

Ag 17

Filed February 26, 1971  
3:30 P.M.

STATE OF WISCONSIN            )  
                                          ) SS  
DEPARTMENT OF AGRICULTURE    )

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

I, Donald E. Wilkinson, Secretary of Agriculture, and custodian of the official records of the State of Wisconsin Department of Agriculture, do hereby certify that the annexed order amending and adopting rules relating to fertilizer, including methods of sampling and analysis, labeling, guarantees of plant food elements, investigational tolerances, and index factors, Wis. Adm. Code chapter Ag 17, was duly adopted by this department on February 26, 1971.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand at Madison, Wisconsin, this 26th day of February, 1971.

  
Secretary of Agriculture

ORDER OF THE DEPARTMENT OF AGRICULTURE  
ADOPTING RULES

Pursuant to authority vested in the Department of Agriculture by section 94.64(c), Wis. Stats., the Department of Agriculture hereby adopts rules as follows:

Chapter Ag 17 of the Wisconsin administrative code is adopted to read:

Chapter Ag 17

FERTILIZER

Ag 17.01 Definitions. (1) "Primary nutrients" are nitrogen (N), available phosphoric acid ( $P_2O_5$ ) or phosphorus (P), and potash ( $K_2O$ ) or potassium (K).

(2) "Secondary nutrients" and "micronutrients" are nutrients other than primary nutrients essential for normal growth of plants. "Secondary nutrients" are calcium, magnesium, and sulfur; and "micronutrients" are boron, chlorine, cobalt, copper, iron, manganese, molybdenum, sodium, and zinc.

(3) "Unit" means twenty (20) pounds of plant food or 1 per cent (1%) of a ton.

(4) "Index factor" is a weighted per unit numerical value assigned to each of the primary nutrients under these rules. Example: If wholesale value per unit of nitrogen is \$1.70, the index factor is 2.00.

(5) "Nutrient index value" is the result obtained by multiplying the number of units of any primary nutrient by the index factor per unit assigned to such nutrient by the department. Example: 10.0 units of total nitrogen X 2 (assumed index factor) = 20.0.

(6) "Combined nutrient index value" is the combined total of nutrient index

values for all of the primary nutrients present in fertilizer computed on the basis of index factors established by the department. Example:

10.0 Units of Nitrogen	X 2.00 (assumed index factor) = 20.0
10.0 Units of Available Phosphoric Acid	X 2.00 (assumed index factor) = 20.0
10.0 Units of Potash	X 1.00 (assumed index factor) = <u>10.0</u>
	Combined Nutrient Index Value = 50.0

(7) "Pesticide" is as defined in section 94.67, Wis. Stats.

(8) "Pesticide-fertilizer mixture" is a fertilizer which contains or to which a pesticide has been added.

~~As 17.02 Sampling and Analysis, (1) Names and definitions for fertilizer or fertilizer materials are those adopted by the Association of American Plant Food Control Officials and published in the Official Publication of the Association of American Plant Food Control Officials, No. 24, 1970-1971. Copies may be obtained from the secretary of the Association of Plant Food Control Officials, Department of Biochemistry, Purdue University, Lafayette, Indiana. Copies are on file at the offices of the department of agriculture, secretary of state, and revisor of statutes.~~

~~(2) The methods of taking official samples shall be the methods adopted by the Association of Plant Food Control Officials and published in the Inspectors Manual of the Association of American Fertilizer Control Officials, First Edition 1968. Copies may be obtained from the secretary of the Association of Plant Food Control Officials, Department of Biochemistry, Purdue University, Lafayette, Indiana. Copies are on file at the offices of the department of agriculture, secretary of state, and revisor of statutes.~~

~~(3) The methods of analysis shall be the official methods adopted by the Association of Official Analytical Chemists and contained in the 1970 Methods Manual, Eleventh Edition published by the Association of Analytical Chemists,~~

*S. Schueler 3/24/71*

P.O. Box 540, Benjamin Franklin Station, Washington, D.C. 20044. Copies may be obtained from the association and are also on file in the offices of the department, secretary of state, and revisor of statutes.

Ag 17.03 Labeling. (1) Pesticide-fertilizer mixtures shall be labeled in accordance with both the state pesticide and fertilizer law. Labels shall include specific warnings, directions, and recommended amounts for use on agricultural crops or as specialty fertilizers.

(2) No person shall advertise, offer for sale, or sell any fertilizer for use as tobacco fertilizer unless its label bears a statement of maximum chlorine content.

Ag 17.04 Guarantees; Additional Plant Food Elements. (1) No claims or guarantees for secondary nutrients or micronutrients may be made in any form or manner except for nutrients guaranteed to be present in the following minimum percentages:

<u>Element</u>	<u>Per Cent</u>	<u>Element</u>	<u>Per Cent</u>
Calcium (Ca)	1.00	Copper (Cu)	0.05
Magnesium (Mg)	0.50	Iron (Fe)	0.10
Sulfur (S)	1.00	Manganese (Mn)	0.05
Boron (B)	0.02	Molybdenum (Mo)	0.0005
Chlorine (Cl)	0.10	Sodium (Na)	0.10
Cobalt (Co)	0.0005	Zinc (Zn)	0.05

(2) Elements guaranteed shall appear in the order listed in ss (1) and shall immediately follow guarantees for primary nutrients.

(3) Sources of the elements guaranteed, proof of availability, and proposed labels and directions for use of fertilizer shall be furnished the department on request.

(4) Warning or caution statements shall be included on the label for any

product which contains 0.06 per cent or more of boron in a water-soluble form or 0.001 per cent or more of molybdenum. The statement shall carry the word "WARNING" in a conspicuous manner and shall include a statement of the crops for which the fertilizer may be used and that use on crops other than those for which the fertilizer is recommended may result in serious damage or injury to the crop.

Ag 17.05 Anhydrous Ammonia Installations. Anhydrous ammonia shall be stored and transported in accordance with standards for the design, construction, location, installation, and operation of anhydrous ammonia systems prescribed by the Department of Industry, Labor and Human Relations (Wisconsin Administrative Code, Chap. Ind. 43).

Ag 17.06 Computation of Tonnages. In determining tonnages for payment of the inspection fee, the tonnages of all fillers added to dry fertilizers and water added to liquid fertilizer shall be included.

Ag 17.07 Investigational and Enforcement Tolerances. (1) A fertilizer is mislabeled and unlawful for sale or distribution if on analysis it is found to be deficient in plant nutrients guaranteed to be present in excess of tolerances prescribed herein.

(2) A fertilizer is deficient and in excess of tolerances for primary nutrients if it is found to be more than (a) 10 per cent or two units below label guarantees in any one of the three primary nutrients guaranteed to be present, or (b) 3 per cent below the combined nutrient index value of the fertilizer. Sample calculations are set forth in the Appendix to these rules.

(3) Secondary nutrients and micronutrients are deficient if any element is below label guarantee in amounts exceeding values in the following schedule:

<u>Element</u>	<u>Allowable Deficiency</u>
Calcium Magnesium Sulfur } }	0.02 unit + 5% of guarantee

<u>Element</u>	<u>Allowable Deficiency</u>
Boron )	0.003 unit + 15% of guarantee
Cobalt } Molybdenum }	0.001 unit + 30% of guarantee
Chlorine } Copper } Iron } Manganese } Sodium } Zinc }	0.005 unit + 10% of guarantee

(4) The maximum tolerance when calculated in accordance with the 10 per cent factor under ss (2)(a) shall be two units. The maximum tolerance under ss (3) shall be 1 per cent (1 unit).

(5) Fertilizer material in custom mixed fertilizer not labeled for grade shall first be calculated to grade before applying the investigational and enforcement tolerances.

Ag 17.08 Specialty Fertilizer Labels. (1) Specialty fertilizer products shall be conspicuously labeled to show the following information:

- (a) Net Weight
- (b) Brand Name
- (c) Grade
- (d) Guaranteed Analysis:
  - 1. Total Nitrogen (N) - - - - - %
  - a. \_\_\_\_\_ % Ammoniacal Nitrogen
  - b. \_\_\_\_\_ % Nitrate Nitrogen
  - c. \_\_\_\_\_ % Water Insoluble Nitrogen
  - 2. Available Phosphoric Acid (P<sub>2</sub>O<sub>5</sub>) - - - - - %
  - 3. Soluble Potash (K<sub>2</sub>O) - - - - - %
  - 4. Additional Plant Nutrients, if claimed, in the order and not less than minimum percentage as shown in section Ag 17.04(1) of this chapter.
- (e) Name and Address of Licensee

(2) Percentage of ammoniacal, nitrate, and water insoluble nitrogen shall be stated only if claimed to be present or the statement "organic" or "slow acting nitrogen" is used on the label.

Ag 17.09 Index Factors. (1) The index factor shall be based on a determination of per unit wholesale value of nitrogen, available phosphoric acid, and soluble potash used in fertilizers sold in this state rounded out to the nearest whole dollar. Index factors so established shall be used in determining whether the fertilizer is in compliance with tolerances prescribed by these rules.

(2) In arriving at average wholesale values, the per unit prices of major wholesale suppliers selling fertilizer in Wisconsin shall be used. The department shall review wholesale prices periodically to determine the need for any adjustment in the index factor. If changes are required, they shall be made by amendment to these rules.

(3) Index factors are:

Nitrogen (N): 2.

Available phosphoric acid (P<sub>2</sub>O<sub>5</sub>) or phosphorus (P): 2.

Potash (K<sub>2</sub>O) or potassium (K): 1.

APPENDIX

Sample Calculations of 10 Per Cent Tolerance Based on Individual Primary Nutrients

	<u>unit</u>		<u>%</u>		<u>actual computation</u>	<u>maximum tolerance</u>
N	5	x	.10	=	.5	.5
P	10	x	.10	=	1.0	1.0
K	30	x	.10	=	3.0*	2.0

\*1.0 in excess of 10 per cent tolerance.

Sample Calculation of 3 Per Cent Tolerance Based on Combined Nutrient Index Value

	<u>unit</u>		<u>factor</u>		<u>nutrient index value</u>
N	5	x	2	=	10
P	10	x	2	=	20
K	30	x	1	=	<u>30</u>
Combined Nutrient Index Value				=	60
Tolerance				=	60 x .03 = 1.80

The rules contained herein shall take effect on April 1, 1971.

Dated: February 26, 1971.

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE

By Donald E. Wilkinson  
Secretary of Agriculture