

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

CHAPTER 30. CONSUMER PROTECTION

SUBCHAPTER 29. FERTILIZER

35:30-29-22. General

(a) Registration and renewal. Registrants shall register or renew fertilizer products using one of the following methods:

(1) Registrants may electronically register or renew the registration for fertilizer products at the website, www.kellysolutions.com/erenewals, and pay any applicable fees online. Product labels, revised product labels, efficacy data when required, and uniform product codes when available shall be submitted during the electronic process.

(2) Registrants may register or renew the registration for fertilizer products by submitting a registration application or renewal application directly to the Department on a form approved by the Department. Any applicable fees shall accompany the applications. Product labels, revised product labels, efficacy data when required, and uniform product codes when available shall be submitted with the applications. Product labels, revised product labels, and efficacy data when required shall be submitted in pdf format.

~~(a)~~ **(b) Guarantee requirements.** Other plant nutrients 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 to the Board upon request. Except guarantees for those water soluble nutrients labeled for ready to use foliar fertilizer, ready to use specifically liquid fertilizer, hydroponic, or continuous liquid feed programs and guarantees for potting soils, the minimum percentages that shall be accepted for registration are as follows:

- (1) Calcium (Ca) - 1.0000%
- (2) Magnesium (Mg) - 0.5000%
- (3) Sulfur (S) - 1.0000%
- (4) Boron (B) - 0.0200%
- (5) Chlorine (Cl) - 0.1000%
- (6) Cobalt (Co) - 0.0005%
- (7) Copper (Cu) - 0.0500%
- (8) Iron (Fe) - 0.1000%
- (9) Manganese (Mn) - 0.0500%
- (10) Molybdenum (Mo) - 0.0005%
- (11) Sodium (Na) - 0.1000%
- (12) Zinc (Zn) - 0.0500%

~~(b)~~ **(c) Guarantees for plant nutrients.** Only guarantees or claims for the above listed plant nutrients recognized by AAFPCO shall be accepted. Proposed labels and directions for the use of the fertilizer shall be furnished with the application for registration upon request. Any of the above

listed elements that are guaranteed shall appear in the order listed and shall immediately follow guarantees for the primary nutrients of nitrogen, phosphate, and potash.

(e) **(d) Warning or caution statement.** A warning or caution statement may be required for any product which contains a nutrient in water soluble form when there is evidence that the micro-nutrient is present in excess of a guaranteed percentage that may be harmful to certain crops or where there are unusual environmental conditions.

(e) **(e) Examples of warning or caution statements:**

(1) Directions: Apply this fertilizer at a maximum rate of (number of pounds) per acre for (name of crop).

(2) CAUTION: Do not use on other crops. The (name of micro-nutrient) may cause injury to them.

(3) CAUTION: Apply this fertilizer at a maximum rate of (number of pounds) per acre for (name of crop). Do not use on other crops; the (name of micro-nutrient) may cause serious injury to them.

(4) WARNING: This fertilizer carries added (name of micro-nutrient) and is intended for use only on (name of crop). Its use on any other crops or under conditions other than those recommended may result in serious injury to the crops.

(5) CAUTION: This fertilizer is to be used only on soil which responds to (name of micro-nutrient). Crops high in (micro-nutrient) are toxic to grazing animals (ruminants).

(6) CAUTION: (Name of micro-nutrient) is recommended for all crops where (name of micro-nutrient) may be deficient; however, excessive application to susceptible crops may cause damage.

(e) **(f) Fertilizer labels.** The following information, in the format presented in Appendix A of this Chapter, is the minimum required for all fertilizer labels. For packaged products, this information shall either (1) appear on the front or back of the package, (2) occupy at least the upper-third of a side of the package, or (3) be printed on a tag and attached to the package. This information shall be in a readable and conspicuous form. For bulk products, this same information in written or printed form shall accompany delivery and be supplied to the purchaser at time of delivery.

(1) Net weight

(2) Brand

(3) Grade

(4) Guaranteed Analysis

(5) Sources of nutrients shall be listed below the completed guaranteed analysis statement.

(6) Name and address of registrant or licensee.

(7) Directions for use for fertilizer to the end user shall follow the guidelines established by the Association of American Plant Food Control Officials.

(e) **(g) Plant nutrients.** When a plant nutrient is broken down into the component forms, the percentage for each component shall be shown before the name of the form as illustrated in Appendix B of this Chapter.

(Possible insert)

(e) **(h) Slowly released plant nutrients.**

(1) No fertilizer label shall bear a statement that implies that certain plant nutrients contained in a fertilizer are released slowly over a period of time, unless the slow release

components are identified and guaranteed at a level of at least 15% of the total guarantee for that nutrient.

(2) Types of products with slow release properties recognized are (1) water insoluble, such as natural organics, ureaform materials, urea-formaldehyde products, isobutylidene diurea, oxamide, etc., (2) coated slow release, such as sulfur coated urea and other encapsulated soluble fertilizer, (3) occluded slow release, where fertilizer or fertilizer materials are mixed with waxes, resins, or other inert materials and formed into particles and (4) products containing water soluble nitrogen such as ureaform materials, urea formaldehyde products, methylenediurea (MDU), dimethylenetriurea (DMTU), dicyanodiamide (DCD), etc. The terms "water insoluble", "coated slow release", "slow release", "controlled release", "slowly available water soluble", and "occluded slow release" are accepted as descriptive of these products, provided the manufacturer can show a testing program substantiating the claim (testing under guidance of Experiment Station personnel or a recognized reputable researcher acceptable to the Board.) A laboratory procedure, acceptable to the Board for evaluating the release characteristics of the product(s) shall also be provided by the manufacturer.

(3) Until more appropriate methods are developed, AOAC International Method 970.04 (15th Edition) is to be used to confirm the coated slow release and occluded slow release nutrients and others whose slow release characteristics depend on particle size. AOAC International Method 945.01 (15th Edition) shall be used to determine the water insoluble nitrogen of organic materials.

(h) (i) **Definitions.** Except as the Board designates in specific cases, the names and definitions for commercial fertilizer shall be those adopted by the Association of American Plant Food Control Officials.

(i) (j) **Percentages.** The term of "percentage" by symbol or word, when used on a fertilizer label shall represent only the amount of individual plant nutrients in relation to the total product by weight.

(i) (k) **Penalties.** When the combined commercial value for total nitrogen, available phosphoric acid or phosphate P₂O₅, and soluble potash is found to be 4% or more deficient from the guarantee, or when any one of the above is found to be 10% deficient from the guarantee, the penalty assessed the manufacturer, or custom blender shall be twice the commercial value of the nutrient deficiency. Penalties shall be assessed in accordance with the AAPFCO formula: a 4% penalty is calculated at twice the value of the deficiency times total tons (i.e., 5 tons of 34-0-0 found to be 30.97-0-0 is 2 x \$12.12 x 5); a 10% penalty is calculated at twice the units deficient times the value per unit times total tons (i.e., 5 tons of 27-13-13 found to be 23.26-13-13 is 2 x 3.76 x commercial value x 5). When a fertilizer is subject to a penalty payment under both 4% and 10%, the larger penalty shall be assessed.

(1) A deficiency in an official sample of mixed fertilizer resulting from non-uniformity is not distinguishable from a deficiency due to actual plant nutrient shortage and is properly subject of official action.

(2) The commercial values of fertilizer shall be established by the Board for calculating penalties.

(3) Penalty assessment refunds shall be documented by receipts signed by the consumer acknowledging the refund or credit, and shall be furnished to the Board within forty-five (45) days after receiving notice of the penalty assessed. If the consumer(s) cannot be found,

the penalty (or amount not refunded) shall be paid to the Board within forty-five (45) days after receiving notice of the penalty assessed.

~~(k)~~ **(l) Organic nitrogen.** If an amount of nitrogen is designated as organic, then the water insoluble nitrogen or the slow release nitrogen guarantee shall not be less than 60% of the nitrogen so designated. Coated urea shall not be included in meeting the 60% requirement.

~~(j)~~ **(m) Discharges.** For the purpose of protecting surface and groundwater, any discharge of two hundred (200) pounds of dry or fifty-five (55) gallons or more of liquid fertilizer shall be reported (telephone or fax) to the Board or its authorized agent within 24 hours if discharged outside the loading, transfer or application area.

~~(m)~~ **(n) Accidental discharge response plan for dry, liquid, and anhydrous ammonia.** The operator of a commercial storage facility shall prepare a written "Discharge response plan" for the storage facility. The plan shall include:

- (1) The identity and telephone number of the persons or agencies who are to be contacted in the event of a discharge, including persons responsible for the stored fertilizer; and,
- (2) For each bulk fertilizer stored at the facility, a complete copy of the storage container labeling required by these rules and the labeling required under Oklahoma Fertilizer Law to accompany sale of the fertilizer; and,
- (3) An identification, by location, of every storage container located at the storage facility, and the type of bulk fertilizer stored in each storage container; and,
- (4) For each type of bulk fertilizer stored at the facility, the procedures to be used in controlling and recovering, or otherwise responding to a discharge; and,
- (5) Procedures to be followed in using or disposing of a recovered discharge.

~~(n)~~ **(o) Availability.** A copy of the discharge response plan shall be kept readily available at the storage facility and at the nearest local office from which the storage facility is administered.

~~(o)~~ **(p) Community awareness.** The operator of a commercial storage facility shall inform the local fire and police departments, and the appropriate state environmental agency, of the existence of the plan and shall provide a current copy of the plan to the local fire and police departments and the appropriate state environmental agency.

SUBCHAPTER 30. SOIL AMENDMENT

35:30-30-2. Registration and fees

(a) Each soil amendment product shall be registered with the Board prior to distribution on a registration document supplied by the Board. Registrants shall register or renew soil amendment products using one of the following methods:

(1) Registrants may electronically register or renew the registration for soil amendment products at the website, www.kellysolutions.com/erenewals, and pay any applicable fees online. Product labels, revised product labels, efficacy data, and uniform product codes when available shall be submitted during the electronic process.

(2) Registrants may register or renew the registration for soil amendment products by submitting a registration application or renewal application directly to the Department on a form approved by the Department. Any applicable fees shall accompany the applications. Product labels, revised product labels, efficacy data, and uniform product codes when available shall be submitted with the applications. Product labels, revised product labels, and efficacy data shall be submitted in pdf format.

- (b) All registrations expire on December 31st of the year registered.
- (c) No product name shall be registered that misrepresents the product's primary component or component formulation.
- (d) Each product name shall refer to a specific formulation; different product names may refer to the same specific formulation. Products for which formulations change or are modified beyond the ranges reported in the registration document shall either be reregistered with a name that distinguishes them from the previous formulation, or production and distribution of the previous formulation shall cease.
- (e) Reregistered products shall be accompanied by a new registration document for that formulation.
- (f) Each product registration document shall be accompanied by a label or facsimile of a label for that product as named. If the same product is sold in more than one size, only one label sample shall be submitted.
- (g) The Board shall not issue and may revoke any soil amendment registration if the Board determines the registration is for the primary purpose of disposal of the product or substance.
- (h) The registration fee shall be One Hundred Dollars (\$100.00) for each product.
- (i) If the Board finds that any soil amendment product is not registered, a penalty of One Hundred Dollars (\$100.00) per product shall be assessed. The penalty shall be added to the registration fee and payment shall be made within thirty (30) days after receipt of notice.

SUBCHAPTER 45. SCRAP METAL DEALERS

35:30-45-3. License required

- (a) No person or entity shall act, offer to act, or hold himself or herself out as a scrap metal dealer in this state unless the person holds a license obtained from the Department.
- (b) Any person or entity who intends to become a scrap metal dealer shall obtain a license prior to operation.
- (c) A separate license shall be required for each yard.
- (d) The license shall begin on November 1 or on the date of issuance and shall expire on October 31 of each calendar year.
- (e) Applicants submitting a renewal after October 31 shall be assessed late penalty of double the renewal fee.
- ~~(f)~~ (f) If the scrap metal dealer is a firm, corporation, or other legal entity; the scrap metal dealer shall designate a scrap metal dealer's representative to act as a contact person for the agency. The scrap metal dealer's representative shall be a natural person with the legal authority to bind the entity in a contract.
- ~~(g)~~ (g) Any person or entity who does not meet the definition of a scrap metal dealer but chooses to voluntarily obtain a license shall comply with all rules as though they do meet the definition of a scrap metal dealer.

35:30-45-9. Purchases, Sales & Records

- a. A scrap metal dealer shall conduct business and maintain records of all business transactions in a manner consistent with the provisions of the Oklahoma Scrap Metal Dealers Act.

- b.) A scrap metal dealer purchasing a vehicle from any person shall be required to record the make, model, license tag number and vehicle identification number of the purchased vehicle. A person selling a vehicle to a scrap metal dealer shall be required to present to the dealer the title of the vehicle or a certificate of ownership form, as approved by the Oklahoma Tax Commission and available at the Oklahoma Tax Commission or through a motor license agent, in addition to signing a declaration of ownership as required by O.S. §2-11-92v2. The provisions of this subsection shall not apply to sales, purchases or other transfer of vehicles between scrap metal dealers and licensed automotive dismantlers and parts recyclers.
- c.) Scrap Metal Dealers using an online recording method for all record keeping shall use Leads Online, www.leadsonline.com as the internet based reporting method.