

NOTICE OF PROPOSED RULEMAKING

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

DIVISION OF AGRICULTURAL ENVIRONMENTAL SERVICES

RULE CHAPTER TITLE:

RULE CHAPTER NO.:

FERTILIZERS

5E-1

RULE TITLE:

RULE NUMBER:

Labels and Tags

5E-1.003

PURPOSE AND EFFECT: The purpose of this rule modification is twofold. First is the clarification of existing verbiage, and second to establish labeling criteria for urban lawn or turf fertilizer products and adoption of Best Management Practices for Nitrogen **and Phosphate** applications for the Green Industry and Golf Course Industry.

SUBJECT AREA TO BE ADDRESSED: Establishes labeling criteria for fertilizer products distributed in Florida.

SPECIFIC AUTHORITY: 576.181 FS.

LAW IMPLEMENTED: 576.021 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Dale W. Dubberly, Chief, Bureau of Compliance Monitoring, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650 (850) 488-8731.

THE PRELIMINARY TEXT OF THE RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

5E-1.003 Labels or Tags.

(1) LABEL REQUIREMENTS FOR ALL FERTILIZER PRODUCTS.

(a) Labels setting forth the information specified in this section shall be attached to or accompany any fertilizer distributed in the state. For packaged products, this information shall either (1) Appear on the front or back of the package, (2) occupy at least one-third (1/3) of a side of the package, or (3) be printed on a tag and attached to the package. This information shall be in a readable and conspicuous form. For bulk products, this information in printed form shall accompany delivery and five analysis tags attached to the delivery ticket shall be supplied to the purchaser at time of delivery. The following information is required on labels for all fertilizer products.

1. Brand name

2. The grade (Provided that the grade shall not be required when no primary nutrients are claimed)

3. Guaranteed analysis, in the following format

4. Guaranteed analysis, in the following format:

| | |
|---|---------|
| Total Nitrogen (N) | _____ % |
| ___ percent Nitrate Nitrogen | |
| ___ percent Ammoniacal Nitrogen | |
| ___ percent Other Water Soluble Nitrogen | |
| ___ percent Water Soluble Nitrogen | |
| ___ percent Urea Nitrogen | |
| ___ percent Water Insoluble Nitrogen | |
| Available Phosphorus (P205) | _____ % |
| Soluble Potassium (K20) | _____ % |
| Secondary and Micro Plant Nutrients (list all claimed or advertised) | _____ % |

Secondary and Micro Plant Nutrients

(list all claimed or advertised)....._ %

Derived From:

5. Name and address of licensee

6. The net weight (The term “Bulk” shall suffice for bulk products)

(b) The nitrogen breakdown shall be equal to the total nitrogen guarantee. When urea is present it may be guaranteed as other water soluble nitrogen, water soluble nitrogen, or urea nitrogen at the option of the licensee. When urea formaldehyde is present, not more than 40 percent of the total nitrogen from this source may be claimed as other water soluble nitrogen, water soluble nitrogen, or urea nitrogen at the option of the licensee. When the term “organic nitrogen” is used in the label, labeling, or advertisement of any fertilizer, the water insoluble nitrogen must not be less than 60% of the total guaranteed nitrogen so designated.

(c) The terms “Available Phosphoric Acid” or “Available Phosphate” and “Soluble Potash” may be used instead of “Available Phosphorus” and “Soluble Potassium”, respectively.

(d) Unacidulated mineral phosphatic materials, basic slag, bone meal, and other phosphatic materials shall be guaranteed as to both the total and available phosphorus (P₂O₅), and, in addition thereto, unacidulated mineral phosphatic materials and basic slag shall be guaranteed as to degree of fineness.

(e) Only those materials which actually constitute sources of primary, secondary and micro plant nutrients shall be shown on the application for registration and the label under the statement “Derived from: ”. Commercial, registered or copyrighted brand or trade names shall not be permitted in guarantees or listing of source materials and only in the product name or advertising claims of fertilizer produced by or for the firm holding or licensing the rights to such a name.

(f) When a chelated form of a plant nutrient is claimed in addition to another form of the same element, the chelated portion shall be guaranteed and the specific chelated nutrient shall be listed as a source in the "Derived from" statement. The chelated guarantee shall be equal to or less than the "Soluble" or "Water Soluble" element guarantee.

(g) Guarantees for secondary or micro plant nutrients chelated forms of secondary or micro plant nutrients shall be as follows:

1. Magnesium (Mg) shall be expressed as "Magnesium" if derived from insoluble compounds; "Soluble Magnesium" or "Water Soluble Magnesium" if derived from magnesium sulfate or other soluble compounds"; or both if derived from combinations of soluble and insoluble sources.

2. When sulfur (S) is claimed as a plant nutrient, it shall be specified as to the form present, either "free" or "combined", or both. "Specialty Fertilizer" defined in Section 576.011(36), F.S., shall be exempt from Sulfur guarantees.

3. Manganese (Mn) shall be expressed as "Manganese" if derived from insoluble compounds. "Soluble Manganese" or "Water Soluble Manganese" if derived from manganese sulfate, manganese nitrate, manganese chloride or other soluble compounds; or both if derived from combinations of soluble and insoluble sources.

4. Iron (Fe) shall be expressed as "Iron" if derived from insoluble compounds. "Soluble Iron" or "Water Soluble Iron" derived from iron sulfate, iron nitrate, iron chloride or other soluble compounds; or both if derived from combinations of soluble and insoluble sources.

5. Zinc (Zn) shall be expressed as "Zinc" if derived from insoluble compounds. "Soluble Zinc" or "Water Soluble Zinc" derived from zinc sulfate, zinc nitrate, zinc chloride or other soluble compounds; or both if derived from combinations of soluble and insoluble sources.

6. Copper (Cu) shall be expressed as "Copper" if derived from insoluble compounds. "Soluble Copper" or "Water Soluble Copper derived from copper sulfate, copper nitrate, copper chloride or other soluble compounds; or both if derived from combinations of soluble and insoluble sources.

7. Boron (B) shall be guaranteed as to soluble boron, expressed as "boron".

8. Other secondary or micro plant nutrients shall be guaranteed as to the total element, expressed as the element.

9. Minimum secondary or micro plant nutrient guarantees for specialty fertilizer shall be as follows, except guarantees for those water soluble nutrients labeled for ready to use foliar fertilizers, ready to use specialty liquid fertilizers, hydroponic or continuous liquid feed programs and guarantees for potting soils.

| | | | |
|---------------|--------|-----------------|--------|
| Aluminum (Al) | .10% | Magnesium (Mg) | .10% |
| Boron (B) | .02% | Manganese (Mn) | .02% |
| Calcium (Ca) | .50% | Molybdenum (Mo) | .0005% |
| Cobalt (Co) | .0005% | Sulfur (S) | 1.00% |
| Copper (Cu) | .02% | Zinc (Zn) | .02% |
| Iron (Fe) | .02% | | |

(2) FERTILIZER LABEL REQUIREMENTS FOR URBAN TURF, SPORTS TURF OR LAWNS

(a) Definitions

1. "Urban Turf" or "Lawns" means non agricultural land planted in closely mowed, managed grasses except golf courses, parks and athletic fields.
2. "Sports Turf" means non agricultural land planted exclusively for golf courses, parks and athletic fields.
3. "No Phosphate Fertilizer" means fertilizer products with phosphate levels below 0.5% intended for established urban turf or lawns.
4. "Low Phosphate Fertilizer" means fertilizer products intended for new or established urban turf or lawns, with phosphate levels equal to or above 0.5% or as provided in (2) (b).
5. "Starter Fertilizer" means a fertilizer formulated for a one-time application at planting or near that time to encourage root growth and enhance the initial establishment.
6. "Established Urban Turf" means urban turf older than 12 months.
7. "New Urban Turf" means urban turf established less than 12 months.

(b) Fertilizer products labeled for use on sports turf, urban turf or lawns shall be no phosphate or low phosphate and have labeling that meets the restrictions set forth for the application of nitrogen.

1. No phosphate fertilizers shall not contain more than 0.5% of available phosphate expressed as P₂O₅ . The "grade" shall indicate a zero guarantee.
2. Low phosphate fertilizers shall have use directions that do not exceed an application rate of 0.25 lbs.

P₂O₅/1000ft² per application and not to exceed 0.50 lbs P₂O₅/1000ft² per year.

3. Fertilizers labeled as, or formulated for use as a starter fertilizers shall have use directions that do not exceed an application rate of 1.0 lb of P₂O₅/ 1,000 ft².and that subsequent applications shall be made with products meeting the definition of Low or No Phosphate fertilizers.

4. Fertilizers labeled as urban turf or lawn fertilizer shall have directions for use consistent with the recommendations in the following table:

Fertilization Guidelines for Established Turfgrass Lawns in Three Regions of Florida

**Nitrogen recommendations
(lbs N / 1000 ft² / year)***

| Species | North | Central | South |
|--------------------|--------------|----------------|--------------|
| Bahiagrass | 2-3 | 2-4 | 2-4 |
| Bermudagrass | 3-5 | 4-6 | 5-7 |
| Centipedegrass | 1-2 | 2-3 | 2-3 |
| St. Augustinegrass | 2-4 | 2-5 | 4-6 |
| Zoysiagrass | 3-5 | 3-6 | 4-6 |

*Homeowner preferences for lawn quality and maintenance will vary, so we recommend a range of fertility rates for each grass species and location. Also, effects within a localized region (for instance, shade, drought, soil conditions and irrigation) will require using a range of fertility rates. These recommendations assume that grass clippings are recycled.

North Florida in this example is considered to be anything north of Ocala. Central Florida is defined as anything south of Ocala to a line extending from Vero Beach to Tampa. South Florida includes the remaining southern portion of the state.

- If you are applying a soluble fertilizer, only apply 1/2 pound of nitrogen per 1,000 square feet of lawn or landscape per application.**

5. Phosphorous shall not be applied at a rate greater than 0.25 lbs. P₂O₅/1000 ft² per application not to exceed 0.50 lbs. P₂O₅/1000 ft² per year unless an annual soil sample representative of the site shows the need for higher application rate.

6. Nitrogen shall not be applied at rate greater than the nitrogen recommendations in **Fertilization Guidelines for Established Turfgrass Lawns in Three Regions of Florida** per year unless an annual tissue test at the site of application shows a nitrogen deficiency.

7. The following language shall appear conspicuously on bags of fertilizer sold at retail: "Do not apply near water, storm drains or drainage ditches. Do not apply if heavy rain is expected. Apply this product only to your lawn/garden, and sweep any product that lands on the driveway, sidewalk, or street, back onto your lawn/garden."

(c) Specialty fertilizers labeled for use on urban turf or lawns shall have directions for use that

include:

1. Application rates for phosphorous shall not exceed 0.25 lbs. P₂O₅/1000 ft² per application and not to exceed 0.50 lbs. P₂O₅/1000 ft² per year.

2. Application rates for nitrogen shall not exceed **Fertilization Guidelines for Established Turfgrass Lawns in Three Regions of Florida.**

a. Rates shall be expressed in units of weight or volume per unit of area coverage (where application rates are given in volume, the label shall provide sufficient information to calculate the application rates by weight).

b. Rates shall be expressed per 1000 square feet.

c. Maximum coverage area per container or bag shall be displayed prominently on the front of the container or bag. (I.E. This product covers 5000 square feet, This bag feeds 4000 square feet).

(d) Fertilizers labeled for use on sports turf at golf courses, parks and athletic fields shall:

1. Have directions for use not to exceed rates recommended in the document titled SL191 “Recommendations for N, P, K and Mg for Golf Course and Athletic Field Fertilization Based on Mehlich I Extractant”, dated October 2006 which is hereby adopted and incorporated by reference into this rule , Copies may be obtained from the Soil and Water Science Department, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida, Gainesville, Fl 32611 or the following website:

<http://edis.ifas.ufl.edu/SS404>.

2. Have directions for use in accordance with the recommendations in “BMP’s for the Enhancement of Environmental Quality on Florida Golf Courses”, published by the Florida Department of Environmental Protection, dated January 2007. Copies may be downloaded from [http:// www.dep.state.fl.us/water/nonpoint/pubs.htm](http://www.dep.state.fl.us/water/nonpoint/pubs.htm)

(e) Fertilizers other than specialty fertilizers labeled for urban turf shall:

1. Have directions for use not to exceed rates recommended in the document titled Best Management Practices for Protection of Water Resources in Florida, June 2002, Florida Green Industries., which is hereby adopted and incorporated by reference into this rule, Copies may be obtained from

http://www.dep.state.fl.us/water/nonpoint/docs/nonpoint/BMP_Book .

(f) Existing Stock – Licensees are permitted to sell or distribute products that do not meet

the label requirements of the rule for one and one half years after the effective date of the rule.

Products at the retail level on or after the effective date of the rule are permitted to be offered for sale.

(3) SOIL ADDITIVES, SOIL AMENDMENTS AND SOIL CONDITIONERS. The following information shall appear on the product label in a conspicuous and readable form:

(a) Guaranteed analysis, in the following format.

Soil Amending Ingredients:

“Name of ingredient” _____ %

(Identify and list all soil amending ingredients)

Total Other Ingredients _____ %

(b) Purpose of product.

(c) Directions for application.

(d) Net volume, in lieu of net weight, may be used for labeling mulch products or materials sold for primary use as above ground dressing.

(4) SLOW OR CONTROLLED RELEASE, STABILIZED NITROGEN AND ENHANCED EFFICIENCY FERTILIZERS.

(a) Definitions.

(1) Slow or controlled release fertilizer means a fertilizer containing a plant nutrient in a form which delays its availability for plant uptake and use after application, or which extends its availability to the plant significantly longer than a referenced “rapidly available nutrient fertilizer” such as ammonium nitrate or urea, ammonium phosphate or potassium chloride.

(2) Stabilized Nitrogen Fertilizer means a fertilizer to which a nitrogen stabilizer has been added.

(3) Nitrogen stabilizer means a substance added to a fertilizer which extends the time the nitrogen component of the fertilizer remains in the soil in the urea or ammoniacal form. Urease inhibitors and nitrification inhibitors are nitrogen stabilizers.

(4) Urease Inhibitor means a substance which inhibits hydrolytic action on urea by the urease enzyme. When applied to soils the effect of the urease inhibitor is less urea nitrogen lost by ammonia volatilization.

(5) N-(n-butyl) thiophosphoric triamide (NBPT) means a compound that is the normal butyl derivative of thiophosphoric triamide and is a urease inhibitor (CAS No. 94317-64-3).

(6) Nitrification Inhibitor means a substance that inhibits the biological oxidation of ammoniacal nitrogen to nitrate nitrogen.

(7) Cyanamide means a commercial product consisting principally of calcium cyanamide (CaNCN). It is a nitrification inhibitor.

(8) Dicyandiamide means a water soluble organic compound of formula $C_2H_4N_4$ which contains at least sixty-five percent 65% nitrogen. It is a source of slowly available nitrogen. It is a nitrification inhibitor.

(9) Ammonium Thiosulfate means a commercial product composed principally of $(NH_4)_2S_2O_3$. It is a nitrification inhibitor.

(10) Enhanced Efficiency Fertilizer means a fertilizer product with characteristics that minimize the potential of nutrient losses to the environment, as compared to a "reference soluble" product.

(b) When one or more slow or controlled release, stabilized nitrogen or enhanced efficiency fertilizers are claimed or advertised, the guarantees for such nutrients shall be shown

as a footnote following the listing of source materials and shall be expressed as percent of actual nutrient.

(c) Listing of source materials providing slow or controlled release characteristics by controlling the water solubility of a naturally soluble material (as by coating or occlusion) shall constitute a claim of controlled release nutrient, and a guarantee for such nutrient shall be required.

(d) Listing of source materials in which availability of nitrogen is controlled through slow hydrolysis of water soluble organic nitrogen compounds shall constitute a claim of slow release or controlled release nutrient and a guarantee for such nutrient shall be required. The reference for such availability shall be the enzymatic hydrolysis of urea.

(e) No guarantee, claim or advertisement shall be made or required when a slow or controlled release, stabilized nitrogen or enhanced efficiency nutrient is less than 15 percent of the total guarantee for that nutrient.

(5) CHLORINE GUARANTEE.

(a) Chlorine shall be guaranteed as to maximum percentage content, when applicable, in agricultural fertilizer. "Specialty Fertilizer" defined in Section 576.011(36), F.S., shall be exempt from chlorine guarantees.

(b) Maximum chlorine shall be guaranteed in all brands which contain one percent (1%) or more, or in which potassium chloride or other materials bearing substantial amounts of chlorine are present.

(c) The maximum chlorine shall be guaranteed in all brands intended for use on tobacco.

(d) Maximum chlorine guarantees shall be reasonably accurate and not misleading, and consistent with source materials present. Two percent (2%) shall be the maximum permissible guarantee in fertilizers, except where potassium chloride, fish emulsion, or other high chlorine materials are present.

(6) DECLARATION OF FLORIDA LICENSEE NUMBER.

(a) The Florida Licensee Number, shall appear and be clearly identified on all fertilizer labels with a capital "F" preceding the license number.

(b) The number must be clear, legible and appear prominently and conspicuously on the label in proximity to the brand name or guaranteed analysis. The number must be placed in such a manner as to avoid any misinterpretation or confusion with percentages, pounds, or figures, statements, and in no way be misleading.

(7) REGISTRATION OF SPECIALTY FERTILIZER PRODUCTS. All specialty fertilizers to be sold within the state must be registered with the Bureau of Compliance Monitoring prior to any sale. Each product will be registered by filing the properly completed appropriate form with the Bureau. Only one form will be submitted for each product. Specialty fertilizer packaged, marketed, and distributed for home and garden use and packaged in quantities of forty-nine pounds or less (Specialty Fertilizer) will be registered upon the filing of properly completed Application for Specialty Fertilizer Registration (Fertilizer Form DACS-13220, Rev. 5/03). -

(8) LICENSEE.

(a) Any person whose name is on a fertilizer label and who guarantees the fertilizer must obtain a license prior to distribution of that fertilizer to a non-licensee.

(b) A license will be granted upon receipt of a properly executed Application for Fertilizer License (Fertilizer Form DACS-13222, Rev. 5/03).

Specific Authority 576.181 FS. Law Implemented 576.021 FS. History—Revised 1-23-67, Amended 10-22-68, 1-1-77, 3-27-77, Formerly 5E-1.03, Amended 8-3-93, 7-9-95, 10-25-98: ,Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Dale W. Dubberly, Chief, Bureau of Compliance Monitoring, 3125 Conner Blvd., Building #8, Tallahassee, Florida 32399-1650, Telephone (850) 488-8731.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:

Mr. Anderson Rackley, Director, Division of Agricultural Environmental Services.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

STATEMENT OF JUSTIFICATION

The department is required by statute to establish labeling requirements for all fertilizer products distributed in Florida.

SUMMARY OF THE RULE

Rule 5E-1.003 Establishes labeling criteria for fertilizer products distributed in Florida.

FEDERAL STANDARDS STATEMENT

A federal rule on the same subject as this rule does not exist.

STATEMENT OF ESTIMATED REGULATORY COSTS (S.E.R.C.)

A statement of estimated regulatory costs has not been prepared.

Revised 1/23/07