

Subpart 3-Bureau of Plant Industry
Chapter 03-Fertilizer

Procedure For Announcement, Adoption and Promulgation of Rules and Regulations.

100.01 Public hearings for the adoption and promulgation of rules and regulations as provided by *Miss. Code Ann.* Section 75-47-7(4) and 75-47-27 of the Mississippi Fertilizer Law of 1970 shall be announced and conducted under procedures established by Section 25-43-7 of the Mississippi Administration Procedures Law.

100.02 Public hearings shall be conducted by the following committee:
The Commissioner of Agriculture and Commerce, Chairman
The State Chemist
The Director of the Mississippi Agriculture and Forestry Experiment Station
Provided, however, each committee member may appoint a representative to serve in his absence.

100.03 All hearings shall be open to all interested parties.

(Section 100 amended April 1989.)

Source: *Miss. Code Ann.* §75-47-27.

Grades and Ratios Committee and Registrations.

101.01 In accordance with Section 75-47-7(4), "Registration," of the Mississippi Fertilizer Law, a Grades and Ratios Committee composed of the Commissioner of Agriculture and Commerce, the State Chemist, and the Director of the Mississippi Agriculture and Forestry Experiment Station is established. This committee will meet annually prior to May 15 to establish minimum amounts of plant nutrients which may be guaranteed and to promulgate ratios and minimum analysis grades of mixed fertilizers adequate to meet the agricultural needs of the state. At such meeting, which shall be open to all interested parties, this Committee may promulgate regulations under the section entitled HEARING RULES FOR PROMULGATION OF REGULATIONS. Adequate notice for the hearing shall be furnished as under the rules governing such open hearings.

101.02 A list of the grades and ratios of fertilizers acceptable for registration and distribution in the state shall be published and furnished to manufacturers of fertilizers and guarantors on or before June 1 of each year. Mailings will be sent by the Commissioner.

101.03 All registrations of fertilizer shall be in effect only from July 1 of any year through June 30 of the following year, when registration must be renewed.

Source: *Miss. Code Ann.* §75-47-27.

Primary Plant Nutrients (Nitrogen, Phosphorus and Potassium)

102.01 No mixed fertilizer shall be sold or offered for sale or distribution unless a minimum of twenty percent (20%) available primary plant nutrients (nitrogen, available phosphoric acid, and potash) shall be present and shown on the tag, except for liming materials fortified, with primary plant nutrients, which are covered in subsections 104.01 to 104.02 of this chapter, and low analysis specialty fertilizers which are covered in section 110 of this chapter.

102.02 No claim or guarantee for available phosphoric acid shall be made unless present to the extent of two percent (2%); or of nitrogen unless present to the extent of three percent (3%); of potash unless present to the extent of three percent (3%) phosphoric acid, nitrogen and potash shall be guaranteed and shown on the tag in whole numbers only.

Source: *Miss. Code Ann.* §75-47-27.

Secondary and Micro Plant Nutrients.

103.01 In Primary Nutrient Fertilizers.

1. Other plant nutrients or elements, when mentioned in any form or manner, shall be registered and shall be guaranteed. Guarantees shall be made on the elemental basis. Sources of the elements guaranteed and proof of availability shall be provided the Commissioner of Agriculture and the State Chemist upon request. Except guarantees for those water soluble nutrients labeled for ready to use foliar specialty liquid fertilizers, hydroponic or continuous liquid feed programs, the minimum percentages which will be accepted for registration are as follows:

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

If magnesium is guaranteed, the percent water soluble magnesium must also be guaranteed.

2. Only the above listed elements may be guaranteed in addition to nitrogen, phosphorus and potassium. Proposed labels and direction for use of the fertilizer shall be furnished with the application for registration upon request. Any of the above listed elements which are guaranteed shall appear in the order listed, immediately following guarantees for the primary nutrients, nitrogen, phosphorus and potassium.

103.02 In Fertilizer Products Containing No Primary Plant Nutrients.

1. Products containing one or more plant nutrients or elements and containing no nitrogen, phosphorus and/or potassium shall be registered as required under the terms of Section 75-47-7 and shall be guaranteed. Guarantees shall be made on the elemental basis. Sources of the elements guaranteed and proof of availability shall be provided the Commissioner of Agriculture and Commerce and the State Chemist upon request. The minimum percentages of such elements or nutrients which will be accepted for registration are as follows:

ELEMENT	PERCENT
Calcium (Ca).....	3%
Magnesium (Mg)	2%
Sulfur (S).....	8%
Boron (B)	0.03%
Chlorine (Cl).....	2%
Cobalt (Co).....	0.1%
Copper (Cu)	2%
Iron (Fe)	2%
Manganese (Mn)	2%
Molybdenum (Mo).....	0.1%
Sodium (Na).....	2%
Zinc (Zn).....	2%

2. Except that in mixed products where one element meets or exceeds the minimum guarantee other elements may be guaranteed and accept for registration at not less than 50% of the above stated minimum. If two or more of the above elements meet or exceeds the minimum guarantee other elements may be guaranteed and accepted for registration at not less than the minimum levels stated in section 103.01 of this chapter.
3. Only the above elements or nutrients may be guaranteed, claimed or promoted in fertilizer products containing no primary plant nutrients (N), (P₂O₅), or (K₂O) and when guaranteed shall appear in the order listed above.
4. Proposed labels bearing precautionary statements and directions for use of the product shall be furnished with the application for registration.
5. If magnesium is guaranteed, the percent water soluble magnesium must also be guaranteed.

(Amended 4/89).

Source: *Miss. Code Ann.* §75-47-27.

Fortified Liming Materials.

104.01 A "fortified liming material" is a commercial fertilizer containing one or more primary plant food elements and which has a guaranteed liming value in excess of 40 percent calcium carbonate equivalent.

104.02 The guaranteed analysis registered with the Commissioner and State Chemist and shown on the tag shall show the minimum percentage of plant nutrients claimed in the following order and form:

Total Nitrogen (N)	_____ percent
Available Phosphoric Acid (P ₂ O ₅)	_____ percent
Total Phosphoric Acid (if desired)	_____ percent
Soluble Potash (K ₂ O)	_____ percent

Other guarantees as desired in accordance with Regulation 4.

Degree of fineness

Neutralizing Value

_____ lbs.-ton CaCO₃

Source: *Miss. Code Ann.* §75-47-27.

Definitions.

105 Except as the Commissioner and State Chemist designate in specific cases, the names and definitions for commercial fertilizers shall be those adopted by the Association of American Plant Food Control Officials.

Source: *Miss. Code Ann.* §75-47-27.

Investigational Allowances.

106.01 A fertilizer shall be deemed to be deficient if the analysis of the major plant food nutrients, nitrogen, available phosphoric acid, and potash is such that the relative commercial value of the fertilizer computed by the use of the schedule of values fixed by the State Chemist shall fall four percentum (4%) below the relative commercial value similarly computed from the guarantee.

106.02 A commercial fertilizer containing two or more of the major plant food nutrients, nitrogen, available phosphoric acid and potash shall be deemed to be deficient when any ingredient falls ten percentum (10%) below the guarantee. In such cases, the sum of the commercial value deficiencies calculated for each deficient

nutrient, using values fixed by the State Chemist, shall be the basis for the penalty.

106.03 If a commercial fertilizer is deemed deficient under either of the above provisions of this regulation and subject to penalty as provided by section 75-47-17 Miss. Code Ann. , only the larger penalty shall be assessed. However, in no case shall a penalty of less than twenty-five dollars (\$25.00) be imposed.

106.04 The secondary plant nutrient or micronutrient content of a product subject to registration under terms of the Mississippi Fertilizer Law and Rules and Regulations shall be considered deficient if the analysis is below, or excessive if the analysis is above the investigational allowances for such elements or nutrients. A penalty of five dollars (\$5.00) per ton in the shipment represented by the sample analyzed shall be assessed when the analyzed element or nutrient content lies outside the investigational allowances. In no case shall a penalty of less than twenty-five dollars (\$25.00) be imposed for element or nutrient deficiencies or excesses.

106.05 Investigational allowances for such secondary plant nutrients or micronutrients shall be as follows:

For Guarantees 0.0% - 1.99%

Calcium (Ca).....	-10%
Magnesium (Mg)	-10%
Sulfur (S).....	-10%
Boron (B)	-20% + 50%
Chlorine (Cl).....	-15%
Cobalt (Co).....	-50%
Copper (Cu)	-25%
Iron (Fe)	-10%
Manganese (Mn)	-10%
Molybdenum (Mo).....	-50%
Sodium (Na).....	-10%
Zinc (Zn).....	-15%

For Guarantees 2.00% - 100%

All elements	-10%
--------------------	------

Source: *Miss. Code Ann. §75-47-27.*

Customer Formula Fertilizer Blending Facility.

107.01 A person or firm who custom mixes fertilizer, materials or mixed fertilizer in any combination to specifications furnished by a consumer prior to mixing shall be called a custom-mixed fertilizer distributor. Such mixtures are not required to conform to an approved grade or ratio. Provided, however, mixtures must meet

minimum requirements stated in sections 102.03 to 103.02 of this chapter. Such a custom mixer shall register his operation with the Commissioner of Agriculture and Commerce prior to performing any such mixing, pay the appropriate annual registration fee as outlined below, and shall make application to the Commissioner for a permit to report and pay quarterly the fertilizer inspection fee as required under the Mississippi Fertilizer Law of 1970.

107.02 The amount of the annual registration fee for a custom-mixed fertilizer distributor will be based on the following schedule:

TONNAGE SOLD PREVIOUS 12 MONTHS	ANNUAL REGISTRATION FEE
Less than 500	\$50.00
501 - 1,000	75.00
1,001 - 1,500	100.00
1,501 - 2,500	150.00
2,501 - 3,500	200.00
3,501 - 5,000	250.00
5,001 and over.....	300.00

107.03 The amount of the annual registration fee due will be based on the tonnage custom mixed during the preceding 12 calendar months, commencing with July 1 and ending June 30. The registration fee shall be due as of July 1 each year and payment shall be made not later than July 31 of that year. The initial application for registration shall be based on tonnage sold in the period mentioned, from the applicant's best available records, and the applicant shall certify that the tonnage shown in the application is correct to the best of his knowledge.

107.04 In addition to the annual registration fees for the privilege of doing business as a custom-mixed fertilizer distributor, such a custom mixer will also pay the tonnage inspection fees on all tonnage of materials or mixed fertilizers sold to a nonregistrant.

107.05 The custom-mix fertilizer distributor shall comply with Section 75-47-13 of the Fertilizer Law, Tonnage Reports, as any other distributor of commercial fertilizer in the State.

107.06 Custom mixtures distributed in containers shall be labeled in accordance with provisions of the Fertilizer Law of 1970. The grade must coincide with the guaranteed analysis statement. In the case of bulk shipments, the person making delivery to the customer shall have in his possession two (2) copies of the delivery ticket or invoice showing the customer's name and address, the materials and-or mixed fertilizers and pounds thereof which constitute the mixture, pounds of seed in the mixture, and the whole number guaranteed analysis based on material input; provided, however, as a matter of information to the customer, the actual calculated analysis may also be shown.

107.07 Upon inspection and sampling by a representative of the Commissioner, the person making the delivery shall provide the inspector with one copy of the invoice or delivery ticket. One copy of the delivery ticket or invoice shall be supplied to the purchaser at the time of delivery, if practical. Otherwise, the purchaser shall be mailed such document by United States mail within 24 hours of the time delivery was made.

107.08 A firm may operate both as a custom-mixed fertilizer distributor and as a standard grade fertilizer distributor by paying all appropriate fees, keeping the proper records, and complying with all other provisions of the law and regulations appropriate to each type of operation.

(Section 107 amended 1992.)

Source: *Miss. Code Ann.* §75-47-27.

Distribution of Results of Official Analysis and Portions of Official Samples.

108.01 In accordance with Section 75-47-15 Inspection, Sampling, Analysis (d) of the Mississippi Fertilizer Law, the results of official analysis will be distributed in the following manner: one copy each to the Commissioner, the guarantor, the dealer, and the State Chemist. Extra copies may be obtained on request to the State Chemist.

108.02 A subportion of the retained official sample on any fertilizer labeled as deficient by the State Chemist and Commissioner may be obtained by the guarantor for analysis in his own or commercial laboratories upon request in writing to the State Chemist for such subsample. Requests for such subsamples will be honored only if they are made within 60 days of the date of reporting of the fertilizer analysis from the State Chemist's office.

Source: *Miss. Code Ann.* §75-47-27.

Application and Issuance of Permits.

109 Any manufacturer, importer, jobber, firm, corporation, association of persons or person, shall make application to the Commissioner of Agriculture and Commerce for a permit to report the tonnage of fertilizer or fertilizer materials and pay the inspection fee on all fertilizer and fertilizer materials sold or distributed in Mississippi. All permits shall be conditioned on the applicant's agreeing to keep such records as may be necessary to indicate accurately the tonnage and kind of commercial fertilizer and fertilizer materials sold and as are satisfactory to the Commissioner of Agriculture and Commerce, and granting the Commissioner of Agriculture and Commerce or his duly authorized representative permission to examine such records and verify the statement of tonnage.

Source: *Miss. Code Ann.* §75-47-27.

Specialty Fertilizers.

110.01 Specialty Fertilizers as defined in *Miss. Code Ann.* Section 75-47-5(3) may be offered for sale or distribution; provided they comply with all the requirements established for mixed fertilizers in Section 75-47-1 through 75-47-39 and regulations promulgated thereunder; except a specialty fertilizer is not required to conform to an approved grade or ratio, and exceptions to the minimum requirements stated in Sections 102 and 103 of this chapter may be allowed if justified in writing and approved by the Mississippi Fertilizer Grades and Ratios Committee.

110.02 Low analysis specialty fertilizers that comply with all the requirements of a specialty fertilizer except Section 102 of this chapter may be offered for sale or distribution, provided they are prominently labeled, "Low Analysis Fertilizers". The brand name shall contain the grade numerals in terms of primary plant foods, e.g. "African Violet Plant Food 1-1-1". Low Analysis Specialty Fertilizers shall contain not less than 3% total primary plant food. Provided, however, fish emulsion/hydrolysate, bone meal, blood meal, oilseed meal, hydrolyzed feather meal, meat meal, poultry meal, fish meal and activated sewage products may be sold without the caption "Low Analysis Fertilizer".

110.03 All specialty fertilizers shall be labeled with clear and explicit directions for use of the product, for all appropriate and intended use. Directions shall include adequate warnings and/or safeguards.

110.04 If fertilizers include any seeds, pesticides, chemicals or items other than plant food nutrient sources, they shall be registered, labeled and distributed in accordance with other State laws governing such products in addition to the *Miss. Code Ann.* §§ 75-47-1 through 75-47-39.

Amended: March 7, 2014

Source: *Miss. Code Ann.* §75-47-27.

Manipulated Animal and Vegetable Manures.

111.01 For purpose of administration and enforcement of the terms and conditions of the Mississippi Fertilizer Law as it applies to animal and vegetable manures, the term manipulated or manipulation shall mean "Manures that have been pulverized, shredded, composted or otherwise processed or treated, including drying to a moisture content of less than thirty percent (30%)".

(Adopted 1991.)

111.02 Manipulated animal and vegetable manures shall be registered by brand and grade, with the Commissioner of Agriculture and Commerce and State Chemist and shall be subject to inspection, sampling, reporting, etc. as required for any other commercial fertilizer products.

(Adopted 1991.)

Source: *Miss. Code Ann.* §75-47-27.

Industrial By Product As a Source of Plant Nutrients.

112.01 "Industrial By-Product" means any industrial waste, by-product or co-product containing recognized plant nutrients in an available form and at significant levels to be considered a source of fertilizer material. Acceptable levels of such recognized plant nutrients shall be established by regulation.

(Adopted 1995.)

112.02 Such fertilizer materials declared unsafe by the Mississippi Department of Environmental Quality, Mississippi Department of Health or the U.S. Environmental Protection Agency shall not be sold, offered for sale, traded, bartered or given away for use on agricultural land or public contact site(s) in this state; except as may be approved for controlled or limited applications by such regulating agencies or other regulating agencies having regulatory jurisdiction in such matters on a case by case basis.

(Adopted 1995.)

112.03 Such industrial waste, by-product or co-product fertilizer materials that have been declared safe for use on agricultural land and public contact site(s), by the appropriate regulatory jurisdiction may be approved for permitting and registration by the Commissioner and State Chemist and shall be subject to inspection, sampling, reporting, etc. as required for any other commercial fertilizer products. Documented approval of the safety of such industrial waste, by-product or co-product fertilizer material by the responsible regulating agency(ies) shall be furnished by applicant to the Commissioner and State Chemist annually at the time of product registration.

(Adopted 1995.)

112.04 The Commissioner and State Chemist shall not issue a manufacturer permit or register any Industrial Waste Product, By-Product or Co-Product fertilizer material which has been permitted and approved for restricted use by the Mississippi Department of Environmental Quality, Mississippi Department of Health or U.S. Environmental Protection Agency or any other agency of the state or federal governments who exercises regulatory authority over such products or the company producing such products.

(Adopted 1995.)

Source: *Miss. Code Ann.* §75-47-27.

Advisory Council Establishment, Composition, and Duties.

113.01 In accordance with Section 75-47-7 (4)(5) and Section 75-47-9 (1)(2) of the Mississippi Fertilizer Law of 1970, the Commissioner and State Chemist do hereby establish an advisory council. The Commissioner, State Chemist, and Director of the Mississippi Agricultural and Forestry Experimental Station may rely on the advisory council as an outside source for assistance in the evaluation and scientific review of fertilizer product guarantees or claims for the establishment of minimum amounts of plant nutrients which may be guaranteed, ratios of fertilizer elements, and minimum analysis grades of mixed fertilizer adequate to meet the agricultural needs of the state.

(Adopted 1995.)

113.02 The Advisory Council shall be composed of scientists and experts in agronomy, horticulture, soil science, plant physiology, and other related agricultural and biochemical disciplines as needed, as recommended to the Commissioner and State Chemist by the Directors of the Mississippi Agricultural and Forestry Experiment Station and the Mississippi Cooperative Extension Service.

(Adopted 1995.)

113.03 Such Advisory Council members may meet with the Commissioner and State Chemist at hearings called for the purpose of adopting Rules or Regulations as provided under terms of this Law, and at such other times as needed.

(Adopted 1995.)

113.04 Among Advisory Council members' duties, but not to the exclusion of others, as may be requested by the Commissioner and State Chemist, are:

1. Provide scientific review, advice, and independent scientific experimental data where available, on all claims made by applicant(s) for registration of specific products under this law at the time of application for registration, or claims subsequently made by the registrant in labeling and advertising.
2. Provide review, advice, and comment on labels and all labeling (including brochures, newsletters, TV, radio, and other advertising, attached to the product or distributed in the state in any way in connection with any product subject to registration or regulation by this law.
3. Provide recommendations and advice on minimum amounts of plant nutrients which may be guaranteed, fertilizer grades and ratios, and minimum analysis grades of mixed fertilizer or fertilizer ingredients adequate to meet the agricultural needs of the state.

(Adopted 1995.)

Source: *Miss. Code Ann.* §75-47-27.