

Act 24 of 1988, Act 42 of 1989, Act 968 of 1991.

“An act to define and regulate the manufacture and sale of 100 per cent natural organic fertilizer and for other purposes.”

SECTION 1. (2-19-501) Definitions.

"One hundred percent (100%) natural organic fertilizer" shall be defined as and include the following:

(1) One hundred percent (100%) organic fertilizer - Materials derived from either plant or animal products containing one (1) or more elements other than carbon, hydrogen, and oxygen which are essential for plant growth;

(A) These materials may be subjected to biological degradation processes under conditions of drying, composting, enzymatic or anaerobic/aerobic bacterial action or any combination of these;

(B) These materials shall not be mixed with synthetic materials;

(2) One hundred percent (100%) natural organic fertilizer shall be processed from only one hundred percent (100%) animal substrate. No other organic or inorganic, natural or synthetic, additives shall be used during processing and no fortification may be used;

(3) One hundred percent (100%) natural organic fertilizers shall contain as a guaranteed analysis not less than: nitrogen (N), four percent (4.0%); phosphoric acid (P_2O_5), two percent (2.0%); and potash (K_2O), four percent (4.0%);

(4) Determination of the guaranteed analysis will be according to methods adopted by the Association of Official Analytical Chemists. (Fertilizers and Materials Containing Large Quantities of Organic Matter; 12th edition, With Following Improvements)

SECTION 2. 2-19-502. Regulations and Supervision - Fees and Penalties - Guarantee of Elements.

(1) The State Plant Board shall have the authority to regulate and supervise the manufacture and sale of one hundred percent (100%) natural organic fertilizer, including the setting and collecting of reasonable fees for sampling and analyzing the fertilizer and registering manufacturers, and shall adopt and promulgate such rules, regulations, and penalties consistent with this subchapter, and §§ 2-19-202, as may be necessary.

(2) The fees and penalties set and collected by the State Plant Board pursuant to this section shall not exceed like fees and penalties set for other types of fertilizers.

(3) When any reference or claim is made on the label for secondary or minor plant nutrients, a specific guarantee of the specific elements contained shall be given in the guaranteed analysis.

SECTION 3. 2-19-503. Exemptions.

This subchapter shall not affect the private sale of unprocessed animal litter, nor shall the State Plant Board regulate the private sale of unprocessed animal litter which is not sold as one hundred percent (100%) natural organic fertilizer as defined by this subchapter.

100% Natural Organic Fertilizer Regulations

Regulation No. 1 - Registration and Fee

- 1.1 Each brand of 100% natural organic fertilizer shall be registered before being offered for sale, sold or distributed in Arkansas. The name of any 100% natural organic fertilizer shall be considered as a distinct and separate brand when differing in any respect other than the grade or common name of the organic fertilizer. The application for registration shall be submitted to the Plant Board on forms furnished by the Plant Board, and shall be accompanied by a fee of \$25.00 per brand. All registrations shall expire June 30 of each year.
- 1.2 A distributor shall be required to register any brand of 100% natural organic fertilizer which is already registered under this Act by another firm or person, provided the label is not modified in any respect.

Regulation No. 2 - Records

- 2.1 Adequate records shall be kept to indicate accurately the tonnage of 100% natural organic fertilizers distributed in this State by each manufacturer, manipulator or registrant.
- 2.2 Reports and Inspections Fees - Each registrant shall file a report for each month, on forms provided by the Plant board, by the 20th of the following month. Such report shall include a sworn statement of the total tonnage of all 100% natural organic fertilizer that have been distributed for sale and/or consumption in this State, and shall be accompanied by an inspection fee equal to \$2.40 per ton or fractional ton. A fee of \$2.40 shall accompany each monthly report of tonnage that amounts to less than one (1) ton. For a late report, or for failure to report the entire amount sold, the tonnage fee on the late reported or unreported amount shall be enhanced by ten percent (10%) if less than fifteen (15) days late, twenty percent (20%) if less than thirty-one (31) days late, and doubled if more than thirty (30) days late. Monthly reports are required even though no tonnages are distributed and/or no inspection fees are due.
- 2.3 Invoices or Shipping Tickets - Each registrant shall mail a numbered invoice or shipping ticket to the State Plant Board, P. O. Box 1069, Little Rock, Arkansas 72203, within 5 days after each sale or distribution in Arkansas. The invoice or shipping ticket shall bear the following:
 - (a) Date of shipment or sale.
 - (b) Name and grade of 100% natural organic 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 or liquid shipments shall be identified on the invoice by the terms "bulk" or "liquid" and the total weight in tons must be given.

The registrant of 100% natural organic fertilizers shall pay the inspection fee. The Plant Board may permit the registrant to submit, in lieu of invoices or shipping tickets, a monthly summary listing county, tons, form (bulk, liquid, bagged, etc.), and grade of each organic fertilizer so distributed. Such summary shall be submitted within five (5) days after the end of the permitted reporting period.

Regulation No. 3 - Labeling of Bulk, Liquid, Dry or Bagged 100% Natural Organic Fertilizers

- 3.1 An invoice shall accompany each fertilizer shipment and shall be given to the purchaser at the time of delivery. The invoice shall bear the following information:
- (a) the net weight
 - (b) the brand and grade;
 - (c) the guaranteed analysis;
 - (d) the lot or batch code;
 - (e) the name and address of the manufacturer.
- 3.2 When any reference or claim is made on the label for calcium, magnesium, zinc, copper and boron, a labeled percentage or the element shall appear as a guaranteed average analysis.

Regulation No. 4 - Stop-Sale Orders

- 4.1 The Plant Board may issue and enforce a stop-sale order on any 100% natural organic fertilizer found deficient from the guaranteed claims or for any violation of the Regulations. Fertilizers so stop-saled shall be returned to the manufacturer following a written release. All ordinary and necessary costs and expenses incurred by the Plant Board shall be paid by the manufacturer to the Plant Board for such withdrawals.

Regulation No. 5 - Penalty for Deficiency

- 5.1 Any 100% natural organic fertilizer offered for sale in this State found deficient upon official analysis from its guarantee as stated on the bag, invoice or other container, shall be assessed a penalty according to A and B as herein stated. When a fertilizer is subject to a penalty under both A and B only the larger penalty shall be assessed. The penalty shall apply only to the shipment sampled.
- (A) When the total nitrogen, available phosphoric acid, and potash value of fertilizer is found to be deficient from the guarantee to the extent of 3 percent and not over 5 percent, the manufacturer shall be liable for the actual deficiency. When the deficiency exceeds 5 percent of the total value, the penalty shall be three times the actual value of the shortage.
 - (B) When either nitrogen, available phosphoric acid or potash is found deficient from the guarantee to the extent of 10 percent or more, the manufacturer shall be liable for the value of such shortages.
- 5.2 The Plant Board may set penalties for any guaranteed constituents found deficient beyond tolerances. Penalties assessed under these or other regulations, except those exceeding the actual value of the shortages found, shall be paid to the consumer of the lot of deficient 100% natural organic fertilizer within thirty days after the date of notice from the Plant Board to the manufacturer or agent, receipts to be taken therefore and promptly forwarded to the Plant Board. The value of the deficiencies, if any, exceeding the actual shortages, and the actual value of the shortages when the consumer cannot be found, shall be paid to the Plant Board within forty-five days after the date of notice from the Plant Board to the manufacturer or his agent and same shall be deposited in the Feed and Fertilizer Fund of the State Treasury.

The Plant Board shall ascertain from the manufacturers of 100% natural organic fertilizer and from other reliable sources, the market value of said fertilizer, so as to fix units of

value on same to be used in determining the amount of damages due when the official analysis shows a deficiency from the guaranteed analysis. The Plant Board may cancel the present registration or refuse to register for the next year any 100% natural organic fertilizer offered for sale by any manufacturer, jobber or manipulator who fails or refuses to comply with these regulations.