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Sequence Number: 01-08-16
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 File Date: 1/7/16

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Department of Agriculture
Division:	Consumer & Industry Services
Contact Person:	Jay Miller
Address:	Post Office Box 40627, Nashville, Tennessee 37204
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Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Liz Sneed
Address:	Post Office Box 40627, Nashville, Tennessee 37204
Phone:	(615) 837-5116
Email:	liz.sneed@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Tennessee Department of Agriculture, Porter Building		
Address 2:	436 Hogan Road		
City:	Nashville, Tennessee		
Zip:	37220		
Hearing Date :	February 29, 2016		
Hearing Time:	10:00 a.m.	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Additional Hearing Information:

Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0080-05-05	Regulations Pertaining to Tennessee Commercial Feed Law of 1972
Rule Number	Rule Title
0080-05-05-.19	Inspection Fees - Reports

Chapter Number	Chapter Title
0080-05-06	Seed Regulations

Rule Number	Rule Title
0080-05-06-.02	Labels
0080-05-06-.05	Labeling Treated Seed
0080-05-06-.14	Payment of Inspection Fees by Reporting System
0080-05-06-.15	Seed Inspection Fees for Seeds in Small Containers

Chapter Number	Chapter Title
0080-05-10	Commercial Fertilizers Regulations
Rule Number	Rule Title
0080-05-10-.09	Tonnage Reports and Inspection Fees

Chapter Number	Chapter Title
0080-05-15	Agricultural Liming Materials
Rule Number	Rule Title
0080-05-15-.07	Tonnage Reports and Inspection Fees

New

Chapter 0080-05-15
Agricultural Liming Materials

0080-05-15-.07 Tonnage Reports and Inspection Fees

- (1) License fee. Every person who distributes agricultural liming materials in the state shall pay an annual Tier 3 license fee under §43-1-703(f). The licensure year for any license, fee, or statement required under this chapter shall be July 1 through the following June 30.
- (2) Tonnage fee. Every person who distributes agricultural liming materials in the state shall pay an annual tonnage fee. The tonnage fee shall be determined by subtracting 1,000 tons from the total number of tons of agricultural liming materials distributed by the person during the previous licensure year; dividing the difference by 1,000 tons; and multiplying the dividend by a Tier 3 fee under T.C.A. §43-1-703(f). Any person who distributed 1,000 tons of agricultural liming materials or less during the previous licensure year is not required to pay the annual tonnage fee.
- (3) Annual statement. Every person who distributes agricultural liming materials in the state shall file with the commissioner on or before July 1 an annual statement setting forth the number of net tons of agricultural liming materials the person distributed in the state during the previous licensure year.

Authority: T.C.A. §§ 4-3-203; 43-1-703; 43-11-405; 43-11-410.

Amendments

Chapter 0080-05-05
Regulations Pertaining to Tennessee Commercial Feed Law of 1972

0080-05-05-.19 Inspection Fees – Reports is amended by deleting the rule in its entirety and substituting instead the following language:

0080-05-05-.19 Inspection Fees – Reports

- (1) Every person licensed under T.C.A. §44-6-104 shall annually file with the commissioner a statement indicating the number of net tons of feed distributed in the state during the previous year.
- (2) Each licensee shall pay an annual Tier 2 fee under T.C.A. §43-1-703(f).
- (3) In addition to the annual license fee, licensees shall pay an annual tonnage fee. The tonnage fee shall be determined by subtracting 350 tons from the total number of tons of feed the licensee distributed in the state during the previous year licensure year; dividing the difference by 350 tons; and multiplying the

dividend by a Tier 2 fee under T.C.A. §43-1-703(f). Licensees who distributed less than 350 tons of feed during the previous licensure year are not required to pay the annual tonnage fee.

- (3) No tonnage fee is required on a lot of commercial feed if a previous distributor has made payment of the annual tonnage fee for the feed.
- (4) No tonnage fee is required on customer-formula feeds if the tonnage fee is paid on all the commercial feeds used as ingredients in the customer-formula feeds.
- (5) No tonnage fee is required for commercial feeds used as ingredients for the manufacture of registered commercial feeds. If a tonnage fee is paid on such a commercial feed, the department may credit payment of the fee against the appropriate account.
- (6) No tonnage fee is required of contract feeders.

Authority: T.C.A. §§ 4-3-203; 43-1-703; 44-6-104; 44-6-110.

Chapter 0080-05-06 Seed Regulations

0080-05-06-.02 Labels is amended by deleting the rule in its entirety and substituting instead the following language:

0080-05-06-.02 Labels

- (1) A complete analysis and a purity test percentage totaling one-hundred (100%) percent is required on the label. Blank spaces on a tag or label are equivalent to the word "None." Numerals or the word "none" to express a percentage or numbers per pound is permitted.
- (2) Abbreviations in labeling seed are not permissible.
- (3) For agricultural seeds sold on a pure live seed basis, each container must bear a label required by T.C.A. §43-10-106 except:
 - (a) The percentage by weight of each agricultural seed component as required by T.C.A. §43-10-106(1);
 - (b) The percentage by weight of inert matter as required by T.C.A. §43-10-106(5); and
 - (c) Instead of information required by T.C.A. §43-10-106(8)(A), the label for each named agricultural seed shall contain:
 1. The percentage of pure live seed; and
 2. The calendar month and year in which the test determining the percentage of live seed was completed.

Authority: T.C.A. §§ 4-3-203; 43-10-114.

0080-05-06-.14 Payment of Inspection Fees by Reporting System is amended by deleting the rule in its entirety and substituting instead the following language:

0080-05-06-.14 License Fees

- (1) Each seed seller, whose name appears on the analysis label affixed to the bag, on the bulk container, or shipping invoice at time of sale of seeds to a non-labeler, shall pay an annual Tier 3 license fee under T.C.A. §43-1-703(f).

- (2) In addition to the annual license fee, seed sellers shall pay an annual seed unit fee. This seed unit fee shall be determined by subtracting 3000 seed units from the total number of seed units sold by the seed seller during the previous licensure year; dividing the difference by 600 seed units; and multiplying the dividend by a Tier 1 fee under T.C.A. §43-1-703(f). Seed sellers selling less than 3000 seed units per year are not required to pay more than the license fee required under paragraph (1) of this rule.
- (3) A seed unit means:
 - (a) A container of seed six lbs. to 100 lbs.;
 - (b) A hundredweight of seed sold in bulk;
 - (c) A package of tobacco seed two ounces or less; or
 - (d) A case of seed in packages of less than five pounds.
- (4) The seed seller whose name appears on the analysis label affixed to the bag, on the bulk container or shipping invoice at time of sale to a non-labeler will be responsible for the seed unit fees. However, in cases when a licensed Tennessee seed seller purchases or receives agricultural or vegetable seeds for seeding purposes from a seed seller located outside the state, either seed seller may pay the fee, but final responsibility rests with the Tennessee seed seller. Any subsequent sale of seed for which the fee was previously paid is not subject to further reporting or fees.

Authority: T.C.A. §§ 4-3-203; 43-1-703; 43-10-114; 43-10-118.

Chapter 0080-05-10
Commercial Fertilizers Regulations

0080-05-10-.09 Tonnage Reports and Inspection Fees is amended by deleting the rule in its entirety and substituting instead the following language:

0080-05-10-.09 Tonnage Reports and Inspection Fees

- (1) License fee. Every person who distributes commercial fertilizer in the state shall pay an annual Tier 3 license fee under §43-1-703(f). The licensure year for any license, fee, or statement required under this chapter shall be July 1 through the following June 30.
- (2) Tonnage fee. Every person who distributes commercial fertilizer in the state shall pay an annual tonnage fee. The tonnage fee shall be determined by subtracting 1,000 tons from the total number of tons of commercial fertilizer distributed by the person during the previous licensure year; dividing the difference by 1,000 tons; and multiplying the dividend by a Tier 5 fee under T.C.A. §43-1-703(f). Any person who distributed 1,000 tons of commercial fertilizer or less during the previous licensure year is not required to pay the annual tonnage fee.
- (3) Label fee. Every person who distributes commercial fertilizer in the state shall pay an annual label fee. The label fee shall be determined by subtracting 10 brands from the total number of brands of commercial fertilizer distributed by the person during the previous licensure year; dividing the difference by five brands; and multiplying the dividend by a Tier 6 fee under T.C.A. §43-1-703(f). Any person who distributed 10 brands of commercial fertilizer or less during the previous licensure year is not required to pay the annual label fee.
- (4) Annual statement. Every person who distributes commercial fertilizer in the state shall file with the commissioner on or before July 1 an annual statement setting forth the number of net tons and number of brands of commercial fertilizer the person distributed in the state during the previous licensure year.

Authority: T.C.A. §§ 4-3-203; 43-1-703; 43-11-104; 43-11-113.

Repeal

Chapter 0080-05-06
Seed Regulations

0080-05-06-.05 Labeling Treated Seed is repealed in its entirety.

Authority: T.C.A. §§ 4-3-203; 43-10-114.

0080-05-06-.15 Seed Inspection Fees for Seeds in Small Containers is repealed in its entirety.

Authority: T.C.A. §§ 4-3-203; 43-10-114.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 1/7/16

Signature: [Handwritten Signature]

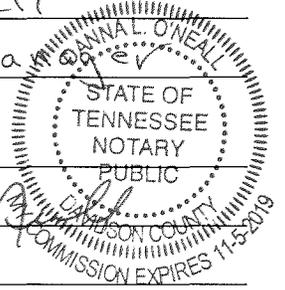
Name of Officer: K. David Waddell

Title of Officer: Administrative Manager

Subscribed and sworn to before me on: January 7, 2016

Notary Public Signature: [Handwritten Signature]

My commission expires on: 11-05-19



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Filed with the Department of State on: 1/7/16

[Handwritten Signature]
Tre Hargett
Secretary of State

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