

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER e: FERTILIZERSPART 210
ILLINOIS FERTILIZER ACT OF 1961

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AUTHORITY: Authorized by and implementing the "Illinois Fertilizer Act of 1961" (Ill. Rev. Stat. 1981, ch. 5, pars. 55.1 et seq.) and authorized by Section 16 of the "Civil Administrative Code of Illinois" (Ill. Rev. Stat. 1981, ch. 127, par. 16); implementing and authorized by the "Federal Pesticide Act of 1978" (7 U.S.C. 136 and 136v).

SOURCE: Rules and Regulations Relating to the Illinois Fertilizer Act of 1961, filed December 15, 1977, effective January 1, 1978; codified at 5 Ill. Reg. 10512; amended at 6 Ill. Reg. 14810, effective November 18, 1982.

Section 210.10 Labeling

- a) The information required to be supplied on the label by Section 5 of the Act shall be stated in a definite and uniform manner; for example, such methods of expressing guaranteed analysis, such as "Potash 50-60%" or "Potash 50% or better," etc. are prohibited.
- b) No advertising matter of any kind shall be printed on the label portion.
- c) Each individual package of fertilizer must be labeled stating the contents. Such label may be either stenciled or printed on the bag or package or on a tag attached thereto.
- d) Net weight must be definite and stated as "Net Weight...". No additional wording such as "when packed" shall affect the weight as stated on the label.

(Source: Amended at 6 Ill. Reg. 14810, effective November 18, 1982)

Section 210.20 Plant Food

All packages of plant food, regardless of the size of container or the manner of packaging, whether dry or liquid, are subject to the provisions of the Act and must be registered, contain a guaranteed analysis and be labeled as provided for in the Act and these Rules.

(Source: Amended at 6 Ill. Reg. 14810, effective November 18, 1982)

Section 210.30 Boron in Fertilizers

- a) When any compound of water soluble boron is added that would bring the boron content up to 0.03% or more in a registered grade of fertilizer, the product will not require additional registration but a guaranteed analysis is required for the boron, as well as a guaranteed analysis of any plant food elements. The label shall carry the word "WARNING" in letters at least 3/4 inch in height. The warning shall state some crops may be injured by application of boron. For bulk fertilizers, the warning statement must be placed on the invoice or other document which shall accompany delivery and be supplied to the purchaser at the time of delivery as provided in Section 5, Paragraph (b) of the Act.
- b) The brand name shall include the word "Boron" or the name of the boron carrier on the label (for example, "borax"). The brand name or the name of the boron carrier shall be printed in the same size and type and appear as prominently in the labeling as the numerals. The equivalent amount of borax per 100 pounds MUST be included in the brand name.
- c) The guaranteed analysis, besides nitrogen, available phosphoric acid, and soluble potash, must include the percentage of boron as the element.

(Source: Amended at 6 Ill. Reg. 14810, effective November 18, 1982)

Section 210.40 Pesticides in Fertilizers

When an insecticide, herbicide, or any other additive for pest control is added to a registered fertilizer, the product will not require additional registration but a guaranteed analysis with respect to the kind and percentage of each of these additives, as well as any plant food elements shall appear on the label. In a prominent manner, a tag or statement shall be attached to or printed on the bag or container, and in the case of bulk fertilizers, the information shall be placed on the invoice or other document which shall accompany delivery. The requirements of the United States Environmental Protection Agency concerning the labeling of pesticides (7 U.S.C. 136; 9/30/78 and 40 CFR 162.10; 2/9/78) shall also appear on the label or on the invoice. The regular "POISON" label must be on the label when the pesticide used is poisonous.

(Source: Amended at 6 Ill. Reg. 14810, effective November 18, 1982)

Section 210.50 Methods of Sampling and Analysis

The methods of sampling and analysis shall be the official methods of the Association of Official Agricultural Chemists.

Section 210.60 Additional Plant Food Elements Besides Nitrogen, Phosphorus and Potassium; Registration; Guaranteed Analysis

- a) Additional plant nutrients, besides nitrogen, phosphorus and potassium, when mentioned or claimed on the label or container shall be registered and shall be guaranteed in the analysis. Analysis guarantees shall be made on the elemental basis. The

guaranteed analysis of elements shall be shown on the application for registration. When claims for such nutrients are made on the label, container, or application for registration, the minimum percentages which will be accepted for registration are as follows:

ELEMENT	%
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

- b) Guaranteed analysis or claims for the above listed additional plant nutrients are the only ones which will be accepted. Proposed labels and directions for use of the fertilizer shall be furnished with the application for registration upon request.
- c) Warning or caution statements are required on the label for any product which contains 0.03% or more of boron in a water-soluble form or 0.001% or more of molybdenum.
- d) Any of the elements listed in 8 Ill. Adm. Code 210.60(a) which are guaranteed shall appear in the order listed, immediately following the guaranteed analysis for the primary nutrients, nitrogen, phosphorus and potassium.
- e) An element is considered "available" if the form in which it is added to the product has been shown to give plant responses or if the element can be dissolved from the product in water or in some other solvent which is recognized to indicate availability to plants.
- f) When 0.001% or more of molybdenum is added to an agricultural fertilizer, the purchaser is to receive a caution statement as follows: "CAUTION: This fertilizer is to be used only on soils which respond to molybdenum. Crops high in molybdenum are toxic to ruminants."

(Source: Amended at 6 Ill. Reg. 14810, effective November 18, 1982)

Section 210.70 Registration and Reporting Requirements; Manufacturers of Bagged Fertilizers, Bulk Grades, and Single Ingredient Products

- a) Manufacturers of bagged fertilizers, bulk grades, either dry or liquid, and single ingredient products which are designed exclusively for direct application and persons who sell or offer for sale fertilizer are required to:
 - 1) Apply for registration of same.

- 2) Report sales in accordance with Section 12 of the Act.
 - 3) Semi-annually report to the Director and pay the required inspection fee in accordance with Section 6 of the Act.
- b) Manufacturers who exercise their right of free exchange in accordance with Section 20 of the Act are not to report or pay inspection fee on such material.
 - c) Invoices as to registered Custom Mixers shall bear information to the registrant that related materials are not reported and State of Illinois Inspection Fees are not paid. Any person receiving and distributing Custom Mix fertilizer shall:
 - 1) Register annually with the Department and pay the required fee.
 - 2) Report sales in accordance with Section 12 of the Act.
 - 3) Semi-annually report to the Director and pay the required inspection fee in accordance with Section 6 of the Act.
 - d) No credit will be allowed to be taken for sales reported on the Semi-Annual Report.

Section 210.80 Custom Mixers Registration

- a) Custom Mixers operating more than one site shall register on forms furnished by the Director, the complete firm name, complete address of home office and list any and all additional custom mix locations giving complete address of same which are operated under the same firm name and are operated under one Custom Mixer registration in the State of Illinois.
- b) A copy of all registered Custom Mixers shall be supplied to all basic fertilizer manufacturers doing business in Illinois on March 1 of each year and supplements added each 30 days as new registrations are issued.

Section 210.90 Storage Identification

All bins used for the storage of fertilizers and fertilizer materials shall be labeled in letters not less than 2 inches high showing the analysis of the grade or materials.

Section 210.100 Administrative Hearings

All decisions and actions of the Department are subject to the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1001-1 et seq.) and the Department's Administrative Rules (8 Ill. Adm. Code 1) which pertain to administrative proceedings, administrative hearings, contested cases, petitions, declaratory rulings and public disclosure of files.

(Source: Added at 6 Ill. Reg. 14810, effective November 18, 1982)