



2012
**INDIANA FERTILIZER CONTROL
SUMMARY REPORT OF ACTIVITIES**

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Protecting Indiana's Agriculture and Environment - Feed, Fertilizer, Pesticide and Seed

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The Indiana Fertilizer Program administers the Indiana Agricultural Ammonia Law (IC 15-16-1), Indiana Commercial Fertilizer Law (IC 15-16-2), and the Commercial Lawn Care Service Fertilizer Law (IC 15-16-3).

- **OUR MISSION:**

The mission of the Office of Indiana State Chemist Fertilizer Section is consumer protection in the marketplace, to assure that fertilizer materials are true to claims made of the product. The Fertilizer Section also monitors safety in storage, handling, and use of fertilizer material (including anhydrous ammonia) to protect all who come in contact with the product and to safeguard the waters of the state.

- **PRODUCT REGISTRATION IN 2012:**

Registration fees for small package, 12 pounds or less, are \$50 per grade of each brand, and large package, greater than 12 pounds or bulk, are \$20 per grade of each brand. Registrations received after July 31 are subject to a late fee equal to 100% of the appropriate filing fee. Throughout 2012, the office conducted extensive product sampling and testing, including marketplace review and inspections to support administration of the fertilizer law. Registration for the year was approved for **8,460** products with a retail value in excess of **one billion dollars**. The five year average is 7,676 products. Companies authorized, through Indiana fertilizer permits, for fertilizer distribution numbered 592 for the calendar year with a five year average of 553 permits issues per year.

- **CERTIFICATION FOR DISTRIBUTORS AND USERS OF FERTILIZER MATERIAL RULES:**

The rules requiring those that use fertilizer materials for hire, apply manure that came from a CFO or distribute fertilizer materials to be licensed and certified (Category 14 - Agricultural Fertilizer Management) became effective January 1, 2012. Significant outreach was conducted in 2011 and 2012 including great assistance from the OISC licensing and certification section, Purdue Pesticide Programs and Purdue Cooperative Extension county offices. In the first year of existence 2,685 individuals were certified in Category 14. 1,700 were classified as private applicators with the remaining being for hire users affiliated with 309 fertilizer business licenses.

The 2007 Indiana census data shows that 87% of the animals reported were from confined feeding operations from 1,475 farms. The certification rule establishes a chain of custody for the manure for those that distribute or use it must be licensed through our office. The number of confined feeding operations has grown to over 2,000 farms in 2013, so the percentage of manure distributed or used by licensed entities has certainly increased.

- **FERTILIZER MATERIAL USE, DISTRIBUTION, AND RECORDKEEPING RULES:**

Extensive outreach was done in 2012 and will continue into 2013 for this rule that became effective February 16, 2013. With the assistance from the OISC field staff, Purdue Pesticides Programs and Purdue Cooperative Extension county offices information on the new use rule has been presented in nearly every county and at over 200 meetings. Numerous print and radio media releases also helped spread the word.

- **SAMPLING AND ANALYSIS IN SUPPORT OF THE COMMERCIAL FERTILIZERS LAW:**

A total of **2,715** samples were collected through numerous dealer - distributor locations in the state, five year average of 2,755 samples. The inspection and laboratory staff examined labeling matter and composition of those various lots of fertilizer throughout the state. The laboratory reviewed **5,552** guarantees made for the products, five year average of 5,649 guarantees. The guarantees checked included not only the primary nutrients of nitrogen, phosphate, and

potassium, but also calcium, magnesium, sulfur, boron, copper, iron, manganese, and zinc. Out of 5,552 guarantees reviewed by the laboratory staff, deficiencies were detected in 281.

	<u># Samples Obtained</u>	<u># Samples Passed</u>	<u>% Passed</u>
	2,715	2,508	92%
Five year average:	2,755	2,472	90%

Under the law, the State Chemist may require refunds to be paid to the purchasers of deficient fertilizer amounting to the value of the deficiency. Pursuant to this provision, \$56,782 was refunded either to the purchaser or the product registrant made a donation to a charitable or educational organization, when the purchaser was not known. The five year average is \$55,813.

- LICENSING OF COMMERCIAL LAWN CARE SERVICE COMPANIES IN 2012:**
 This program began in July 1992 by defining and recognizing lawn care service liquid fertilizer distribution as a separate entity from agricultural distribution of fertilizer. The law provides an alternative means for compliance with product registration, payment of inspection fees and reporting of tonnage distribution. For the year 2012, 117 licenses were issued under the law. The five year average is 125 firms licensed.
- STORAGE FACILITY REGISTRATIONS IN 2012:**
 A total of 898 bulk fertilizer or pesticide storage facility location registrations were submitted as required by the Bulk Containment Rules and specified under Rule 9 (355 IAC 2-9-1). The five year average is 830 sites registered. Containment maintenance is being targeted and testing of holding integrity at the sump location is being conducted at retail establishments.
- ANHYDROUS AMMONIA FACILITY INSPECTIONS:**
 Our inspectors visited 126 of the over 400 storage facilities to provide cursory checks of the anhydrous ammonia rules. This initiative has been going on since 2010 and we have averaged 110 facility inspections yearly. Detailed inspections were conducted by the agricultural ammonia specialist.
- COMPLIANCE INVESTIGATIONS AND CASES:**
 In 2012, 8 cases were forwarded to the OISC compliance officer for investigation. Seven were pertaining to the storage of bulk fertilizer and 1 for certification. Five cases resulted in civil penalties being collected in total of \$7,393.73 with citations and compliance assistance in the other 3 cases. All monies collected for civil penalties are forwarded by rule to the Purdue Pesticide Programs for the purpose of providing education about fertilizers.
- FUTURE ACTIVITIES:**
 The OISC Fertilizer Section continues to have working relationships with local, state and national groups as issues pertaining to fertilizers and the environment develop. We continue to be active in the Association of American Plant Food Control Officials organization. Further implementation of the fertilizer use and distribution rules, including complaint investigations is a priority as OISC coordinates complaints with the Indiana Department of Environmental Management.