Print Form

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Fertilizer License and Registration Requirements

Title 3, Chapter 2, Article 3
A.R.S. 3-268 &3-272

The following lists the requirements from the Arizona Fertilizer Materials Act and Rules to distribute commercial fertilizers in the state of Arizona.

1. A Commercial Fertilizer License (fee $125.00 per year) must be secured for each company whose name appears on the label. In addition a license is required for each facility within the state that "manufactures" fertilizer products in that company's name. Effective July 1, 2000 the license period is July 1 through June 30 of each year and will be one or two years in length at the applicant's option. Once the license application is received and found to be complete, the license will be issued.

2. Registration is required, in addition to licensing, for all specialty fertilizers (fee $50.00 per brand and grade), and a copy of each label must accompany the registration application. The registration application will be issued once it is received and found to be complete.

Specialty fertilizers are fertilizer products that are distributed for non-farm use, including home, gardens, lawns, golf courses, parks, cemeteries, and non-commercial growers. Each specialty fertilizer registration expires on June 30, and shall, at the option of the applicant, be valid for 1 or 2 years. If the applicant elects a 2-year specialty fertilizer registration, any additional fertilizer registered during that 2-year registration period shall have the same registration end date as other fertilizer products currently registered by that applicant with the Department. **If License is only renewed for a 1-year period then Product can only be registered for a 1-year.**

Fertilizers distributed only for agricultural purposes do not require registration, however we must have a copy of the labels for these products in the department's file. Use of the product determines whether it is a specialty (non-agricultural) or agricultural fertilizer. An agricultural fertilizer used on a golf course would be considered a specialty fertilizer.

3. Quarterly tonnage reports are also required, together with a tonnage fee at the rate of .25 cents per ton. The report must be filed along with a minimum $2.00 fee, even if there is no distribution during the quarter. Failure to file, even with no distribution, will result in a minimum $10.00 late fee penalty or 10% of the amount due, whichever is greater. The forms are pre-addressed and sent to each licensee during the last month of each quarter. This form must be filed by the end of the month following the quarter.

Enclosed is a copy of the Arizona Fertilizer Material Act and Rules, an Application for commercial Fertilizer License and an Application for Registration of Specialty Fertilizers. If you have any questions, please contact our customer service specialist at (602) 542-0965 or Gary Christian at (602) 542-0903.

Gary Christian
License Program Manager

Arizona Department of Agriculture (ADA)
Licensing and Registration Section
1688 West Adams, Phoenix, Arizona 85007
Phone: (602) 542-0814
Fax: (602) 542-0466

For ADA/ESD Use Only
License # _____
Check # _____
Check Date _____
Check Amount _____
Line # _____

Application for Registration of Specialty Fertilizers

ARS 3-272; AAC R3-3-802

For the year ending June 30, _____ : ☐ One year ☐ Two years NOTE: Registration period cannot exceed license period.

Name and Address of Applicant	Name and Address of Company appearing on labels

Submit a separate application for each company appearing on labels. Application is hereby made for a certificate of registration for the listed fertilizers.

$_____ is enclosed to cover the fee of $50 per fertilizer brand and grade for each year of the registration period (Please make check payable to Arizona Department of Agriculture/ESD.)

Grade N - P - K	Brand and Name of Product
(Example) 1-1-1	1 Acme's Best, Violet Food
	2
	3
	4
	5
	6
	7
	8
	9
	10
	11
	12

By (Print or type)_____ Title_____ Federal Tax ID# _____

Signature/date_____ Phone_____ Fax_____

Email _____

RETURN ORIGINAL APPLICATION WITH A COPY OF EACH LABEL BEING REGISTERED TO THE ABOVE ADDRESS

Photocopy this form if more space is needed

	For ADA/ESD use only	
Total Labels Registered	Label(s) Reviewed? ☐ Yes ☐ No	Reviewers Initials and Date

rev 08/09/11

ARIZONA DEPARTMENT OF AGRICULTURE
ENVIRONMENTAL SERVICES DIVISION
1688 W. Adams, Phoenix, Arizona 85007
602/542-0965 Fax: 602/542-0466

FOR ADA/ESD USE ONLY

License No.: _____
Check #: _____
Check Date: _____
Check Amount: $ _____
Line #: _____

NEW - COMMERCIAL FERTILIZER LICENSE APPLICATION

Company Name: _____

Division: _____

Fed. Tax ID#: * _____ **E-mail:** _____

Mailing Address: _____

Physical Address: _____

PHONE: _____ **FAX:** _____

If tonnage fees are not paid from Licensee's mailing address, please provide proper address below:

Division or c/o: _____

Tonnage Address: _____

PHONE: _____ **FAX:** _____

* Application will not be processed without a tax ID number.

Under A.R.S. 3-272, no person may manufacture or distribute commercial fertilizer in this state without a commercial fertilizer license from the division. A separate application is necessary for a commercial fertilizer license for each manufacturing facility.

Return this form with the appropriate fee to the above address. Payment may be made by check to the Arizona Department of Agriculture-ESD. The Department is required by law to process completed applications within fourteen days from date received. Incomplete applications will be returned.

Does your company manufacture and/or distribute specialty fertilizers in Arizona? ☐ **YES *** ☐ **NO**

License $125 per year: ☐ **1 year** ☐ **2 years**

Under AAC R3-3-802(C)(2)(e) a manufacturer or distributor whose name appears on a specialty fertilizer label must submit a copy of eac specialty fertilizer label that will be registered in Arizona (a replicate of your proof sheet, either by hard copy or in electronic format may substitute). Do NOT submit the actual containers or packaging. In addition, please provide a list of all commercial fertilizer products, by brand name and grade, that will be distributed in Arizona.

Applicant Name/Title: _____

The undersigned hereby makes application for a new commercial fertilizer license, pursuant to A.R.S. 3-272. By my signature below I agree to conduct business as a commercial fertilizer licensee pursuant to Title 3, Arizona Revised Statutes and rules adopted pursuant thereto. The information contained in this application is true and accurate to the best of my knowledge. I understand that providing false informatio is a felony in Arizona.

Signature: _____ **Date:** _____

Arizona Revised Statues

ARS 3-261. Applicability of article

The provisions of this article shall apply to any substance or mixture of substances intended to be used for promoting or stimulating the growth of plants, increasing the productiveness of plants, improving the quality of crops or producing any chemical or physical change in the soil. Except as provided in section 3-274, this article shall not apply to sales for export outside the state nor to sales of agricultural minerals to any licensed producer, manufacturer, importer, agent or dealer in agricultural minerals, or to sales of fertilizing materials to any licensed producer, manufacturer, importer, agent or dealer in commercial fertilizers, but such exemptions shall not relieve such licensed persons from the tonnage license fee provided for in section 3-268 when purchased fertilizing materials are used upon their own lands within this state.

ARS 3-262. Definitions

A. As used in this article the substances and mixtures of substances referred to in section 3-261 are defined as follows:

1. "Animal manures" means the excreta of domestic animals or domestic fowls when not artificially mixed with any material or materials other than those that have been used for bedding, sanitary or feeding purposes for the animals or fowls or for the preservation of animal manure.
2. "Commercial fertilizer" means any substance that contains one or more recognized plant nutrients, that is used for its plant nutrient content and that is designed for use or claimed to have value in promoting plant growth, except unmanipulated animal and vegetable manures, and other products exempted by rule.
3. "Fertilizer material" means any substance or mixture of substances intended to be used for promoting or stimulating the growth of plants, increasing the productiveness of plants, improving the quality of crops or producing any chemical or physical change in the soil.

B. In this article, unless the context otherwise requires:

1. "Associate director" means the associate director of the environmental services division of the Arizona department of agriculture.
2. "Brand" means a term, design or trademark used in connection with one or several grades of commercial fertilizer.
3. "Bulk" means fertilizer materials delivered to the purchaser in the solid or liquid state, in a nonpackaged form to which a label cannot be attached.
4. "Distributor" means any person, who offers for sale, sells, barters, solicits business or otherwise supplies fertilizer materials.
5. "Grade" means the percentage of total nitrogen, available phosphate or soluble potash stated in whole numbers in the same terms, order and percentages as in the guaranteed analysis. Fertilizer materials, bone meal, manures and similar raw materials may be guaranteed in fractional units.
6. "Manufacture" means to compound, produce, granulate, mix, blend or alter the composition of fertilizer materials.
7. "Mixed fertilizer," means any combination of fertilizer materials coming within the classification of commercial fertilizers.
8. "Official sample" means any sample of fertilizer materials taken by the associate director or the associate director's agent and designated as official by the associate director.
9. "Per cent" or "percentage" means the percentage by weight.
10. "Person" includes individual, partnership, association, firm or corporation.
11. "Primary plant nutrient" means total nitrogen, available phosphate or soluble potash.
12. "Sell" or "sale" includes exchange.
13. "Ton" means a net weight of two thousand pounds avoirdupois. The director may, after opportunity for hearing, define weights in the metric system.

ARS 3-263. Fertilizer labeling regulation; state preemption

The provisions of this article and the rules that implement this article are of statewide concern. The labeling of fertilizers and other substances regulated pursuant to this article are not subject to further regulation by a county, city, town or other political subdivision of this state.

ARS 3-264. Enforcement and administrative powers

A. The associate director may refuse to license or may cancel the license of any distributor who violates any provision of this article. The director shall review the associate director's action on request of any person adversely affected by the action.

B. The director may, after an opportunity for a hearing:

1. Determine and publish at least annually the values per unit of weight of nitrogen, phosphorus and potassium in commercial fertilizers in the state for the purpose of assessing penalties on commercial fertilizers under the provisions of section 3-276.

2. Adopt rules that the director deems necessary for the efficient administration and enforcement of this article, including the collection and examination of samples of fertilizer materials, and rules pertaining to composition and use of fertilizer materials, including, without limiting the foregoing general terms, the establishment of tolerances, deficiencies and penalties where not specifically provided for in this article.

3. Prohibit the sale or use in fertilizer materials of any substance proven to be detrimental to agriculture.

4. Provide for incorporating into commercial fertilizers other substances as pesticides and provide for proper labeling of the mixture.

5. Prescribe the information which shall appear on the tag, other than as specifically set forth in this article.

ARS 3-265. Rules; advisory committee

A. If before adopting rules pursuant to this article, the director determines that it is necessary or desirable, the director may appoint an advisory committee pursuant to section 3-106.

B. Any licensee, distributor or person offering for sale or selling fertilizer materials in the state may propose a rule and such proposal shall be acted upon within a reasonable time, not exceeding sixty days, after it is filed. Any interested person shall have an opportunity to appear before the director in person or through an attorney for the purpose of discussing such proposed rule.

ARS 3-266. Annual reports and publications; membership in professional organizations

A. The director may provide for publishing at such times and in such form as he deems proper information concerning the sale of fertilizer materials together with such data on their production and use as he considers advisable, and a report of the monies received and expended, but the information concerning production and use of fertilizer materials shall not disclose the operations of any one person. Reports of chemists' findings based on official samples of each brand of fertilizer material sampled and analyzed during the year as compared to the guaranteed chemical analysis for each such fertilizer material shall be published annually as promptly as possible after January 1 each year.

B. The director may authorize employees of the division to join and subscribe to any state, district, regional or national organizations or publications relating to sale and distribution or control of sale and distribution of fertilizer materials, and attend state, district, regional and national meetings relating to sale and distribution or control of sale and distribution of fertilizer materials.

C. Expenses authorized by this section shall be paid from and limited by the fertilizer materials fund.

ARS 3-267. Inspections; official samples; analysis; report

A. The director, who may act through an authorized agent, shall sample, inspect and make analyses of fertilizer materials distributed within the state at such time and place and to such an extent as the director deems necessary to determine whether or not such fertilizer materials are in compliance with the provisions of this article. The director, individually or through an agent, may enter upon any public or private premises

during regular business hours in order to have access to such fertilizer materials subject to the provisions of this article and the rules pertaining to this article.
B. The director, in determining for administrative purposes whether or not fertilizer materials are deficient in any of their component parts, shall be guided solely by the official sample as defined in section 3-262, subsection B, and obtained and analyzed as provided in subsection A of this section.
C. The results of official analyses of any fertilizer material which has been found to be subject to penalty or other legal action shall be forwarded by the director to the licensee or other responsible person and to the purchaser forthwith. Upon request within thirty days of the issuance of the analytical report, the director shall furnish to the licensee or other responsible person a portion of any sample found subject to penalty or other legal action.

ARS 3-268. Inspection fees and reports; classification
A. An inspection fee at the rate of twenty cents per ton shall be paid to the department on commercial fertilizers distributed in this state by any person subject to the following:
1. If more than one distributor is involved in the chain of distribution, the one who sells directly to the ultimate consumer or to a distributor exempted from a license is responsible for submitting the tonnage report and the payment of inspection fees.
2. Distributors exempt from a license shall not be responsible for the filing of tonnage reports or the payment of the inspection fees for products purchased from a licensee and sold in the form in which received.
3. No inspection fees are required for commercial fertilizers sold or exchanged between licensed manufacturers for further manufacturing or processing, or for commercial fertilizers on which the inspection fee has been paid by a previous manufacturer or distributor in the chain of distribution.
4. The minimum inspection fee shall be two dollars per quarter.
5. The director may, after opportunity for hearing, decrease or increase the inspection fee provided in this section, but at no time shall the rate exceed twenty-five cents per ton.
B. Each person who is liable for the payment of such fee shall:
1. File, not later than the last day of January, April, July and October of each year, a quarterly statement, setting forth the number of net tons of commercial fertilizers distributed in this state during the preceding calendar quarter. Upon filing the statement such person shall pay the inspection fee at the rate stated in subsection A of this section. Inspection fees which are due and owing and have not been remitted to the department within thirty days following the date due shall have a penalty fee of ten per cent or ten dollars whichever is larger added to the amount due when payment is finally made. The assessment of this penalty fee shall not prevent the director from taking other actions pursuant to this article.
2. Keep such records as may be necessary or required by the director to indicate accurately the tonnage of commercial fertilizer distributed in this state. The director shall have the right to examine such records to verify statements of tonnage. Failure to make an accurate statement of tonnage or to pay the inspection fee or comply as provided in this section shall constitute cause for cancellation of any or all commercial fertilizer licenses on file for the distributor.
C. Fees collected shall constitute a fund for the payment of the costs of inspection, sampling, analysis and other expenses necessary for the administration of this article.
D. The director or any officer or employee of the state whose duties require the compilation of reports based upon the information required by this section who knowingly compiles or issues any false information or report, or who knowingly, directly or indirectly, discloses information thus obtained regarding the business of any person, except with the consent of such person, or in the form of unidentifiable totals, or as authorized by section 3-266, is guilty of a class 2 misdemeanor.

ARS 3-269. Fertilizer materials fund

A. The fertilizer materials fund is established. Except as provided in section 3-272, subsection B, paragraph 2, all monies collected under the provisions of this article shall be deposited, pursuant to sections 35-146 and 35-147, in the fund.
B. The director shall administer the fund. On notice from the director, the state treasurer shall invest and divest monies in the fund as provided by section 35-313 and monies earned from the investment shall be credited to the fund.
C. The fund shall be used solely for the purpose of administering the provisions of this article upon the order of the director.
D. The fertilizer materials fund shall be exempt from the provisions of section 35-190 relating to lapsing appropriations.

ARS 3-271. Restrictions upon enforcing officers
No person charged with the enforcement of any of the provisions of this article shall be directly or indirectly interested in the sale, manufacture or distribution of any fertilizer material.

ARS 3-272. Commercial fertilizer license; specialty fertilizers
A. No person may manufacture or distribute commercial fertilizer in this state without a commercial fertilizer license from the division, except that no license shall be required of persons distributing only:
1. Commercial fertilizers to licensed manufacturers for further manufacturing.
2. Packaged commercial fertilizer in the original packages or containers of a licensee as packaged and labeled by the licensee.
3. Bulk commercial fertilizer in the form received from a licensee and labeled as required with label information furnished by the licensee, except for a net weight statement.
B. Applications for a license shall be made on forms prescribed by the director listing each business location used in the manufacture or distribution of commercial fertilizer in this state and such other information the director requires. Applications shall be accompanied by a license fee of one hundred twenty-five dollars per year for each separate place of business used in the manufacture of commercial fertilizers in this state. Applications of manufacturers or distributors having no established place of business in this state, but otherwise subject to a license under this section, shall be accompanied by a license fee of one hundred twenty-five dollars per year. All licenses issued through 1998 shall expire on the last day of February of the following year. Beginning in 1999, the director may provide by rule for licenses having a term of one or more years and may prescribe the date on which licenses expire. Licenses are not transferable and no credit or refund may be granted for licenses held for less than a full license year. Monies collected from license fees shall be allocated as follows:
1. Twenty-five dollars for each year of the license term shall be allocated pursuant to section 3-269.
2. One hundred dollars for each year of the license term shall be deposited in the water quality assurance revolving fund established by section 49-282.
C. In addition to the requirements of subsections A and B of this section, the manufacturer or distributor whose name appears on the label of a specialty fertilizer shall register each specialty fertilizer with the division. The director may provide by rule for multiyear licenses. Applications for registration shall be accompanied by a registration fee of fifty dollars per year per brand and grade of specialty fertilizer. The director may, after opportunity for hearing, decrease or increase the registration fee prescribed by this subsection but at no time shall the rate exceed one hundred dollars per year. For purposes of this subsection, "specialty fertilizer" means a commercial fertilizer, which is distributed, for nonfarm use, including home gardens, lawns, golf courses, parks and cemeteries.

ARS 3-273. Labeling

A. Any commercial fertilizer offered for sale, sold or distributed in this state in bags, barrels or other containers shall have placed on or affixed to the container in printed form either on tags affixed to the end of the package on the sewed end or directly on the package the following information:
1. Name and address of licensee.
2. Brand name.
3. Grade as required by regulation.
4. Guaranteed analysis.
5. Net weight.
B. If distributed in bulk, a written or printed statement showing the net weight and the information required by paragraphs 1, 2, 3 and 4 of subsection A of this section shall accompany the delivery and be supplied to the purchaser.
C. In case of liquid materials, in lieu of stating the net weight as required in subsections A and B of this section, the net contents may be given in terms of liquid measure if the weight per gallon in terms of pounds per gallon at sixty-eight degrees Fahrenheit or the specific gravity at twenty degrees Celsius is also given.

ARS 3-274. Label as warranty
Any label or descriptive tag attached to a lot, parcel or package of commercial fertilizer, agricultural mineral or other fertilizer material carrying a chemical analysis or claims for other values shall be deemed a warranty as to the things stated thereon by the person attaching the label or tag in favor of the buyer and of each successive buyer purchasing the goods relying thereon.

ARS 3-275. Guaranteed analysis required in licensing and labeling
A. The guaranteed analysis of a commercial fertilizer shall state the represented percentages of nitrogen, available phosphate and soluble potash if claimed. The percentage of phosphate shall be expressed in terms of phosphorus pentoxide and the percentage of potash in terms of potassium oxide.
B. The guaranteed analysis for other commercial fertilizers shall be represented as required by rule.

ARS 3-276. Deficiencies in guaranteed analysis; penalties payable to consumer
A. If the analysis of any fertilizer material shows a deficiency in any constituent other than a primary plant nutrient of not more than five per cent of the guaranteed total percentage of the constituent, the statement of the licensee, distributor or other person, as required by this article, is not false within the meaning of this article. When the deficiency exceeds five per cent the purchaser shall be entitled to a refund based on the percentage of the deficiency.
B. If the analysis of any commercial fertilizer shows a deficiency in the guaranteed analysis in any one primary plant nutrient, a penalty shall be assessed in accordance with the following provisions:
1. Total nitrogen: A penalty of three times the value of the deficiency, if the deficiency exceeds the investigational allowances.
2. Available phosphate: A penalty of three times the value of the deficiency, if the deficiency exceeds the investigational allowances.
3. Soluble potash: A penalty of three times the value of the deficiency, if the deficiency exceeds the investigational allowances.
C. The director shall establish by rule investigational allowances for primary plant nutrients.
D. Nothing contained in this article shall prohibit any person from appealing according to law.
E. All penalties assessed under this section shall be paid to the consumer of the lot of fertilizer material represented by the sample analyzed within three months after the date of notice from the department to the licensee or other responsible person and receipts taken therefor and promptly forwarded to the department. If the consumer cannot be found, the amount of the penalty shall be paid to the department. The director shall deposit, pursuant to sections 35-146 and 35-147, the penalty receipts in the state general fund.

ARS 3-278. Materials containing unavailable plant food and undesirable substances
A. No person shall sell as a commercial fertilizer or as an ingredient thereof any leather, hair, hoofs, horns, wool waste or other substances containing inert plant food material unless there is affixed to every lot, parcel or package a label stating that it contains such substance.
B. No person shall sell any manure to which water or any material or substance not commonly used for bedding of domestic animals or fowls, for sanitary or feeding purposes, or for the preservation of manures, has been artificially added unless there is affixed to every lot or container delivered to a particular purchaser a statement of the fact that such artificial addition has been made.

ARS 3-279. Cease and desist order
A. If the director has reasonable cause to believe from investigation that any fertilizer material is being offered or exposed for sale in violation of any of the provisions of this article, the director may serve the person a cease and desist order requiring such person, on receiving the notice, to immediately cease and desist from such act. The order shall be served by any method of service authorized by the Arizona rules of civil procedure.
B. After service is made upon such person of a cease and desist order, the person or the director may file an action in the superior court in the county in which a violation of this article is alleged to have occurred, for an adjudication of the alleged violation. The court may issue temporary or permanent injunctions, mandatory or restraining, and intermediate orders it deems necessary. The action shall be tried de novo.

ARS 3-280. Seizure, condemnation and sale of noncomplying materials
Any lot of fertilizer material not in compliance with the provisions of this article shall be subject to seizure upon complaint of the director to a court of competent jurisdiction in the area in which the fertilizer material is located. If the court finds the fertilizer material to be in violation of this article and orders the condemnation of the fertilizer material, it shall be disposed of in any manner consistent with the quality of the fertilizer material and the laws of the state, but in no instance shall the disposition of the fertilizer material be ordered by the court without first giving the claimant an opportunity to apply to the court for release of the fertilizer material or for permission to process or relabel the fertilizer material to conform it with this article.

ARS 3-281. False or misleading statements
It is unlawful to distribute a misbranded fertilizer material. A fertilizer material is misbranded if it carries any false or misleading statement upon or attached to the container, or if false or misleading statements concerning its agricultural value are made on the container or in any advertising matter accompanying or associated with the fertilizer material.

ARS 3-282. Short weight
If any fertilizer material in the possession of the consumer is found by the director to be short in weight, the licensee or distributor of the fertilizer material shall, within thirty days after official notice from the department, pay to the consumer a penalty equal to four times the value of the actual shortage.

ARS 3-283. Violations; notice; criminal classification; injunctive relief
A. If it appears from the examination of any fertilizer material that any of the provisions of this article or the rules adopted under this article have been violated, the director shall pursue one or more of the following courses of enforcement, as appropriate:
1. The director may cause notice of the violation to be given to the licensee or person responsible for placing the fertilizer material on sale. Any person so notified shall be given opportunity to be heard. If the hearing officer finds, either in the presence or absence of the person so notified, that any of the provisions of this

article or rules adopted under this article have been violated, the director may certify the facts to the department legal counsel or the county attorney.
2. The director may request the county attorney to initiate criminal prosecution under this paragraph. Any person who knowingly violates any provision of this article or the rules adopted under this article is guilty of a class 2 misdemeanor.
3. Nothing in this article shall be construed as requiring the director or the director's representative to report for prosecution or for the institution of seizure proceedings minor violations of this article if the director believes that the public interest will be best served by a suitable notice of warning in writing.
4. The director may apply for and the court may grant a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this article or any rule adopted under this article notwithstanding the existence of other remedies at law.
B. Any monies collected pursuant to this section shall be deposited, pursuant to sections 35-146 and 35-147, in the state general fund.

ARS 3-284. Exchanges between manufacturers
Nothing in this article shall be construed to restrict or avoid sales or exchanges of fertilizer materials to each other by importers, manufacturers or manipulators who mix fertilizer materials for sale or to prevent the free and unrestricted shipments of fertilizer materials to manufacturers or manipulators.

Arizona Administrative Code

ARTICLE 8. FERTILIZER MATERIALS
R3-3-801. Definitions
In addition to terms and definitions in the Official Publication, which is incorporated by reference, on file with the Secretary of State, and does not include any later amendments, and the definitions in A.R.S. § 3-262, the following term applies to this Article: “Official Publication” means the Official Publication of the Association of American Plant Food Control Officials, amended 1999. Copies may be purchased from NC Dept. of Agriculture, 4000 Reedy Creek Road, Raleigh, NC 27607-6468.

R3-3-802. Licensure; Specialty Fertilizer Registration; Fees
A. Commercial fertilizer license. Any person applying for a commercial fertilizer license, under A.R.S. § 3-272, to manufacture or distribute commercial fertilizer, shall provide the following information on the license application provided by the Department with a nonrefundable fee of $125 for each year of the license:
1. The following information on the license application provided by the Department:
2. The name, title, and signature of the applicant;
3. The date of the application;
4. The distributor or manufacturer name, mailing address, telephone, and facsimile number;
5. The social security number or tax identification number;
6. The physical location, telephone, and facsimile number of the distributor or manufacturer, if different than subsection
(A)(4);
7. The name, address, telephone, and facsimile number of the distributor or manufacturer where inspection fees are paid, if different than subsection (A)(4); and
8. The license time-period option.

B. A commercial fertilizer license is nontransferable, expires on June 30, and shall, at the option of the applicant, be valid for 1 or 2 years.
C. Specialty fertilizer registration.
1. Any manufacturer or distributor whose name appears on a specialty fertilizer label shall provide the following information to the Department with a nonrefundable fee of $50 per brand and grade of specialty fertilizer for each
year of the registration:
a. The name, address, telephone number, and signature of the applicant;
b. The name and address of the company on the label;
c. The date of the application;
d. The grade, brand, and name of the specialty fertilizer;
e. The current specialty fertilizer label; and
f. The registration time-period option.
2. A specialty fertilizer registration is nontransferable, expires on June 30, and shall, at the option of the applicant, be valid for 1 or 2 years.
3. If an applicant elects a 2-year specialty fertilizer registration, any additional fertilizer registered during that 2-year registration shall have the same registration end-date as other fertilizer currently registered by that applicant with the Department.

R3-3-803. Tonnage Reports; Inspection Fee
A. Quarterly tonnage reports and inspection fee.
1. The inspection fee for all commercial fertilizers, including specialty fertilizers, sold or distributed in Arizona is 25¢ per ton. The tonnage shall be rounded to the nearest whole ton.
2. Any applicant applying for and receiving a new license after March 15, June 15, September 15, or December 15 is not required to file a quarterly tonnage report for the quarter in which the license application is issued. Any commercial fertilizer distributed in the final 2 weeks of the initial application quarter shall be included on the next full quarterly report. Any person who distributed commercial fertilizer without a license as required under A.R.S. § 3-2009 shall pay all past due inspection fees and late penalties before a license is issued.
3. Any licensee not estimating annual tonnage shall file the following information on a quarterly statement provided by the Department no later than the last day of January, April, July, and October of each year for the preceding calendar quarter and pay the inspection fees and any penalties, if applicable:
a. If the inspection fee is being passed on to the purchaser:
i. The assigned number and name of the currently licensed company;
ii. The commercial fertilizer by code or grade;
iii. The amount of commercial fertilizer in whole tons;
iv. The name, title, telephone number, and signature of the licensee or the licensee's authorized representative; and
v. The date of the report.
b. If the licensee pays tonnage fees for the distribution of a commercial fertilizer:
i. The grade;
ii. The amount of commercial fertilizer distribution by county;
iii. If the commercial fertilizer is dry, whether it is a bulk agricultural product, a bagged agricultural product, or a non-agricultural product;
iv. If the commercial fertilizer is liquid, whether it is an agricultural or non-agricultural product;
v. The name, title, telephone number, and signature of the licensee or the licensee's authorized representative; and
vi. The date of the report.

B. Estimated tonnage report. A licensee may estimate the annual fertilizer material tonnage if it is 400 tons or less per year and the licensee does not pass the inspection fee responsibility to the purchaser.
1. The licensee shall submit the estimated annual commercial fertilizer tonnage report to the Department with the annual inspection fee no later than July 31 of each year. The tonnage report shall contain:
a. The estimated tonnage of commercial fertilizer to be distributed;
b. The grade;
c. The amount of distribution by county;
d. If the commercial fertilizer is dry, whether it is a bulk agricultural product, a bagged agricultural product, or a non-agricultural product;
e. If the commercial fertilizer is liquid, whether it is an agricultural or non-agricultural product;
f. The name, title, telephone number, and signature of the licensee or the licensee's authorized representative; and
g. The date of the report.
2. The licensee shall pay at least $8 per year. Adjustments for overestimates or underestimates for a licensee with
400 tons or less of actual tonnage sales shall be made on the next year's estimating form. Adjustments of under estimates of licensees with actual tonnage sales more than 400 tons shall be made no later than July 31 of each year.
3. The licensee shall verify the accuracy of the previous year's tonnage estimates to actual tonnage sales and submit the tonnage verification no later than July 31 of each year.
4. Overestimation of tonnage.
a. The Department shall not refund any inspection fee based on an overestimation if the licensee does not re-license in the subsequent year;
b. If a licensee applies for a license in the subsequent year, the Department shall apply any overestimation to the subsequent year's tonnage fees.

R3-3-804. General Provisions
A. Labeling.
1. The grade numbers for primary nutrients that accompany the brand name of a commercial fertilizer shall be listed on the label in the following order: total nitrogen, available phosphate, and soluble potash. Other guaranteed nutrient values shall not be included with the grade numbers unless:
a. The guaranteed nutrient value follows the grade number;
b. The guaranteed nutrient value is immediately preceded with the name of the claimed nutrient to which it refers in the guaranteed analysis; and
c. The name printed on the label is as prominent as the numbers.
2. The materials from which claimed nutrients are derived shall be listed on the label.
3. No grade is required for fertilizer materials that claim no primary plant nutrient (i.e., 0-0-0).
4. All guaranteed nutrients, except phosphate and potash, shall be stated in terms of elements.
5. The label shall include the brand name of a fertilizer. Misleading or confusing numerals shall not be used in the brand name on the label.
6. Fertilizer material not defined in the Official Publication may be used as fertilizer material if a definition or other method of analysis and agronomic data for fertilizer material is approved by the Associate Director.
B. Claims and misleading statements.
1. Any nutrient claimed as a fertilizer material shall be accompanied by a minimum guarantee for the nutrient. An ingredient shall not be claimed as a nutrient unless a laboratory method of analysis approved by the Associate Director exists for the nutrient.
2. Scientific data supporting the claim of improved efficacy or increased productivity shall be made available for inspection to the Associate Director upon request.

3. If the name of a fertilizer material is used as part of a fertilizer brand name, such as blood, bone or fish, the guaranteed nutrients shall be derived from or supplied entirely by the named fertilizer material.
4. Fertilizer material subject to this Article and applicable laws shall not bear false or misleading statements.
C. Deficiencies.
1. The value of a nutrient deficiency in a fertilizer material shall take into account total value of all nutrients at the guaranteed level and the price of the fertilizer material at the time of sale.
2. 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 subject to official action.
D. All investigational allowances shall be conducted as pre-scribed in the Official Publication, which is incorporated by reference, on file with the Office of the Secretary of State, and does not include any later amendments or editions.
E. Leased fertilizer material storage containers shall be clearly labeled with the following:
1. Grade numbers;
2. Brand name, if applicable; and
3. The statement, "Leased by (Name and address of lessor) to (Name and address of lessee)."

R3-3-805. Repealed

R3-3-806. Repealed

R3-3-807. Repealed

R3-3-808. Repealed

R3-3-809. Repealed

R3-3-810. Repealed

R3-3-811. Repealed