

PUBLIC NOTICE

The Ohio Department of Agriculture will hold a public hearing for the purpose of accepting testimony on the proposed amendments made to Chapter 901:5-1 of the Ohio Administrative Code.

The rules in chapter 901:5-1 of the Ohio Administrative Code regulate the labeling, weighing, manufacturing and distributing of fertilizer in the state of Ohio. The rules ensure that individuals seeking to purchase fertilizer have the consumer confidence to expect that the product they seek to purchase meets their expectations.

The hearing will be held on:

October 18, 2018 at 9:00 A.M.

**Ohio Department of Agriculture
Bromfield Administration Building
Hearing Room 133 (Seminar "B")
8995 East Main Street
Reynoldsburg, Ohio 43068-3399.**

The rules have been reviewed pursuant to a five year rule review and are being proposed as follows:

OAC 901:5-1-01 sets for the labeling requirements for fertilizer. Specifically, the rule requires that all packages for fertilizer shall be labeled in accordance with the standards set forth by the American Plant Food Control Officials. Further, all fertilizer packages must clearly identified the percent guaranteed of particular elements contained within the fertilizer. The rule is being amended to make necessary clarifications as well as to allow Nickel (Ni) to be listed on the label.

OAC 901:5-1-02 has been proposed to be rescinded and replaced due to the Legislative Service Commission's Administrative Rule Drafting Manual. The new proposed rule adopts the definitions that are set out in both Ohio Revised Code section 905.31 and the definitions listed in the American Plant Food Control Officials 2017 official publication.

OAC 901:5-1-03 has been proposed to be rescinded. The existing rule outlined definitions for fertilizer mixtures. These definitions have been incorporated into OAC 901:5-1-02.

OAC 901:5-1-04 sets out the requirements for the sale of fertilizer from bulk storage facilities. The rule requires that bulk storage facilities label the fertilizer grades and areas where they are stored. The rule is being amended to make clarifying edits which should help with reader comprehension.

OAC 901:5-1-05 outlines the requirements for the weighing of fertilizer and the requirements for shipping invoices. The rule is being amended to change the term quantity by volume which should clear confusion.



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OAC 901:5-1-06 outlines what constitutes mislabeled fertilizer. The rule establishes percent allowances that the percent guaranteed may be off by. These allowances are in conformance with the American Plant Food Control Officials. The rule is being amended to add the table of allowances into the rule.

The hearing will be conducted in accordance with Chapter 119 of the Revised Code. Any person affected by the no change rule package may appear and be heard in person, by his attorney, or both, may present his position, arguments, or contentions, orally or in writing, offer and examine witnesses, and present evidence tending to show that the no change rule package, if adopted or effectuated, will be unreasonable or unlawful.

More information on the rule package, including a business impact analysis and copies of the rules, can be found by visiting the [Department's Administrative Rule](#) page or by visiting the Register of Ohio at www.registerofohio.state.oh.us.

Any person who wishes to present his position, arguments, or contentions in writing, other than at the public hearing, may do so by either mailing his or her written comments to the Ohio Department of Agriculture, c/o Legal Section, 8995 East Main Street, Reynoldsburg, Ohio 43068; by email at ecomments@agri.ohio.gov, or by transmitting by facsimile at (614) 995-4585. Written comments sent by mail shall be postmarked no later than the day of the hearing. Written comments transmitted by facsimile shall be received no later than 5:00 p.m. on the day of the hearing.

