

March 8, 1965
Passed on File.

Senate File 500
By AGRICULTURE COMMITTEE,

Passed Senate, Date 3/31 Passed House, Date 5/4
Vote: Ayes 52 Nays 0 Vote: Ayes 110 Nays 1

Approved May 4, 1965

~~passed Senate as amended~~ 54-0 agriculture 4-5
pass 4/12

A BILL FOR

An Act relating to the distribution of commercial fertilizer and soil conditioners, to provide for registration and examination of such materials, and regulation of their use and to promote safety in transporting, storing and handling of anhydrous ammonia.

Be It Enacted by the General Assembly of the State of Iowa:

1 Chapter two hundred (200), Code 1962, is hereby repealed and
2 the following enacted in lieu thereof.

1 Section 1. Title. This Act shall be known and may be cited
2 by the short title of "Iowa Fertilizer Law."

1 Sec. 2 Enforcing official. This Act shall be administered
2 by the secretary of agriculture, hereinafter referred to as the
3 secretary.

1 Sec. 3 Definitions of words and terms. When used in this
2 Act:

3 1. The term "fertilizer" means any substance containing one
4 or more recognized plant nutrient which is used for its plant
5 nutrient content and which is designed for use and claimed to
6 have value in promoting plant growth except unmanipulated animal
7 and vegetable manures or calcium and magnesium carbonate mate-
8 rials used primarily for correcting soil acidity.

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

- 13 3. The term "unmanipulating manures" means any substances
14 composed primarily of excreta, plant remains, or mixtures of
15 such substances which have not been processed in any manner.
- 16 4. The term "commercial fertilizer" includes fertilizer and
17 fertilizer materials and fertilizer-pesticide mixtures.
- 18 5. A "specialty fertilizer" is a commercial fertilizer dis-
19 tributed primarily for nonfarm use, such as home gardens, lawns,
20 shrubbery, flowers, golf courses, municipal parks, cemeteries,
21 greenhouses and nurseries, and may include commercial fertilizers
22 used for research or experimental purposes.
- 23 6. The term "bulk fertilizer" shall mean commercial fertiliz-
24 er delivered to the purchaser in the solid, liquid, or gaseous
25 state, in a nonpackaged form to which a label cannot be attached.
- 26 7. The term "anhydrous ammonia" means the compound formed by
27 the combination of two gaseous elements, nitrogen and hydrogen,
28 in the proportion of one part nitrogen to three parts hydrogen
29 by volume.
- 30 8. The term "pesticide" as used in this Act means insecti-
31 cides, miticides, nematocides, fungicides, herbicides and any
32 other substance used in pest control.
- 33 9. A "soil conditioner" is any substance which when added
34 to the soil or applied to plants will produce a favorable growth,
35 yield or quality of crop or soil flora or fauna or other soil
36 characteristics, other than a fertilizer, recognized pesticide,
37 unmanipulated animal and vegetable manures or calcium and magne-
38 sium carbonate materials used primarily for correcting soil
39 acidity.
- 40 10. The term "brand" means a term, design, or trademark used

41 in connection with one or several grades of commercial fertilizer.

42 11. The term "grade" means the percentages of total nitrogen,
43 available phosphorus or P_2O_5 or both, and soluble potassium or
44 K_2O or both stated in whole numbers in same terms, order and
45 percentages as in the "guaranteed analysis".

46 12. Guaranteed analysis:

47 a. The term "guaranteed analysis" shall mean the minimum
48 percentage of plant nutrients claimed and reported as Total
49 Nitrogen (N), Available Phosphorus (P) or P_2O_5 or both, Soluble
50 Potassium (K) or K_2O or both and in the following form:

- 51 Total Nitrogen (N)—percent
- 52 Available Phosphorus (P) or P_2O_5 or both—percent
- 53 Soluble Potassium (K) or K_2O or both—percent

54 Registration and guarantee of water soluble phosphorus (P) or
55 (P_2O_5) shall be permitted.

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

58 (1) For unacidulated mineral phosphatic materials and
59 basic slag, both total and available phosphorus or P_2O_5 or both
60 and the degree of fineness. For bone tankage and other organic
61 phosphatic materials, total phosphorus or P_2O_5 or both.

62 (2) When any additional plant nutrient elements con-
63 tained in a substance as identified in subsection one (1) of
64 this section, are claimed in writing, they shall be identified
65 in the guarantee, expressed as the element, and shall be subject
66 to inspection and analysis in accordance with the methods and
67 regulations that may be prescribed by the Association of Official
68 Agricultural Chemists.
69

70 13. The term "official sample" means any sample of commercial
71 fertilizer taken by the secretary or his agent.

72 14. The term "ton" means a net weight of two thousand pounds
73 avoirdupois.

74 15. The term "percent or percentage" means the percentage by
75 weight.

76 16. The term "person" includes individual, partnership, asso-
77 ciation, firm and corporation.

78 17. The term "distributor" means any person who imports, con-
79 signs, manufactures, produces, compounds, mixes, or blends com-
80 mercial fertilizer, or who offers for sale, sells, barter, or
81 otherwise distributes commercial fertilizer in this state.

82 18. The term "sell" or "sale" includes exchange.

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

1 Sec. 4. Licenses.

2 1. Any person who manufactures, mixes, blends, or mixes to
3 customers order any fertilizer or soil conditioner offered for
4 sale, sold, or distributed in Iowa must first obtain a license
5 from the secretary of agriculture and shall pay a ten-dollar
6 license fee for each plant or place of manufacture, from which
7 fertilizer or soil conditioner products are sold or distributed
8 in Iowa. Such license fee shall be paid annually on July 1 of
9 each year and the manufacturer, blender or mixer shall at the
10 same time, list the name and address of each such plant or place
11 of manufacture, from which sale or distribution is made.

12 2. Said licensee shall at all times produce an intimate and

13 uniform mixture of fertilizers or soil conditioners. When two
14 or more fertilizer materials are delivered in the same load,
15 they shall be thoroughly and uniformly mixed unless they are in
16 separate compartments.

1 Sec. 5. Registration.

2 1. Each brand and grade of commercial fertilizer and each
3 soil conditioner shall be registered before being offered for
4 sale, sold or otherwise distributed in this state; except that
5 a commercial fertilizer formulated according to special specifi-
6 cations furnished by a consumer to fill his order shall not be
7 required to be registered, but shall be labeled as provided in
8 subsection three (3) of section six (6). The application for
9 registration shall be submitted to the secretary on forms fur-
10 nished by the secretary and shall be accompanied by a label
11 setting forth the guaranteed analysis which shall be the same
12 as that appearing on the registered product.

13 2. All registration will be permanent, provided, however,
14 that the secretary may request a listing of products to be
15 currently manufactured. The application shall include the
16 following information in the following order:

- 17 a. Net weight, if sold in packaged form.
- 18 b. Name and address of the registrant.
- 19 c. Name of product.
- 20 d. Brand.
- 21 e. Grade.
- 22 f. Guaranteed analysis.

23 3. In addition to the information required in subsection
24 two (2) of this section, applications for registration of soil

25 conditioners must include the name or chemical designation and
26 percentage of content of each of the active ingredients.

27 4. The secretary is authorized, after public hearing, follow-
28 ing due notice, to adopt rules and regulations regulating the
29 labeling and registration of specialty fertilizers and other
30 fertilizer products, when necessary in his opinion. He may re-
31 quire any reasonable information in addition to subsection twelve
32 (12) of section three (3), which is necessary and useful to the
33 purchasers of specialty fertilizers of this state and to promote
34 uniformity among states.

35 5. The secretary is authorized after public hearing, following
36 due notice, to establish minimum acceptable levels of trace and
37 secondary elements recognized as effective to aid crops produced
38 in Iowa and to require such warning statements as may be deemed
39 necessary to prevent injury to crops.

40 6. The secretary, whenever he deems it necessary in the ad-
41 ministration of this Act, may require the submission of additional
42 data about any fertilizer or product to support the claims made
43 for it. If it appears to the secretary that the composition of
44 the article is such as to warrant the claims made for it, and
45 if the article, its labeling and other material required to be
46 submitted, comply with the requirements of this Act, he shall
47 register the product.

48 7. If it does not appear to the secretary that the article
49 is such as to warrant the proposed claims for it, or if the
50 article and its labeling and other material required to be sub-
51 mitted does not comply with the provision of this Act, he shall
52 notify the registrant of the manner in which the article, label-

53 ing, or other material required to be submitted fails to comply
54 with this Act so as to afford the registrant an opportunity to
55 make the necessary corrections before resubmitting the label.

56 8. It shall be the responsibility of the registrant to sub-
57 mit satisfactory evidence of favorable effects and safety of
58 the product.

59 9. A distributor shall not be required to register any
60 brand and grade of commercial fertilizer which is already regis-
61 tered under this Act by another person.

1 Sec. 6. Labeling.

2 1. Any commercial fertilizer offered for sale or sold or
3 distributed in this state in bags, or other containers, shall
4 have placed on or affixed to the container in legibly written
5 or printed form, the information required by subsection two (2)
6 of section five (5); either on tags affixed to the end of the
7 package or directly on the package.

8 2. If distributed in bulk, the shipment must be accompanied
9 by a written or printed statement giving the purchaser's name
10 and address in addition to the labeling requirement set forth
11 in subsection two (2) of section five (5).

12 3. A commercial fertilizer formulating according to specifi-
13 cations which are furnished by a consumer prior to mixing shall
14 be labeled to show the net weight and guaranteed analysis of
15 each of the fertilizer materials or soil conditioners used,
16 and the name and address of the distributor.

17 4. All bulk bins or intermediate storage of bulk commercial
18 fertilizer where being offered for sale or distributed direct
19 to the consumer shall be labeled showing brand, name and grade

20 of product.

21 5. All fertilizers distributed or stored in bulk, unless in
22 the manufacturers authorized containers shall be labeled as the
23 responsibility of the possessor.

24 6. Soil conditioners shall be labeled in accordance with
25 subsection one (1) of this section and in addition shall show
26 the name of chemical designation and content of the active in-
27 gredients.

1 Sec. 7. Fertilizer-pesticide mixture. Only those persons,
2 licensed under section four (4) of this Act shall be permitted
3 to add pesticides to commercial fertilizers. These persons
4 shall at all times produce a uniform mixture of fertilizer and
5 pesticide and shall register and label their product in compli-
6 ance with both the Iowa Pesticide Act and this Act.

1 Sec. 8. Inspection fees.

2 1. There shall be paid by the licensee to the secretary for
3 all commercial fertilizers and soil conditioners sold, or dis-
4 tributed in this state, an inspection fee to be fixed annually
5 by the secretary of agriculture at not more than twenty cents
6 per ton: Except sales for manufacturing purposes only are hereby
7 exempted from fees but must still be reported showing manufactur-
8 er who purchased same. Payment of said inspection fee by any
9 licensee shall exempt all other persons, firms or corporations
10 from the payment thereof.

11 On individual packages of commercial fertilizer containing
12 twenty-five pounds or less there shall be paid a tonnage in-
13 spection fee of not less than twenty-five dollars for each
14 product registered, for each six-month period of registration.

15 2. Every licensee under this Act in this state shall:

16 a. File not later than the last day of January and July
17 of each year, on forms furnished by secretary, a semiannual
18 statement setting forth the number of net tons of commercial
19 fertilizer or soil conditioners distributed in this state by
20 grade for each county during the preceding six months period;
21 and upon filing such statement shall pay the inspection fee at
22 the rate stated in subsection one (1) of this section.

23 b. If the tonnage report is not filed and the payment of
24 inspection fees is not made within ten days after the date due,
25 a penalty amounting to ten percent, minimum fifty dollars, of
26 the amount due shall be assessed against the licensee and the
27 amount of fees due plus penalty shall constitute a debt and
28 become the basis of a judgment against the licensee.

1 Sec. 9. Fertilizer fund. Fees collected for licenses and
2 inspection fees under sections four (4) and eight (8) shall be
3 deposited in the treasury to the credit of the fertilizer fund
4 to be used only by the department of agriculture for the purpose
5 of inspection, sampling, analysis, preparation and publishing
6 of reports and other expenses necessary for administration of
7 this Act. The secretary may assign moneys to the Iowa agricul-
8 tural experiment station for research, work projects, investiga-
9 tions as may be needed for the specific purpose of improving
10 the regulatory functions for enforcement of this Act.

1 Sec. 10. Inspection, sampling and analysis.

2 1. It shall be the duty of the secretary, who may act through
3 his authorized agent, to sample, inspect, make analysis of, and
4 test commercial fertilizers or soil conditioners distributed

5 within this state at time and place and to such an extent as he
6 may deem necessary, to determine whether such commercial fertil-
7 izers and soil conditioners are in compliance with the provisions
8 of this Act. In the performance of the foregoing duty, the
9 the secretary shall counsel with the director of the Iowa agri-
10 cultural experimental station in respect to the time, place and
11 extent of sampling. The secretary individually or through his
12 agent, is authorized to enter upon any public or private prem-
13 ises or conveyances during regular business hours in order to
14 have access to commercial fertilizers or soil conditioners sub-
15 ject to the provisions of this Act and the rules and regulations
16 pertaining thereto. It shall be the duty of the secretary to
17 maintain a laboratory with the necessary equipment and to employ
18 such employees as may be necessary to aid in the administration
19 and enforcement of this Act.

20 2. The methods of sampling and analysis shall be the official
21 methods of the association of official agricultural chemists in
22 all cases where methods have been adopted by the association.

23 The findings of the state chemist or his deputy, as shown by
24 the sworn statement of the results of analysis of official
25 samples of any brand and grade of commercial fertilizer, fertil-
26 izer material or soil conditioner, shall constitute prima-facie
27 evidence of their correctness in the courts of this state, as
28 to the particular lots sampled and analyzed.

29 3. The secretary, in determining the administrative purposes
30 whether any commercial fertilizer is deficient in plant food,
31 or soil conditioner deficient in guaranteed active ingredients,
32 shall be guided by the official sample as defined in subsection

33 thirteen (13) of section three (3), and obtained and analyzed as
34 provided for in subsection two (2) of section ten (10).

35 4. The results of official analysis of any commercial
36 fertilizer or soil conditioner which has been found to be in
37 violation of any provision of this Act, shall be forwarded by
38 the secretary to the registrant. Upon request, the secretary
39 shall furnish to the registrant a portion of any sample.

1 Sec. 11. Filler material. It shall be unlawful for any per-
2 son to manufacture, offer for sale or sell in this state, any
3 commercial fertilizer, or soil conditioner containing any sub-
4 stance used as a filler that is injurious to crop growth or
5 deleterious to the soil, or to use in such commercial ferti-
6 lizer, or soil conditioner as a filler any substance that con -
7 tains inert or useless plant food material for the purpose or
8 with the effect of deceiving or defrauding the purchaser.

1 Sec. 12. False or misleading statements. A commercial fer-
2 tilizer or soil conditioner is misbranded if it does not iden-
3 tify substances promoting plant growth as defined in subsection
4 one (1) of section three (3), or if it carries any false or mis-
5 leading statement upon or attached to the container or stated
6 on the invoice or delivery ticket, or if the container or on
7 the invoice or delivery ticket or in any advertising matter
8 whatsoever connected with, accompanying or associated with the
9 commercial fertilizer or soil conditioner. Further, the burden
10 of proof of the desirable effect of the product on plant growth
11 shall be the responsibility of the registrant.

1 Sec. 13. Reports and publications. The secretary shall
2 publish at least annually, in such forms as he may deem proper,

3 information concerning the sales of commercial fertilizers,
4 together with such data on their production and use as he may
5 consider advisable. The secretary shall report semiannually
6 the results of the analysis based on official samples taken of
7 commercial fertilizers sold within the state as compared with
8 the analyses guaranteed under section five (5) and section six
9 (6) together with name and address of the manufacturer or dis-
10 tributor of such commercial fertilizer at the time the official
11 sample was taken. A copy of this semiannual report will be
12 mailed by the secretary to each corresponding county extension
13 director in the state.

1 Sec. 14. Rules and regulations.

2 1. The secretary is authorized, after public hearing, fol-
3 lowing due notice, to adopt rules and regulations setting forth
4 minimum general safety standards for the design, construction,
5 location, installation and operation of equipment for storage,
6 handling, transportation by tank truck or tank trailer, and
7 utilization of anhydrous ammonia. The rules and regulations
8 shall be such as are reasonably necessary for the protection
9 and safety of the public and persons using anhydrous ammonia,
10 and shall be in substantial conformity with the generally ac-
11 cepted standards of safety.

12 It is hereby declared that rules and regulations in substan-
13 tial conformity with the published standards of the agricul-
14 tural ammonia institute for the design, installation and con-
15 struction of containers and pertinent equipment for the storage
16 and handling of anhydrous ammonia, shall be deemed to be in
17 substantial conformity with the generally accepted standards

18 of safety.

19 All anhydrous ammonia equipment shall be installed and main-
20 tained in a safe operating condition and in conformity with
21 the rules and regulations of the secretary of agriculture. No
22 person, firm or corporation, other than the owner and those
23 authorized by the owner to do so, shall sell, fill, refill,
24 deliver or permit to be delivered, or use in any manner any
25 anhydrous ammonia container or receptacle for any gas, compound
26 for any other purpose whatsoever.

27 2. The secretary is hereby charged with the enforcement of
28 this Act, and after due publicity and due public hearing, is
29 empowered to promulgate and adopt such reasonable rules and
30 regulations as may be necessary in order to carry into effect
31 the purpose and intent of this Act or to secure the efficient
32 administration thereof.

33 3. All rules and regulations authorized under sections one
34 (1) and two (2) shall be approved by the legislative committee
35 on administrative rules before becoming effective.

36 4. Nothing in this Act shall prohibit the use of storage
37 tanks smaller than transporting tanks nor the transfer of all
38 kinds of fertilizer including anhydrous ammonia directly from
39 transporting tanks to implements of husbandry, if proper safety
40 precautions are observed.

1 Sec. 15. Refusal to register, or cancellation of registration
2 and licenses.

3 The secretary is authorized and empowered to cancel the reg-
4 istration of any product of commercial fertilizer or soil condi-
5 tioner or license or to refuse to register any product of com-

6 merical fertilizer or soil conditioner or refuse to license any
7 applicant as herein provided, upon satisfactory evidence that
8 the registrant or licensee has used fraudulent or deceptive
9 practices or who willfully violates any provisions of this Act
10 or any rules and regulations promulgated thereunder: Except
11 no registration or license shall be revoked or refused until
12 the registrant or licensee shall have been given the opportunity
13 to appear for a hearing by the secretary.

1 Sec. 16. "Stop sale" orders. The secretary may issue and
2 enforce a written or printed "stop sale, use or removal" order
3 to the owner or custodian of any lot of commercial fertilizer
4 or soil conditioner, and to hold at a designated place when the
5 secretary finds said commercial fertilizer or soil conditioner
6 is being offered or exposed for sale in violation of any of the
7 provisions of this Act or any of the rules and regulations
8 promulgated hereunder until the law has been complied with and
9 said commercial fertilizer or soil conditioner is released in
10 writing by the secretary or said violation has been otherwise
11 legally disposed of by written authority, and all costs and
12 expenses incurred in connection with the withdrawal have been
13 paid.

1 Sec. 17. Seizure, condemnation, and sale. Any lot of com-
2 mercial fertilizer or soil conditioner not in compliance with
3 the provisions of this Act shall be subject to seizure on com-
4 plaint of the secretary to a court of competent jurisdiction
5 in the county or adjoining county in which said commercial
6 fertilizer or soil conditioner is located. In the event the
7 court finds the said commercial fertilizer or soil conditioner

8 to be in violation of this Act and orders the condemnation of
9 said commercial fertilizer or soil conditioner, it shall be
10 disposed of in any manner consistent with the quality of the
11 commercial fertilizer or soil conditioner and the laws of the
12 state: Except in no instance shall the disposition of said
13 commercial fertilizer or soil conditioner be ordered by the
14 court without first giving the claimant an opportunity to apply
15 to the court for release of said commercial fertilizer or soil
16 conditioner or for permission to reprocess or relabel said
17 commercial fertilizer or soil conditioner to bring it into
18 compliance with this Act.

1 Sec. 18. Violations.

2 1. If it shall appear from the examination of any commercial
3 fertilizer or soil conditioner or any anhydrous ammonia instal-
4 lation, equipment, or operation that any of the provisions of
5 this Act or the rules and regulations issued thereunder have
6 been violated, the secretary shall cause notice of the violations
7 to be given to the registrant, distributor, or processor from
8 whom said sample was taken; any person so notified shall be
9 given opportunity to be heard under such rules and regulations
10 as may be prescribed by the secretary. If it appears after such
11 hearing, either in the presence or absence of the person so
12 notified, that any of the provisions of this Act or rules and
13 regulations issued thereunder have been violated, the secretary
14 may certify the facts to the proper prosecuting attorney.

15 2. Any person convicted of violating any provision of this
16 Act or the rules and regulations issued thereunder shall be
17 punished by a fine or not less than one hundred dollars nor
18 more than two hundred and fifty dollars.

SENATE FILE 500

- 1 Amend Senate File 500 as follows:
- 2 1. Strike from line 13 of section 3 the
- 3 word "unmanipulating" and insert "unmanipulated".
- 4 2. Strike from line 12 of section 6 the word
- 5 "formulating" and insert "formulated".
- 6 3. Strike from line 13 of section 6 the
- 7 word "shall" and insert "may".
- 8 4. Strike from line 26 of section 6 the
- 9 first word "of" and insert "or".
- 10 5. Strike from line 29 of section 10
- 11 the word "the" and insert "for".
- 12 6. Add to section 18 the following new subsections:
- 13 "3. Nothing in this Act shall be construed as requiring the
- 14 secretary or his representative to report for prosecution or for
- 15 the institution of seizure proceedings minor violations of the
- 16 Act when he believes that the public interest will be best served
- 17 by a suitable notice of warning in writing.
- 18 "4. It shall be the duty of each county attorney to whom any
- 19 violation is reported, to cause appropriate proceedings to be
- 20 instituted and prosecuted in a court of competent jurisdiction
- 21 without delay.
- 22 "5. The secretary is hereby authorized to apply for and the
- 23 court to grant a temporary or permanent injunction restraining
- 24 any person from violating or continuing to violate any of the
- 25 provisions of this Act or any rule or regulation promulgated
- 26 under the Act notwithstanding the existence of other remedies
- 27 at law, said injunction to be issued without bond."
- 28 7. Add as section 19 the following:
- 29 "Sec. 19. Exchanges between manufacturers. Nothing in this
- 30 Act shall be construed to restrict or avoid sales or exchanges
- 31 of commercial fertilizers or soil conditioners to each other
- 32 by importers, manufacturers, or manipulators who mix fertilizer
- 33 materials for sale or as preventing the free and unrestricted
- 34 shipments of commercial fertilizer or soil conditioner to man-
- 35 ufacturers or manipulators who have registered their brands as
- 36 required by the provisions of this Act.

Filed
March 23, 1969.

3/31
By MAIN and STEPHENS.

SENATE FILE 500

- 1 Amend Senate File 500 by striking subsection three (3)
- 2 of section 6 and inserting in lieu thereof the following:
- 3 "3. A commercial fertilizer formulated according to
- 4 specifications which are furnished by a consumer prior to
- 5 mixing shall be labeled to show the net weight, guaranteed
- 6 analysis, and the name and address of the distributor and
- 7 may show the net weight and guaranteed analysis of each
- 8 of the fertilizer materials or soil conditioners used.
- 9 It is the responsibility of the distributor to mix these
- 10 materials uniformly and intimately so that when sampled
- 11 in the prescribed manner the resulting analysis would
- 12 meet the guarantee."

Filed
April 29, 1965.

adopted 5/4 senate concurred 5/6
MUELLER of Winnebago-Worth.
HULLINGER of Decatur-Wayne.