

Proposed Rules
of
Tennessee Department of Agriculture
Division of Regulatory Services

Chapter 0080-05-10
Commercial Fertilizers Regulations

Presented herein are proposed amendments of the Regulatory Services Division, Department of Agriculture submitted pursuant to T.C.A. § 4-5-202 in lieu of a rulemaking hearing. It is the intent of the Department of Agriculture, Regulatory Services Division, to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendments are published. Such petition to be effective must be filed with the Department of Agriculture, Legal Services, P.O. Box 40627, Melrose Station, Nashville, Tennessee 37204, and in the Department of State, 8th Floor, Tennessee Tower, William Snodgrass Building, 312 8th Avenue North, Nashville, TN 37243, and must be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For copies of the entire text of the proposed amendments, contact: Jimmy Hopper, Director, Division of Regulatory Services Division, Department of Agriculture, Ellington Agricultural Center, P. O. Box 40627, Nashville TN 37204, 615-837-5150.

The text of the proposed rules and amendments is as follows:

New Rule

Table of Contents

0080-05-10-.12 Adulteration

0080-05-10-.12 Adulteration.

- (1) Commercial fertilizers that contain guaranteed amounts of phosphates and/or micronutrients are adulterated when they contain metals in amounts greater than the levels for metals in fertilizers established by the American Association of Plant Food Control Officials Statement of Uniform Interpretation and Policy number 25 as found at www.aapfco.org.
- (2) Hazardous waste derived fertilizers as defined by the United States Environmental Protection Agency shall be adulterated when they exceed the levels of metals permitted by the United States Environmental Protection Agency in the Code of Federal Regulations at 40 Code of Federal Regulations Parts 261, 266 and 268.

Authority: T.C.A. §§ 43-11-103, 43-11-113, 43-11-124.

Amendments

Rule 0080-05-10-.01 Definitions and Terms is amended by deleting the current language in its entirety and submitting the following language, so that as amended, the rule shall read:

0080-05-10-.01 Definitions and Terms. The official terms and definitions for commercial fertilizers shall be those set forth in Tenn. Code Ann. § 43-11-103.

Authority: T.C.A. §§ 43-11-103, 43-11-11

The proposed rules set out herein were properly filed in the Department of State on the 27th day of April, 2007, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of August, 2007. (FS 04-31-07, DBID 2524)