

THE CONNECTICUT FERTILIZER LAW

SECTION 1. *Short Title.* This chapter shall be known as the "Connecticut Fertilizer Law."

SEC. 2. *Definitions.* When used in this chapter: (a) "Commercial fertilizer" means any substance containing one or more recognized plant nutrients which is used for its plant nutrient content and which is designed for use or claimed to have value in promoting plant growth; except unmanipulated animal and vegetable manures, marl, lime, limestone, wood ashes and gypsum;

(b) "Specialty fertilizer" means a commercial fertilizer distributed primarily for nonfarm use, such as home gardens, lawns, shrubbery, flowers, golf courses, municipal parks, cemeteries, greenhouses and nurseries;

(c) "Bulk fertilizer" means a commercial fertilizer distributed in a non-packaged form;

(d) "Brand" means a term, design or trade mark used in connection with one or several grades of commercial fertilizer;

(e) (1) Until July 1, 1967, and thereafter until the director prescribes the alternative form in accordance with the provisions of subdivisions (2) hereof, "guaranteed analysis" means the minimum percentage of plant nutrients claimed in the following order and form:

- (A) Total Nitrogen (N) _____ per cent
Available Phosphoric Acid (P_2O_5) _____ per cent
Soluble Potash (K_2O) _____ per cent;

(B) for unacidulated mineral phosphatic materials and basic slag, both total and available phosphoric acid and the degree of fineness. For bone, tankage and other organic phosphatic materials, total phosphoric acid; (C) guarantees for plant nutrients other than nitrogen, phosphorus and potassium may be permitted or required by regulation of the director. The guarantees for such other nutrients shall be expressed in the form of the element. The sources of such other nutrients, such as oxides, salt, chelates, etc., may be required to be stated on the application for registration and may be included as a parenthetical statement on the label. Other beneficial substances or compounds, determinable by laboratory methods, also may be guaranteed by permission of the director. When any plant nutrients or other substances or compounds are guaranteed, they shall be subject to inspection and analysis in accord with the methods and regulations prescribed by the director.

(2) At any time after July 1, 1967, when the director finds, after public hearing following due notice, that the requirement for expressing the guaranteed analysis of phosphorus and potassium in elemental form would not impose an economic hardship on distributors and users of fertilizer by reason of conflicting labeling requirements among the states, he may require by regulation thereafter that the guaranteed analysis shall be in the following form:

Total Nitrogen (N) _____ per cent
 Available Phosphorus (P) _____ per cent
 Soluble Potassium (K) _____ per cent

provided the effective date of such regulation shall be not less than six months following the issuance thereof, and provided, for a period of two years following the effective date of such regulation, the equivalent of phosphorus and potassium may also be shown in the form of phosphoric acid and potash; provided, after the effective date of a regulation issued under the provisions of this section, requiring that phosphorus and potassium be shown in the elemental form, the guaranteed analysis for nitrogen, phosphorus and potassium shall constitute the grade;

(f) "Grade" means the percentages of total nitrogen, available phosphorus or phosphoric acid, and soluble potassium or soluble potash stated in whole numbers in the same terms, order and percentages as in the guaranteed analysis;

(g) "Official sample" means any sample of commercial fertilizer taken by the director or his agent and designated as official by the director;

(h) "Ton" means a net weight of two thousand pound avoirdupois;

(i) "Per cent" or "percentage" means the percentage by weight;

(j) "Persons" includes individual, partnership, association, firm and corporation;

(k) "Distributor" means any person who imports, consigns, manufactures, produces, compounds, mixes or blends commercial fertilizer, or who offers for sale, sells, barter or otherwise supplies commercial fertilizer in this state;

(l) "Registrant" means the person who registers commercial fertilizer under the provisions of this act;

(m) "Director" means the director of the Connecticut Agricultural Experiment Station.

SEC. 3. *Registration of brands and grades.* (a) Each brand and grade of commercial fertilizer shall be registered before being distributed in this state. The application for registration shall be submitted to the director on a form furnished by him, and shall be accompanied by a fee of ten dollars per major or minor element

guaranteed for each brand and grade listed thereon. The application shall include the following information: (1) The net weight; (2) the brand and grade; (3) the guaranteed analysis; (4) the name and address of the registrant; (5) the sources from which the nitrogen, phosphorus and potassium are derived. Upon approval of the application by the director, a copy of the registration shall be furnished to the applicant. All registrations shall expire on June thirtieth of each year.

(b) A distributor shall not be required to register any brand of commercial fertilizer which is already registered under this chapter by another person.

(c) A distributor shall not be required to register a commercial fertilizer formulated according to specifications which are furnished by a consumer prior to mixing; but shall be required to label such fertilizer as provided in subsection (c) of section 4.

SEC. 4. *Labeling.* (a) Any commercial fertilizer distributed in this state in containers shall have placed on or affixed to the container a label setting forth in clearly legible and conspicuous form the information required by subdivisions (1), (2), (3) and (4) of subsection (a) of section 3.

(b) If the fertilizer is distributed in bulk, a written or printed statement of the information required by said subdivisions shall accompany delivery and be supplied to the purchaser at the time of delivery.

(c) A commercial fertilizer formulated according to specifications which are furnished by a consumer prior to mixing shall be labeled to show the net weight, guaranteed analysis and the name and address of the distributor.

SEC. 5. *Inspection fees, tonnage statements by distributors.*

(a) There shall be paid to the director for all commercial fertilizers distributed in this state an inspection fee at the rate of six cents per ton, but not less than one dollar; provided sales to manufacturers or exchanges between them and sales by distributors of less than ten tons in any annual period provided for in subsection (b) of this section are exempted. Fees so collected shall be used for the payment of the costs of inspection, sampling and analysis and other expenses necessary for the administration of this chapter.

(b) Every person who distributes a commercial fertilizer in this state shall: File with the director, on forms furnished by the director, an annual statement for the period ending June thirtieth setting forth the number of net tons of each commercial fertilizer distributed in this state during such annual period. Such report shall be due on or before the fifteenth day of the month following the close of each

annual period and shall be accompanied by the inspection fee at the rate provided for in subsection (a) of this section. If the tonnage report is not filed, and the payment of the inspection fee is not made, within sixty days after the end of the annual period, a collection fee amounting to ten per cent of the amount, but not less than ten dollars, shall be assessed against the registrant, and may be collected in a legal action against the registrant.

(c) When more than one person is involved in the distribution of a commercial fertilizer, the last person who has the fertilizer registered and who distributes to a nonregistered dealer or consumer shall be responsible for reporting the tonnage and paying the inspection fee, unless the report and payment have been previously made by a prior distributor of the fertilizer.

SEC. 6. *Analyses and tests.* (a) The director, who may act through his authorized agent, shall sample, inspect, make analyses of and test commercial fertilizers distributed within this state at such times and places and to such extent as he may deem necessary to determine whether such commercial fertilizers are in compliance with the provisions of this chapter. The director, individually or through his agent, is authorized to enter upon any public or private premises or carriers during regular business hours in order to have access to commercial fertilizers subject to the provisions of this chapter and the regulations pertaining thereto.

(b) The methods of analysis and sampling shall be those adopted by the director from recognized authorities such as the Journal of the Association of Official Analytical Chemists.

(c) The director, in determining for administrative purposes whether any commercial fertilizer is deficient in plant food, shall be guided solely by the official sample obtained and analyzed as provided for in this section.

(d) The results of the official analysis of any commercial fertilizer which has been found to be subject to penalty or other legal action shall be forwarded by the director to the registrant at least ten days before the report is submitted to the purchaser. If during that period no adequate evidence to the contrary is made available to the director, the report shall become official. Upon request the director shall furnish to the registrant a portion of any sample found subject to penalty or other legal action.

SEC. 7. *Misbranded fertilizers.* A commercial fertilizer is misbranded if it carries a false or misleading statement on the container or on the label attached to the container, or if false or misleading statements concerning the fertilizer are disseminated in any manner or by any means. No person shall distribute a misbranded fertilizer.

SEC. 8. *Tonnage statements of registrants.* (a) Each person registering commercial fertilizers under this chapter shall furnish the director with a confidential written statement of the tonnage of each grade of commercial fertilizer sold by him in this state for the annual period ending June thirtieth. No information furnished under this section shall be disclosed in such a way as to divulge the operation of any person.

(b) When more than one person is involved in the distribution of a commercial fertilizer, the last person who has the fertilizer registered and who distributes to a nonregistered dealer or consumer shall be responsible for reporting the tonnage and paying the inspection fee, unless the reporting and paying of fees have been made by a prior distributor of the fertilizer.

SEC. 9. *Publication of information by director.* The director shall publish at least annually and in such forms as he may deem proper: (a) Information concerning the distribution of commercial fertilizers and (b) results of analyses based on official samples of commercial fertilizers distributed within the state as compared with the analyses guaranteed under sections 3 and 4.

SEC. 10. *Regulations.* For the enforcement of this chapter, the director is authorized to prescribe and, after public hearing following due public notice, to enforce such regulations relating to the distribution of commercial fertilizers as he may find necessary to carry into effect the full intent and meaning of this chapter.

SEC. 11. *Penalty for short weight.* If any commercial fertilizer in the possession of the consumer is found by the director to be short in weight, the registrant of such commercial fertilizer shall, within thirty days after official notice from the director, pay to the consumer a penalty equal to four times the value of the actual shortage.

SEC. 12. *Cancellation or refusal of registration for fraud or deception.* The director may cancel the registration of any brand of commercial fertilizer or refuse to register any brand of commercial fertilizer as herein provided, upon satisfactory evidence that the registrant or applicant for registration has used fraudulent or deceptive practices in the evasion or attempted evasion of the provisions of this chapter or any regulations promulgated thereunder; provided no registration shall be revoked or refused until the registrant has been given the opportunity to appear for a hearing by the director.

SEC. 13. *Stop sale, use or removal orders.* The director may issue and enforce a written or printed "stop sale, use, or removal" order to the owner or custodian of any lot of commercial fertilizer to hold such fertilizer at a designated place when the director finds such commercial fertilizer is being offered or exposed for sale in violation

of any provision of this chapter until the law has been complied with and such commercial fertilizer is released in writing by the director or such violation has been otherwise legally disposed. The director shall release the commercial fertilizer so withdrawn when the requirements of the provisions of this chapter have been complied with and all costs and expenses incurred in connection with the withdrawal have been paid.

SEC. 14. *Seizure of noncomplying fertilizers.* Any lot of commercial fertilizer not in compliance with the provisions of this chapter shall be subject to seizure on complaint of the director to a court of competent jurisdiction in the area in which such commercial fertilizer is located. If the court finds such commercial fertilizer to be in violation of this chapter and orders the condemnation of such commercial fertilizer, it shall be disposed of in any manner consistent with the quality of the commercial fertilizer and the laws of the state; provided in no instance shall the disposition of such commercial fertilizer be ordered by the court without first giving the claimant an opportunity to apply to the court for release of such commercial fertilizer or for permission to process or relabel such commercial fertilizer to bring it into compliance with this chapter.

SEC. 15. *Procedure on violations.* (a) If it appears from the examination of any commercial fertilizer that any provision of this chapter or the regulations issued thereunder has been violated, the director shall cause notice of the violation to be given to the registrant, distributor or possessor from whom the sample was taken. Any person so notified shall be given opportunity to be heard under such regulations as may be prescribed by the director. If it appears after such hearing, either in the presence or absence of the person so notified, that any of the provisions of this chapter or rules and regulations issued thereunder have been violated, the director may certify the facts to the prosecuting officer having jurisdiction.

(b) Any person convicted of violating any provision of this chapter or any regulation issued thereunder shall be fined not more than five hundred dollars.

(c) Nothing in this chapter shall be construed as requiring the director or his representative to report for prosecution or for the institution of seizure proceedings minor violations of this chapter when he believes that the public interests will be best served by a suitable notice of warning in writing.

(d) Each prosecuting officer to whom any violation is reported shall cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

(e) The director may apply for and any court of competent juris-

dition may grant a temporary or permanent injunction restraining any person from violating or continuing to violate any provision of this chapter or any regulation promulgated thereunder notwithstanding the existence of other remedies at law. Such injunction shall be issued without bond.

SEC. 16. *Sales and exchanges between importers, manufacturers or manipulators.* Nothing in this chapter shall be construed to restrict or avoid sales or exchanges of commercial fertilizers between importers, manufacturers or manipulators who mix fertilizer materials for sale or to prevent the free and unrestricted shipments of commercial fertilizer to manufacturers or manipulators who have registered their brands as required by the provisions of this chapter.

SEC. 17. *Appeals.* Any person aggrieved by any action of the director under the provisions of this chapter may appeal within thirty days thereafter to the court of common pleas for the county within which the appellant resides or has his place of business or to said court for Hartford county.

The Connecticut Agricultural Experiment Station

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