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SENATE BILL NO. 582

Offered January 13, 2010

Prefiled January 13, 2010

A BILL to amend and reenact § 3.2-3611 of the Code of Virginia, relating to labeling fertilizer products.

Patron—Marsden

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:**1. That § 3.2-3611 of the Code of Virginia is amended and reenacted as follows:****§ 3.2-3611. Labeling.**

A. The manufacturer or guarantor of any regulated product distributed in the Commonwealth shall affix a label to the container or provide an invoice at the time of delivery for a bulk regulated product that states in clear, legible and conspicuous form, in the English language, the following information:

1. The quantity statement;

2. The grade under a given brand. The grade shall not be required when no primary nutrients are claimed;

3. The guaranteed analysis, which shall:

a. For fertilizers, conform to the following, with the percentage of each plant nutrient stated as follows:

(1) Total Nitrogen (N) %

Available Phosphate (P205) %

Soluble Potash (K20) %

(2) For unacidulated mineral phosphate materials and basic slag, bone, tankage, and other organic phosphate materials, the available phosphate (P205), or the degree of fineness, or both, may also be guaranteed;

(3) Guarantees for plant nutrients other than nitrogen (N), phosphate (P205), and potash (K20) shall be expressed in the form of the element. A statement of the sources of nutrients including oxides, salt, and chelates, may be required on the application for registration of specialty fertilizers, and may be included as a parenthetical statement on the label. Degree of acidity or alkalinity (pH), beneficial substances, or compounds determinable by laboratory methods also may be guaranteed by permission of the Commissioner and with the advice of the Director of the Virginia Experiment Station. When any degree of acidity or alkalinity (pH), beneficial substances, or compounds are guaranteed, they shall be subject to inspection and analysis in accord with the methods and regulations prescribed by the Board;

b. For soil amendments, consist of a list of ingredients, and may include a statement of naturally occurring nutrient levels;

c. For soil conditioners, including polyelectrolytes, contain the following information in the following form:

(1) Name of active ingredient %

(name and list all)

(2) Total other ingredients %

d. For horticultural growing media, include a list of ingredients and other guarantees as required by regulation;

e. When compost derived from sewage sludge, hazardous materials, unrendered animals or poultry or their parts, or other source material specified in regulations established by the Board is used as an ingredient, identify the source material of the compost; and

f. Include a list of such other ingredients as may be required by the Board through regulation.

4. The name and address of the registrant or licensee.

B. A commercial fertilizer that is formulated according to specifications provided by a consumer prior to mixing, or any fertilizer formulated for a consumer, shall be labeled to show: (i) the quantity statement; (ii) the guaranteed analysis; and (iii) the name and address of the distributor or the licensee.

C. For horticultural growing media, a statement of added fertilizers, if any, shall be listed on the registration document and customer sales invoice.

D. Specialty fertilizer shall be labeled to provide:

1. The following precautionary statements:

a. "Apply only as directed";

b. "Application of fertilizer beyond recommended use can harm water quality of local streams, rivers, the Chesapeake Bay, and other major waterways";

INTRODUCED

SB582

- 59 c. *"Sweep fertilizer off pavement and sidewalks to prevent runoff into storm drains that could lead to*
60 *waterways"; and*
61 d. *"Contact your local cooperative extension office for more information on the proper use of*
62 *fertilizers."*
63 2. *The following directions for use:*
64 a. *Recommended application rates, in units of weight or volume per unit area of coverage; and*
65 b. *Recommended timing for fertilizer application and reapplication so as to minimize environmental*
66 *impact.*