

200.3 Definitions of words and terms.

When used in this chapter:

1. "Ammonium nitrate" means a compound that is chiefly composed of ammonium salt of nitric acid which contains not less than thirty-three percent nitrogen, one-half of which is in the ammonium form and one-half in the nitrate form.

2. The term "anhydrous ammonia" means the compound formed by the combination of two gaseous elements, nitrogen and hydrogen, in the proportion of one part nitrogen to three parts hydrogen by volume.

3. "Anhydrous ammonia plant" means a facility used for the manufacture or distribution of the compound formed by the combination of two gaseous elements, nitrogen and hydrogen, in the proportion of one part nitrogen to three parts hydrogen by volume.

4. The term "brand" means a term, design, or trademark used in connection with one or several grades of commercial fertilizer.

5. The term "bulk fertilizer" shall mean commercial fertilizer delivered to the purchaser in the solid, liquid, or gaseous state, in a nonpackaged form to which a label cannot be attached.

6. The term "commercial fertilizer" includes fertilizer and fertilizer materials and fertilizer-pesticide mixtures.

7. The term "distributor" means any person who imports, consigns, manufactures, produces, compounds, mixes, or blends commercial fertilizer, or who offers for sale, sells, barbers, or otherwise distributes commercial fertilizer in this state.

8. "Established date of operation" means the date on which an anhydrous ammonia plant commenced operating. If the physical facilities of the plant are subsequently expanded, the established date of operation for each expansion is deemed to be a separate and independent "established date of operation" established as of the date of commencement of the expanded operations. The commencement of expanded operations does not divest the plant of a previously established date of operation.

9. "Established date of ownership" means the date of the recording of an appropriate instrument of title establishing the ownership of real estate.

10. The term "fertilizer" means any substance containing one or more recognized plant nutrient which is used for its plant nutrient content and which is designed for use and claimed to have value in promoting plant growth except unmanipulated animal and vegetable manures or calcium and magnesium carbonate materials used primarily for correcting soil acidity.

11. The term "fertilizer material" means any substance used as a fertilizer or for compounding a fertilizer containing one or more of the recognized plant nutrients which are used for promoting plant growth or altering plant composition.

12. The term "grade" means the percentages of total nitrogen, available phosphorus or P₂O₅ or both, and soluble potassium or K₂O or both stated in whole numbers in same terms, order and percentages as in the "guaranteed analysis".

13. *Guaranteed analysis:*

a. (1) The term "guaranteed analysis" shall mean the minimum percentage of plant nutrients claimed and reported as Total Nitrogen (N), Available Phosphorus (P) or P₂O₅ or both, Soluble Potassium (K) or K₂O or both and in the following form:

| | | |
|---|-------|---------|
| Total Nitrogen (N) | | percent |
| Available Phosphorus (P) or P ₂ O ₅ or both | | percent |
| Soluble Potassium (K) or K ₂ O or both | | percent |

(2) Registration and guarantee of water soluble phosphorus (P) or (P₂O₅) shall be permitted.

b. The term "guaranteed analysis", in the form specified in paragraph "a", includes:

(1) For unacidulated mineral phosphatic materials and basic slag, both total and available phosphorus or P₂O₅ or both and the degree of fineness. For bone tankage and other organic phosphatic materials, total phosphorus or P₂O₅ or both.

(2) When any additional plant nutrient elements contained in a substance as identified in

subsection 10 of this section, are claimed in writing, they shall be identified in the guarantee, expressed as the element, and shall be subject to inspection and analysis in accordance with the methods and regulations that may be prescribed by the association of official agricultural chemists.

14. “*Licensee*” means a person licensed under section 200.4.

15. “*Nuisance*” means public or private nuisance as defined by statute or by the common law.

16. “*Nuisance action or proceeding*” means an action, claim or proceeding brought at law, in equity, or as an administrative proceeding, which is based on nuisance.

17. The term “*official sample*” means any sample of commercial fertilizer taken by the secretary or the secretary’s agent.

18. “*Organic agricultural product*” means the same as defined in section 190C.1.

19. “*Owner*” means the person holding record title to real estate, and includes both legal and equitable interest under recorded real estate contracts.

20. The term “*percent or percentage*” means the percentage by weight.

21. The term “*person*” includes individual, partnership, association, firm, and corporation.

22. The term “*pesticide*” as used in this chapter means insecticides, miticides, nematodes, fungicides, herbicides and any other substance used in pest control.

23. “*Rule*” means a rule as defined in section 17A.2 which materially affects the operation of an anhydrous ammonia plant. The term includes a rule which was in effect prior to July 1, 1984.

24. The term “*sell*” or “*sale*” includes exchange.

25. A “*soil conditioner*” is any substance which when added to the soil or applied to plants will produce a favorable growth, yield or quality of crop or soil flora or fauna or other soil characteristics, other than a fertilizer, recognized pesticide, unmanipulated animal and vegetable manures or calcium and magnesium carbonate materials used primarily for correcting soil acidity.

26. A “*specialty fertilizer*” is a commercial fertilizer distributed primarily for nonfarm use, such as home gardens, lawns, shrubbery, flowers, golf courses, municipal parks, cemeteries, greenhouses and nurseries and may include commercial fertilizers used for research or experimental purposes.

27. The term “*ton*” means a net weight of two thousand pounds avoirdupois.

28. The term “*unmanipulated manures*” means any substances composed primarily of excreta, plant remains, or mixtures of such substances which have not been processed in any manner.

29. Words importing the singular number may extend and be applied to several persons or things, and words importing the plural number may include the singular.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §200.3]

84 Acts, ch 1269, §1; 2000 Acts, ch 1082, §1; 2005 Acts, ch 73, §1; 2009 Acts, ch 41, §263

Referred to in §200.5, 200.10, 200.12, 202.1, 570A.1, 579B.1

[P] Further definitions, see §189.1