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HOUSE BILL NO. 1505

Offered January 22, 1996

A *BILL to amend and reenact § 3.1-106.4 of the Code of Virginia, relating to the Virginia Fertilizer Act.*

Patrons—Armstrong, Abbitt, Bennett, Orrock, Ruff, Shuler, Van Landingham, Van Yahres and Watkins;
Senators: Hawkins, Stolle and Woods

Referred to Committee on Agriculture

Be it enacted by the General Assembly of Virginia:**1. That § 3.1-106.4 of the Code of Virginia is amended and reenacted as follows:**

§ 3.1-106.4. Authority of the Board and the Commissioner to adopt regulations.

A. The Board is authorized to promulgate such regulations as may be necessary to give effect to the full intent and meaning of this chapter. Such regulations may relate, by way of example, but not by way of limitation, to investigational allowances, definitions, records, and manufacturing practices, and to the distribution and storage of regulated product prior to final sale.

B. The Commissioner may adopt as a regulation the Official Fertilizer Terms and Definitions adopted by the Association of American Plant Food Control Officials. The Commissioner may adopt as a regulation the methods of sampling and analysis for regulated products adopted by the Association of Official Analytical Chemists. The Commissioner may adopt as a regulation any method of sampling and analysis for a regulated product developed by the Department or adopted by agencies of the federal government, agencies of other states, the Division of Consolidated Laboratories or other commercial laboratories accredited by the Food and Drug Administration, United States Department of Agriculture or Association of Official Analytical Chemists. Such regulations adopted by the Commissioner shall be effective upon filing with the Registrar of Regulations, who shall publish the regulation as a final regulation in the Virginia Register of Regulations. However, the regulation shall contain a preamble stating that the Board will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision of such regulation. The Commissioner shall provide notice by first-class mail of regulations adopted by him pursuant to this section after June 30, 1995, to all manufacturers of currently registered regulated product.

C. The Board, after giving notice in the Virginia Register of Regulations, may reconsider and revise the regulation adopted by the Commissioner. Such revised regulation shall be effective upon filing with the Registrar of Regulations, who shall publish the regulation as a final regulation in the Virginia Register of Regulations. Neither the provisions of the Administrative Process Act (§ 9-6.14:1 et seq.) nor public participation guidelines adopted pursuant thereto shall apply to the adoption, reconsideration, or revision of any regulation adopted pursuant to subsection B or C of this section.

D, *Except as provided in this subsection, the manufacture, sale, distribution and use of any regulated product shall be regulated, prohibited or restricted only to the extent and in the manner provided in this chapter. Nothing in this subsection shall supersede any requirement of this Code administered by any agency for the protection of health, safety or the environment.*

INTRODUCED

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