

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 251 Session of 2021

INTRODUCED BY YAW, MARTIN, GORDNER, BAKER, TARTAGLIONE, STEFANO, SCHWANK, COMITTA AND STREET, FEBRUARY 26, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 30, 2022

AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
2 Statutes, repealing provisions relating to fertilizer;
3 providing for fertilizer; in soil and plant amendment,
4 further providing for disposition of funds; in seed, further
5 providing for disposition of funds; establishing the
6 Agronomic Regulatory Account within the General Fund;
7 imposing duties on the Department of Agriculture; and making
8 conforming amendments.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Chapter 67 of Title 3 of the Pennsylvania
12 Consolidated Statutes is repealed:

13 [CHAPTER 67

14 FERTILIZER

15 § 6701. Short title of chapter.

16 This chapter shall be known and may be cited as the
17 Fertilizer Act.

18 § 6702. Definitions.

19 The following words and phrases when used in this chapter
20 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Brand." A term, design or trademark used in connection with
3 one or several grades of fertilizer.

4 "Bulk fertilizer." A fertilizer distributed in a nonpackaged
5 form.

6 "By-product." Municipal waste or residual waste as defined
7 in the act of July 7, 1980 (P.L.380, No.97), known as the Solid
8 Waste Management Act, that contains a plant nutrient and meets
9 all the applicable regulations of the Department of
10 Environmental Protection.

11 "Consumer." A person who purchases fertilizer for the end
12 use of the product.

13 "Deficiency." The amount of nutrient found by analysis to be
14 less than that guaranteed.

15 "Department." The Department of Agriculture of the
16 Commonwealth.

17 "Distribute." To import, consign, offer for sale, sell,
18 barter or otherwise supply fertilizer in this Commonwealth.

19 "Facility." Each separate mill or plant that manufactures
20 fertilizer.

21 "Fertilizer." Any substance, including fertilizer material,
22 mixed fertilizer, specialty fertilizer and bulk fertilizer,
23 containing one or more recognized plant nutrients which is used
24 for its plant nutrient content and which is designed for use or
25 claimed to have value in promoting plant growth, except
26 unmanipulated animal and vegetable manure, agricultural liming
27 materials, wood ashes and other materials exempted by regulation
28 by the Department of Agriculture.

29 "Fertilizer material." A fertilizer which:

30 (1) contains only one of the following primary plant

1 nutrients: nitrogen, phosphate or potash;

2 (2) has 85% or more of its plant nutrient content
3 present in the form of a single chemical compound; or

4 (3) is derived from a plant or animal residue, by-
5 product, coproduct as defined in regulation or natural
6 material deposit which has been processed in such a way that
7 its content of plant nutrients has not been materially
8 changed except by purification and concentration.

9 "Grade." The percentage of total nitrogen, available
10 phosphate and soluble potash stated in whole numbers in the same
11 terms, order and percentages as in the guaranteed analysis
12 except that, with respect to specialty fertilizers, fertilizer
13 materials, bone meal, manures and similar materials, the
14 guaranteed analysis may be stated in fractional units.

15 "Guaranteed analysis." The minimum percentage of plant
16 nutrients claimed in the following order and form:

17 Total nitrogen (N)	%
18 Available phosphate (P2O5)	%
19 Soluble potash (K2O)	%

20 For other organic phosphatic materials, the total phosphate or
21 degree of fineness may also be guaranteed. Guarantees for plant
22 nutrients other than nitrogen, phosphorus and potassium may be
23 established by regulation.

24 "Guarantor." The person whose name and address appears on
25 the label of a fertilizer.

26 "Label." The display of all written, printed or graphic
27 matter upon the immediate container or a statement accompanying
28 a fertilizer.

29 "Labeling." All written, printed or graphic matter upon or
30 accompanying any fertilizer or advertisements, brochures,

1 posters or electronic media used in promoting the distribution
2 of fertilizer.

3 "Manufacture." To produce, mix, blend, repackage or further
4 process fertilizer or fertilizer material for distribution.

5 "Micronutrient." Any of the following: boron, chlorine,
6 cobalt, copper, iron, manganese, molybdenum, sodium and zinc.

7 "Official sample." A sample of fertilizer taken by the
8 Department of Agriculture or its agent to effect the provisions
9 of this chapter and designated as official.

10 "Overall index value." The value obtained from the
11 calculation: (commercial value found) x 100/(commercial value
12 guaranteed).

13 "Percent" or "percentage." A percentage by weight.

14 "Person." An individual, partnership, association, firm,
15 corporation or any other legal entity.

16 "Plant nutrient." Any of the following: primary nutrient,
17 secondary nutrient and micronutrient.

18 "Primary nutrient." Any of the following: total nitrogen,
19 available phosphate and soluble potash.

20 "Secondary nutrient." Any of the following: calcium,
21 magnesium and sulfur.

22 "Secretary." The Secretary of Agriculture of the
23 Commonwealth or the secretary's designee.

24 "Specialty fertilizer." A fertilizer distributed for nonfarm
25 use and fertilizer material primarily intended to supply plant
26 nutrients other than nitrogen, phosphate or potash.

27 "Tolerance." A permitted variation from the guarantee of an
28 official sample of fertilizer.

29 § 6703. Licensing.

30 (a) General rule.--Every person engaged in the manufacture

1 of fertilizer to be distributed in this Commonwealth and every
2 guarantor of fertilizer shall, on or before July 1 of each year
3 or prior to manufacture or distribution, apply for and obtain an
4 annual license for each guarantor and each facility located in
5 this Commonwealth. The application for licensure must be on the
6 form prescribed by the department and shall be accompanied by a
7 \$25 application fee. All licenses shall expire on June 30 of
8 each year.

9 (b) Labeling and typical analysis.--The department may
10 require an applicant for a license or a current licensee to
11 submit the labeling that the person is using or intends to use
12 for the fertilizer. The department may also require an applicant
13 or licensee to provide a typical analysis of selected components
14 that may be in the fertilizer.

15 § 6704. Registration of specialty fertilizers.

16 (a) Application.--Each brand and grade of specialty
17 fertilizer shall be registered by the guarantor with the
18 department before being offered for sale, sold or distributed in
19 this Commonwealth. An application for each brand and grade of
20 specialty fertilizer shall be made on a form prescribed by the
21 department and shall be accompanied by a fee of \$25 per each
22 grade of each brand. Labels for each brand and grade shall
23 accompany the application. Upon the approval of an application
24 by the department, a copy of the registration shall be furnished
25 to the applicant. All registrations shall expire on June 30 of
26 each year.

27 (b) Contents of application.--An application for
28 registration shall include:

- 29 (1) The brand and grade.
- 30 (2) The guaranteed analysis.

1 (3) The name and address of the guarantor.

2 (4) The net weight.

3 (c) Exemption.--A distributor shall not be required to
4 register a specialty fertilizer which is already registered
5 under this chapter by another person, providing the label does
6 not differ in any material respect.

7 (d) Late fee.--If the application for renewal of the
8 specialty fertilizer registration required in this section is
9 not filed prior to June 30 of each year, a penalty of \$25 or 10%
10 of the registration fee, whichever is greater, may be assessed
11 and added to the original fee and shall be paid by the applicant
12 before the renewal specialty fertilizer registration is issued.
13 The penalty shall not apply if the applicant furnished an
14 affidavit that the applicant has not distributed the specialty
15 fertilizer subsequent to the expiration of the applicant's prior
16 registration.

17 § 6705. Labels and labeling.

18 (a) General rule.--Any fertilizer distributed in a container
19 in this Commonwealth shall have placed on or affixed to the
20 container a label setting forth in legible and conspicuous form:

21 (1) The brand and grade of the fertilizer, provided that
22 the grade shall not be required when no primary nutrients are
23 claimed.

24 (2) The guaranteed analysis.

25 (3) The name and address of the guarantor.

26 (4) The net weight.

27 (b) Bulk fertilizer.--In the case of bulk fertilizer
28 shipments, the information required by subsection (a) shall
29 accompany delivery and shall be provided in writing to the
30 purchaser at time of delivery.

1 (c) Other guarantees.--Guarantees for other nutrients shall
2 be expressed in the form of the element. The department may
3 require by regulation that the source of such other nutrients be
4 stated on the application for registration and may be required
5 on the label. The department may require by regulation that
6 other beneficial substances or compounds be guaranteed. When any
7 plant nutrients or other substances or compounds are guaranteed,
8 they shall be subject to inspection and analysis in accordance
9 with the methods and regulations prescribed by the department.

10 (d) Proof of labeling claims.--The department may require
11 proof of any labeling claims made for fertilizer. Any research
12 in support of such claims shall be performed by an institution
13 approved by the department utilizing acceptable scientific
14 methodology.

15 (e) Consumer-specified fertilizer formulations.--A
16 fertilizer formulated according to specifications which are
17 furnished by a consumer prior to mixing shall be labeled to
18 show:

19 (1) The net weight.

20 (2) The guaranteed analysis.

21 (3) The name and address of the guarantor.

22 (f) Bulk storage.--Fertilizer in bulk storage that is
23 intended for distribution shall be identified with a label
24 attached to the storage bin or container giving the name and
25 grade of the product.

26 § 6706. Inspection fees.

27 (a) Amounts.--

28 (1) The guarantor whose name appears on the label of a
29 fertilizer distributed in this Commonwealth shall pay
30 semiannually and not later than January 31 and July 31 of

1 each year an inspection fee at the rate of 15¢ per ton. In no
2 case shall the inspection fee paid semiannually amount to
3 less than \$25.

4 (2) On packages of 15 pounds or less, there shall be
5 paid in lieu of the inspection fee of 15¢ per ton provided
6 for in paragraph (1), annually and not later than January 31
7 of each year, an inspection fee of \$25 for each brand and
8 grade of fertilizer distributed.

9 (3) If the guarantor whose name appears on the label
10 distributes fertilizers in this Commonwealth in both packages
11 of less and more than 15 pounds, the \$25 inspection fee shall
12 be paid for its brands and grades sold in packages of 15
13 pounds or less, and the 15¢ per ton fee shall be paid for its
14 packages of more than 15 pounds.

15 (b) Adjustment to fees by secretary.--

16 (1) Notwithstanding the provisions of subsection (a), if
17 the secretary determines following notice to the registrants
18 and licensees that moneys derived from the registration and
19 inspection fees are either greater or less than that required
20 to administer this chapter, the secretary may reduce or
21 increase the inspection fee so as to maintain revenues
22 sufficient to administer this chapter.

23 (2) An inspection fee established under this subsection
24 may not be changed by more than 2¢ in one year and may not
25 exceed 25¢ per ton.

26 (3) The secretary shall announce the adjustment of fees
27 by publishing a notice in the Pennsylvania Bulletin. The
28 adjusted fees shall take effect 60 days after publication of
29 such notice in the Pennsylvania Bulletin.

30 § 6707. Tonnage reports.

1 (a) General rule.--The guarantor whose name appears on the
2 label shall submit, along with the requisite inspection fee, a
3 report in a manner prescribed by the department listing by
4 county the net tons of each brand and grade of fertilizer
5 distributed in this Commonwealth for the period covered by the
6 inspection fee.

7 (b) Multiple guarantors.--When more than one guarantor is
8 involved in the distribution of fertilizer, the guarantor who
9 distributed the fertilizer last shall report the tonnage and pay
10 the inspection fee unless the report and payment have been made
11 by a prior distributor.

12 (c) Late fee.--A penalty of \$25 or 10% of the inspection
13 fee, whichever is greater, shall be imposed for any fee or
14 report not submitted at the required time.

15 (d) Examination permitted.--The department or its authorized
16 representative may examine the records of the guarantor to
17 verify the information contained in the reports filed with the
18 department. Reports containing fraudulent or incorrect
19 information shall be considered a violation of this chapter for
20 which the department may assess any penalty as provided for in
21 this chapter.

22 (e) Confidentiality of information.--

23 (1) No proprietary information furnished to the
24 department under this section shall be disclosed in such a
25 way as to knowingly or intentionally divulge a trade secret
26 of any person subject to the provisions of this chapter.

27 (2) This subsection shall not apply to information
28 furnished to a court or administrative tribunal in accordance
29 with law.

30 § 6708. Inspection, sampling and analysis.

1 (a) General rule.--The department shall inspect, sample,
2 make analyses of and test fertilizers distributed within this
3 Commonwealth and shall inspect the storage of bulk fertilizer at
4 any time and place and to such an extent as the department may
5 deem necessary to determine whether such fertilizers are in
6 compliance with the provisions of this chapter. The department
7 or its agent may enter upon any public or private premises or
8 carriers during regular business hours in order to have access
9 to fertilizer subject to provisions of this chapter and the
10 records relating to this chapter.

11 (b) Laboratory methodology.--The department shall establish
12 by regulation the methods of fertilizer sampling and analysis.
13 In promulgating such regulations, the department shall consider
14 methods such as those adopted by the Association of Official
15 Analytical Chemists International. In cases not covered by such
16 methods or in cases where improved methods are available, the
17 department may issue a temporary order defining the method to be
18 utilized. The method defined in the temporary order shall be
19 effective upon publication in the Pennsylvania Bulletin. The
20 temporary order shall remain in effect for a period not to
21 exceed one year unless reissued or until such order is
22 promulgated as a regulation.

23 (c) Deficiency determination.--The department, in
24 determining whether any fertilizer is deficient, shall be guided
25 solely by the official sample obtained and analyzed as provided
26 for in subsections (a) and (b).

27 (d) Retention of official samples.--Official samples
28 maintained by the department and that require imposition of a
29 penalty for nutrient deficiency shall be retained for a minimum
30 of 90 days from issuance of a deficiency report. Upon request,

1 the department shall furnish to the guarantor a portion of any
2 sample that is subject to penalty or other legal action. Such
3 requests must be made within 30 days of notification of sample
4 violations.

5 § 6709. Plant food deficiency.

6 (a) Penalties.--The following penalties shall be assessed
7 for deficiencies from the guaranteed analysis:

8 (1) A penalty payment of five times the commercial value
9 of each deficiency shall be assessed when the analysis shows
10 that a fertilizer is deficient:

11 (i) in one or more of its guaranteed primary
12 nutrients beyond a tolerance of 10% (two unit maximum);
13 or

14 (ii) when the overall index value of the primary
15 nutrients in the fertilizer is below 97.

16 (2) When a fertilizer is subject to a penalty payment
17 under both paragraph (1) (i) and (ii), the larger penalty
18 payment shall apply. Any such penalties assessed may not
19 exceed the retail price of the lot of fertilizer represented
20 by the official sample.

21 (3) Deficiencies beyond the tolerance as established by
22 regulation in a component other than a primary nutrient shall
23 be evaluated by the department and shall be subject to any
24 penalty under this chapter.

25 (b) Payment of penalties.--All penalties assessed under this
26 section shall be paid by the guarantor to the consumer of the
27 lot of fertilizer represented by the sample analyzed within 90
28 days after the date of notice from the department to the
29 guarantor. Receipts of payment shall be promptly forwarded by
30 the guarantor to the department. If the consumer cannot be

1 found, the penalties shall be paid to the department.

2 (c) Deficiencies in mixed fertilizers.--A deficiency in an
3 official sample of mixed fertilizer resulting from nonuniformity
4 shall not be deemed distinguishable from a deficiency due to
5 actual plant nutrient shortage and shall be deemed a violation
6 of this chapter for which the department may assess any penalty
7 as provided for in this chapter.

8 § 6710. Commercial value.

9 For the purpose of determining the commercial value to be
10 applied under section 6709 (relating to plant food deficiency),
11 the department shall determine and publish annually the values
12 per pound of nitrogen, available phosphate and soluble potash in
13 fertilizers in this Commonwealth. The amounts determined and
14 published shall be used in determining and assessing penalty
15 payments.

16 § 6711. Misbranding.

17 No person shall distribute a misbranded fertilizer. A
18 fertilizer shall be deemed to be misbranded if:

19 (1) its labeling is false or misleading in any
20 particular;

21 (2) it is distributed under the name of another
22 fertilizer product;

23 (3) it is not labeled as required in section 6705
24 (relating to labels and labeling) and in accordance with
25 regulations prescribed under this chapter; or

26 (4) it purports to be or is represented as a fertilizer
27 or is represented as containing a plant nutrient or
28 fertilizer unless such plant nutrient or fertilizer conforms
29 to the definition of identity, if any, prescribed by
30 regulation.

1 § 6712. Adulteration.

2 (a) General rule.--No person shall distribute an adulterated
3 fertilizer product. A fertilizer shall be deemed to be
4 adulterated if:

5 (1) it contains any deleterious or harmful substance in
6 sufficient amount to render it injurious to beneficial plant
7 life, animals, humans, aquatic life, soil or water when
8 applied in accordance with its intended use or directions for
9 use on the label;

10 (2) adequate warning statements or directions for use
11 which may be necessary to protect plant life, animals,
12 humans, aquatic life, soil or water are not shown upon the
13 label;

14 (3) its composition falls below or differs from that
15 which it is purported to possess by its labeling; or

16 (4) it contains viable weed seed in amounts exceeding
17 the limits which the department establishes by regulation.

18 (b) Exception.--A fertilizer shall not be considered
19 adulterated under this section if the quantity of the substance
20 in the fertilizer does not ordinarily render it injurious.

21 § 6713. Publications.

22 The department shall publish at least annually and in such
23 form as it deems proper such information concerning the
24 distribution of fertilizers and results of analyses based on
25 official samples of fertilizer distributed within this
26 Commonwealth as compared with analyses guaranteed under sections
27 6704 (relating to registration of specialty fertilizers) and
28 6705 (relating to labels and labeling).

29 § 6714. Short weight.

30 If any fertilizer in the possession of a consumer is found by

1 the department to be short in weight, the guarantor of that
2 fertilizer shall, within 30 days after official notice from the
3 department, submit to the consumer a penalty payment of two
4 times the value of the actual shortage.

5 § 6715. Refusal, suspension or revocation of registration or
6 license.

7 The department may refuse, suspend or revoke the registration
8 of any fertilizer or refuse, suspend or revoke the license of
9 any person where the registrant or licensee has not complied
10 with the provisions of this chapter or of any person who has
11 used fraudulent or deceptive practices in the evasion of the
12 provisions of this chapter.

13 § 6716. Stop-sale orders.

14 (a) General rule.--The department may issue and enforce a
15 written or printed stop-sale, use or removal order to the owner
16 or custodian of any lot of fertilizer and to hold at a
17 designated place when the department finds the fertilizer is
18 being offered or exposed for sale in violation of any of the
19 provisions of this chapter. The order shall remain in effect
20 until the law has been complied with and the fertilizer is
21 released in writing by the department or the violation has been
22 otherwise legally disposed of by written authority.

23 (b) Release by department.--The department shall release
24 fertilizer held under a stop-sale order when the requirements of
25 the provisions of this chapter have been complied with and all
26 costs and expenses incurred in connection with the withdrawal
27 have been paid by the person responsible for the violation.

28 § 6717. Seizure and condemnation.

29 A lot of fertilizer not in compliance with the provisions of
30 this chapter shall be subject to seizure and condemnation by the

1 department, provided that in no instance shall the disposition
2 of the fertilizer be ordered by the department without first
3 giving the claimant an opportunity for a hearing as provided for
4 in section 6718 (relating to appeal process) or for opportunity
5 to apply for permission to process or relabel the fertilizer to
6 bring it into compliance with this chapter.

7 § 6718. Appeal process.

8 All appeals shall be taken and hearings conducted in
9 accordance with the provisions of 2 Pa.C.S. Chs. 5 Subch. A
10 (relating to practice and procedure of Commonwealth agencies)
11 and 7 Subch. A (relating to judicial review of Commonwealth
12 agency action).

13 § 6719. Cooperation with other entities.

14 The department may cooperate with and enter into agreement
15 with governmental agencies of the Federal Government, agencies
16 of this Commonwealth and any other state in order to carry out
17 the purpose and provisions of this chapter.

18 § 6720. Rules and regulations.

19 The department shall promulgate and enforce rules and
20 regulations necessary for administration and implementation of
21 this chapter.

22 § 6721. Unlawful conduct.

23 It shall be unlawful for any person to fail to comply with or
24 to cause or assist in the violation of any order or any of the
25 provisions of this chapter or the rules and regulations adopted
26 under this chapter.

27 § 6722. Interference with officer or employee of department.

28 A person who willfully or intentionally interferes with an
29 employee or officer of the department in the performance of that
30 employee's or officer's duties or activities authorized under

1 this chapter commits a misdemeanor of the third degree and
2 shall, upon conviction, be subject to a term of imprisonment of
3 not more than one year or a fine of not more than \$2,500, or
4 both.

5 § 6723. Enforcement and penalties.

6 (a) Criminal penalties.--Unless otherwise specified, any
7 person who violates any of the provisions of this chapter or a
8 rule or regulation adopted thereunder or any order issued
9 pursuant thereto:

10 (1) For the first offense, commits a summary offense and
11 may, upon conviction, be sentenced for each offense to pay a
12 fine of not less than \$50 nor more than \$100 and costs of
13 prosecution or to undergo imprisonment for a term which shall
14 be fixed at not more than 90 days, or both.

15 (2) For a subsequent offense committed within three
16 years of a prior conviction for any violation of this chapter
17 or any rule, regulation or order made under this chapter,
18 commits a misdemeanor of the second degree and shall, upon
19 conviction, be sentenced to pay a fine of not less than \$500
20 nor more than \$1,000 and costs of prosecution or to
21 imprisonment for not more than two years, or both.

22 (b) Trade secrets.--

23 (1) Any person who uses to that person's own advantage
24 or reveals to anyone other than the department,
25 administrative tribunal or the courts when relevant in any
26 judicial proceeding any information acquired under the
27 authority of this chapter concerning any method, records,
28 formulations or processes which as a trade secret is entitled
29 to protection under the law commits a misdemeanor of the
30 third degree and shall, upon conviction, be sentenced to pay

1 a fine of not less than \$500 or to imprisonment for not less
2 than one year, or both.

3 (2) This subsection shall not be construed to prohibit
4 the department from exchanging information of a regulatory
5 nature with governmental agencies of the Federal Government,
6 agencies of this Commonwealth or any other state to implement
7 the provisions of this chapter.

8 (c) Civil penalties.--

9 (1) In addition to any other remedy available at law or
10 in equity for a violation of this chapter, the department may
11 assess a civil penalty of not more than \$2,500 upon any
12 person for each violation of this chapter. The civil penalty
13 assessed shall be payable to the department and shall be
14 collectible in any manner provided by law for the collection
15 of debt.

16 (2) No civil penalty shall be assessed unless the person
17 assessed the penalty has been given notice and an opportunity
18 for a hearing on the assessment in accordance with the
19 provisions of 2 Pa.C.S. Chs. 5 Subch. A (relating to practice
20 and procedure of Commonwealth agencies) and 7 Subch. A
21 (relating to judicial review of Commonwealth agency action).

22 (d) Certified copy of official analysis.--In prosecution
23 under this chapter involving the composition of a lot of
24 fertilizer, a certified copy of the official analysis signed by
25 the secretary or the secretary's designee shall be accepted as
26 prima facie evidence of the composition.

27 (e) De minimis violations.--Nothing in this chapter shall be
28 construed as requiring the department to report a violation and
29 to institute seizure proceedings as a result of de minimis
30 violations of this chapter when the department concludes that

1 the public interest will be best served by a suitable notice of
2 warning in writing.

3 § 6724. Exchanges between manufacturers.

4 Nothing in this chapter shall be construed as restricting or
5 avoiding sales or exchanges of fertilizers to each other by
6 importers, manufacturers or manipulators who mix fertilizer
7 materials for sale or as preventing the free and unrestricted
8 shipments of fertilizer to manufacturers or manipulators who are
9 licensed as required by provisions of this chapter.

10 § 6725. Disposition of funds.

11 Moneys received from license fees, registration fees,
12 inspection fees, fines and penalties shall be paid into a
13 special restricted account in the General Fund to be known as
14 the Agronomic Regulatory Account. All moneys in the Agronomic
15 Regulatory Account are hereby appropriated to the department for
16 the purposes of this chapter and Chapters 69 (relating to soil
17 and plant amendment) and 71 (relating to seed).]

18 Section 2. Title 3 is amended by adding a chapter to read:

19 CHAPTER 68

20 FERTILIZER

21 Subchapter

<--

22 A. General Provisions

23 B. Fertilizer Manufacturers and Guarantors

24 C. Applicator Licensing and Certification

25 D. Recordkeeping

26 E. Application Rates, Requirements and Prohibitions

27 F. Agricultural and Homeowner Education Program

28 G. Administration and Penalties

29 SUBCHAPTER A

30 GENERAL PROVISIONS

1 ~~Sec.~~

2 ~~6801. Short title of chapter.~~

3 ~~6802. Legislative intent.~~ <--

4 ~~6803. Definitions.~~

5 ~~§ 6801. Short title of chapter.~~

6 ~~This chapter shall be known and may be cited as the~~
7 ~~Fertilizer Act.~~

8 ~~§ 6802. Legislative intent.~~ <--

9 ~~This chapter is intended to:~~

10 ~~(1) Provide for the labeling, application,~~
11 ~~recordkeeping, packaging, use, sale and distribution of~~
12 ~~agricultural fertilizer as well as turf or other specialty~~
13 ~~fertilizer.~~

14 ~~(2) Provide consumer protection through licensing,~~
15 ~~labeling and sampling.~~

16 ~~(3) Establish professional fertilizer applicator~~
17 ~~certification.~~

18 ~~(4) Provide a means of consumer education and outreach.~~

19 ~~(5) Ensure that applicators follow best practices when~~
20 ~~applying fertilizer.~~

21 ~~§ 6803 6802~~ <--

22 ~~SEC.~~ <--

23 ~~6801. DEFINITIONS.~~

24 ~~6802. LICENSING.~~

25 ~~6803. REGISTRATION OF SPECIALTY FERTILIZERS.~~

26 ~~6804. COMPONENTS OF FERTILIZER LABELED FOR TURF.~~

27 ~~6805. LABELS AND LABELING.~~

28 ~~6806. INSPECTION FEES.~~

29 ~~6807. TONNAGE REPORTS.~~

30 ~~6808. PLANT NUTRIENT DEFICIENCY.~~

- 1 6809. COMMERCIAL VALUE.
- 2 6810. MISBRANDING.
- 3 6811. ADULTERATION.
- 4 6812. APPLICATION OF FERTILIZER.
- 5 6813. APPLICATION OF FERTILIZER TO TURF.
- 6 6814. PROHIBITED ACTS.
- 7 6815. AGRICULTURAL AND HOMEOWNER EDUCATION.
- 8 6816. PUBLICATIONS.
- 9 6817. RULES AND REGULATIONS.
- 10 6818. SHORT WEIGHT.
- 11 6819. REFUSAL, SUSPENSION OR REVOCATION OF REGISTRATION OR
12 LICENSE.
- 13 6820. STOP-SALE ORDERS.
- 14 6821. SEIZURE AND CONDEMNATION.
- 15 6822. UNLAWFUL CONDUCT.
- 16 6823. INSPECTION, SAMPLING AND ANALYSIS.
- 17 6824. INTERFERENCE WITH OFFICER OR EMPLOYEE OF DEPARTMENT.
- 18 6825. ENFORCEMENT AND PENALTIES.
- 19 6826. APPEAL PROCESS.
- 20 6827. CIVIL REMEDY.
- 21 6828. COOPERATION WITH OTHER ENTITIES.
- 22 6829. EXCHANGES BETWEEN MANUFACTURERS.
- 23 6830. CONFIDENTIALITY.
- 24 6831. DISPOSITION OF FUNDS.
- 25 6832. EXCLUSION OF LOCAL LAWS AND REGULATIONS.
- 26 § 6801. Definitions.
- 27 The following words and phrases when used in this chapter
28 shall have the meanings given to them in this section unless the
29 context clearly indicates otherwise:
- 30 "AGRICULTURAL OPERATION." THE MANAGEMENT AND USE OF FARMING <--

1 RESOURCES FOR THE PRODUCTION OF CROPS, LIVESTOCK OR POULTRY.

2 "Brand." A term, design or trademark used in connection with
3 one or several grades of fertilizer.

4 "Bulk fertilizer." A fertilizer distributed in a nonpackaged
5 form.

6 "By-product." Municipal waste or residual waste as defined
7 in the act of July 7, 1980 (P.L.380, No.97), known as the Solid
8 Waste Management Act, that contains a plant nutrient and meets
9 all applicable regulations of the Department of Environmental
10 Protection.

11 ~~"Certified applicator." A person AN INDIVIDUAL who is~~ <--
12 ~~certified under section 6832 (relating to certification of~~
13 ~~applicators) as competent to use or supervise the use of~~
14 ~~fertilizer or train TO TRAIN A fertilizer technicians TECHNICIAN~~ <--
15 ~~on the proper application of fertilizer.~~

16 ~~"Commercial applicator." A person CERTIFIED APPLICATOR~~ <--
17 ~~EMPLOYED BY A FERTILIZER APPLICATION BUSINESS who applies or~~
18 ~~supervises the application of fertilizer. to the property or~~ <--
19 ~~premises of another or who applies or supervises application of~~
20 ~~fertilizer to any of the following:~~

21 ~~(1) A golf course.~~

22 ~~(2) The property or premises of a public or private~~
23 ~~park.~~

24 ~~(3) The property or premises of a public, nonpublic or~~
25 ~~licensed private elementary or secondary school where a~~
26 ~~resident of this Commonwealth may fulfill the compulsory~~
27 ~~school attendance requirements and that meets the applicable~~
28 ~~requirements of Title IV of the Civil Rights Act of 1964~~
29 ~~(Public Law 88 352, 78 Stat. 241). This term does not include~~
30 ~~the residence of a home schooled student.~~

~~(4) A public or private college or university that applies fertilizer to the campus grounds, excluding a person who conducts research at a public or private college or university or a State related university that applies fertilizer to test plots.~~

~~(5) A public playground or an athletic field.~~

"COMPOST." PRODUCT MANUFACTURED FROM THE CONTROLLED AEROBIC <--
BIOLOGICAL DECOMPOSITION OF BIODEGRADABLE MATERIALS THAT HAVE
BEEN SANITIZED THROUGH THE GENERATION OF MESOPHILIC AND
THERMOPHILIC HEAT CYCLES AND HAVE STABILIZED CARBON TO THE POINT
THAT THE MATERIALS ARE BENEFICIAL TO PLANT GROWTH.

"Consumer." A person who purchases fertilizer for the ITS <--
end use of a product. <--

"Deficiency." The amount of nutrient found by analysis to be
less than that guaranteed, that may result from a lack of
nutrient ingredients or uniformity.

"Department." The Department of Agriculture of the
Commonwealth.

"Distribute." To import, consign, offer for sale, sell,
barter or otherwise supply fertilizer in this Commonwealth.

"Distributor." A person that distributes fertilizer or
fertilizer material.

"Enhanced efficiency." Relating to a fertilizer product with <--
characteristics that allow increased plant nutrient uptake and
reduced potential of nutrient losses to the environment, such as
gaseous losses, leaching or runoff.

"Facility." Each separate mill or plant that manufactures
fertilizer.

"Fertilizer." A substance containing one or more recognized
plant nutrients that is used for its plant nutrient content and

1 is designed for use or claimed to have value in promoting plant
2 growth, except unmanipulated animal manure and plant remains,
3 SPENT MUSHROOM SUBSTRATE AND COMPOST WHEN NOT USED AS A PLANT <--
4 NUTRIENT, agricultural liming materials, wood ashes and other
5 materials exempted by the department's regulations. The term
6 shall not apply to animal manure that is regulated under:

7 (1) Chapter 5 (relating to nutrient management and odor
8 management);

9 (2) the act of June 28, 2004 (P.L.454, No.49), known as
10 the Commercial Manure Hauler and Broker Certification Act; or

11 (3) 25 Pa. Code § 91.36(b) (relating to pollution
12 control and prevention at agricultural operations).

13 ~~"Fertilizer application business." A PERSON, OTHER THAN A~~ <--
14 ~~governmental or public entity, commercial applicator or business~~ <--
15 ~~for profit or not for profit that applies fertilizer to or on:~~

16 ~~(1) the property or premises of another;~~

17 ~~(2) the property or premises of a golf course, park,~~ <--
18 ~~school, college or university or public playground; or~~

19 ~~(3) an athletic field.~~

20 ~~(2) A GOLF COURSE;~~ <--

21 ~~(3) THE PROPERTY OR PREMISES IN A RECREATIONAL AREA OF A~~
22 ~~PUBLIC PARK OR PRIVATE PARK;~~

23 ~~(4) THE PROPERTY OR PREMISES OF A PUBLIC, NONPUBLIC OR~~
24 ~~LICENSED PRIVATE ELEMENTARY OR SECONDARY SCHOOL WHERE A~~
25 ~~RESIDENT OF THIS COMMONWEALTH MAY FULFILL THE COMPULSORY~~
26 ~~SCHOOL ATTENDANCE REQUIREMENTS AND THAT MEETS THE APPLICABLE~~
27 ~~REQUIREMENTS OF TITLE IV OF THE CIVIL RIGHTS ACT OF 1964~~
28 ~~(PUBLIC LAW 88 352, 78 STAT. 241). THIS PARAGRAPH DOES NOT~~
29 ~~INCLUDE THE RESIDENCE OF A HOME SCHOOLED STUDENT;~~

30 ~~(5) A PUBLIC OR PRIVATE COLLEGE OR UNIVERSITY THAT~~

1 ~~APPLIES FERTILIZER TO THE CAMPUS GROUNDS, EXCLUDING A PERSON~~
2 ~~WHO CONDUCTS RESEARCH AT A PUBLIC OR PRIVATE COLLEGE OR~~
3 ~~UNIVERSITY OR A STATE RELATED UNIVERSITY THAT APPLIES~~
4 ~~FERTILIZER TO TEST PLOTS; OR~~

5 ~~(6) A PUBLIC PLAYGROUND OR AN ATHLETIC FIELD.~~

6 ~~"Fertilizer application business license." A license~~ <--
7 ~~obtained ISSUED under section 6831 (relating to licensing of~~ <--
8 ~~fertilizer application businesses) OR 6831.1 (RELATING TO~~ <--
9 ~~LICENSING OF GOVERNMENTAL OR PUBLIC ENTITIES).~~

10 ~~"Fertilizer license." A license obtained under section 6811~~ <--
11 ~~6802 (relating to licensing).~~ <--

12 ~~"Fertilizer material." A fertilizer that:~~

13 ~~(1) contains only one of the following primary plant~~
14 ~~nutrients:~~

15 ~~(i) nitrogen;~~

16 ~~(ii) phosphate; or~~

17 ~~(iii) potash;~~

18 ~~(2) has at least 85% of its plant nutrient content~~
19 ~~present in the form of a single chemical compound; or~~

20 ~~(3) is derived from a plant or animal residue, by-~~
21 ~~product, coproduct as defined in 25 Pa. Code § 287.1~~
22 ~~(relating to definitions) or natural material deposit that~~
23 ~~has been processed in a way that the fertilizer's content of~~
24 ~~plant nutrients has not been materially changed except by~~
25 ~~purification and concentration.~~

26 ~~"Fertilizer technician." A person AN INDIVIDUAL who:~~ <--

27 ~~(1) Is not certified A CERTIFIED APPLICATOR under this~~ <--
28 ~~chapter.~~

29 ~~(2) Works for IS EMPLOYED BY a fertilizer application~~ <--
30 ~~business OR A GOVERNMENTAL OR PUBLIC ENTITY.~~ <--

1 ~~(3) Works IS TRAINED BY A CERTIFIED APPLICATOR AND WORKS <--~~
2 ~~under the direction of a certified applicator TO APPLY <--~~
3 ~~FERTILIZER.~~

4 ~~"Governmental or public entity." An executive or independent~~
5 ~~agency or governmental unit of the Federal Government, <--~~
6 ~~Commonwealth or its instrumentalities, OR THE COMMONWEALTH OR a <--~~
7 ~~local agency, municipal authority or political subdivision. <--~~

8 "Grade." The percentage of total nitrogen, available
9 phosphate and soluble potash stated in whole numbers in the same
10 terms, order and percentages as in the guaranteed analysis,
11 except that, with respect to specialty fertilizers, fertilizer
12 materials, bone meal, manures and similar materials may be
13 stated in fractional units.

14 "Growing media." Material in which plants are grown, such as
15 garden soil, potting soil or commercial soil-less mixes.

16 "Guaranteed analysis." The minimum percentage of plant
17 nutrients claimed in the following order and form:

18	<u>Total Nitrogen (N)</u>	<u>%</u>
19	<u>Available Phosphate (P2O5)</u>	<u>%</u>
20	<u>Soluble Potash (K2O)</u>	<u>%</u>

21 For other organic phosphatic materials, the total phosphate or
22 degree of fineness may also be guaranteed. Guarantees for plant
23 nutrients other than nitrogen, phosphorus and potassium may be
24 established by department regulation.

25 "Guarantor." A person, including a manufacturer or
26 distributor, whose name and address appear on the label of
27 fertilizer.

28 "Impervious surface." A structure, surface or improvement
29 that reduces or prevents infiltration of water into soil,
30 including, but not limited to, concrete, asphalt, roadways,

1 sidewalks, parking lots, driveways and patios.

2 "Label." The display of all written, printed or graphic
3 matter on the immediate container or a statement accompanying a
4 fertilizer.

5 "Labeling." All written, printed or graphic matter, on or
6 accompanying fertilizer or advertisements, brochures, posters or
7 electronic media used in promoting the distribution of
8 fertilizer.

9 "LOCAL AGENCY." A GOVERNMENTAL UNIT OTHER THAN THE <--
10 COMMONWEALTH. THE TERM SHALL INCLUDE, BUT NOT BE LIMITED TO, A
11 COUNTY, CITY, BOROUGH, TOWN, TOWNSHIP, SCHOOL DISTRICT OR
12 MUNICIPAL AUTHORITY.

13 "Manipulation." "MANIPULATED." Processed or treated in any <--
14 manner, including drying to a moisture content of less than 30%.

15 "Manufacture." To produce, mix, blend, repackage or further
16 process fertilizer or fertilizer material for distribution.

17 "Manure." Animal excrement, with or without the bedding,
18 litter, straw, washwater and other refuse materials, dirt and
19 waste ordinarily mixed or commingled with that excrement, that
20 is produced at an agricultural operation.

21 "Micronutrient." Any of the following:

- 22 (1) Boron.
- 23 (2) Chlorine.
- 24 (3) Cobalt.
- 25 (4) Copper.
- 26 (5) Iron.
- 27 (6) Manganese.
- 28 (7) Molybdenum.
- 29 (8) Nickel.
- 30 (9) Sodium.

1 (10) Zinc.

2 "Natural organic fertilizer." Materials that are:

3 (1) Derived from either plant or animal products
4 containing one or more elements, other than carbon, hydrogen
5 and oxygen.

6 (2) Essential for plant growth and subjected to
7 biological degradation processes under normal conditions of
8 aging, rainfall, sun curing, air drying, composting, rotting,
9 enzymatic or anaerobic or aerobic bacterial action or any
10 combination of these processes.

11 (3) Not mixed with synthetic materials or changed in any
12 physical or chemical manner from their initial state except
13 by manipulations WHEN MANIPULATED BY METHODS such as drying, <--
14 cooking, chopping, grinding, shredding, hydrolysis or
15 pelleting.

16 "Net weight." The total weight of fertilizer as offered for
17 sale, excluding the weight of the container.

18 "Official sample." A sample of fertilizer collected or
19 obtained by the department or its agent to effectuate the
20 provisions of this chapter and designated as official.

21 "Organic-based fertilizer." A mixed fertilizer in which:

22 (1) More than half of the fertilizer materials are
23 organic.

24 (2) More than half of the sum of the guaranteed primary
25 nutrient percentages are derived from organic materials.

26 "Overall index value." The value obtained from the
27 calculation: (commercial value found) x 100 / (commercial value
28 guaranteed).

29 ~~"Park." Privately or publicly owned outdoor real estate, <--~~
30 ~~including a public recreational area and an area with restricted~~

1 access.

2 "Percentage." A percentage by weight.

3 "Person." An individual, a partnership, an association, a
4 firm, a corporation or another legal entity.

5 "PESTICIDE APPLICATOR." A COMMERCIAL APPLICATOR OR A PUBLIC <--
6 APPLICATOR AS DEFINED IN SECTION 4 OF THE ACT OF MARCH 1, 1974
7 (P.L.90, NO.24), KNOWN AS THE PENNSYLVANIA PESTICIDE CONTROL ACT
8 OF 1973.

9 "Plant nutrient." Any of the following:

10 (1) A primary nutrient.

11 (2) A secondary nutrient.

12 (3) A micronutrient.

13 "Primary nutrient." Any of the following:

14 (1) Nitrogen.

15 (2) Phosphorus.

16 (3) Potassium.

17 ~~"PRIVATE PARK." PRIVATELY OWNED OUTDOOR REAL ESTATE WHICH <--~~
18 ~~INCLUDES A RECREATIONAL AREA FOR USE BY THE PUBLIC, INCLUDING AN~~
19 ~~AREA WITH RESTRICTED ACCESS.~~

20 ~~"Public applicator." A certified applicator who applies <--~~
21 ~~fertilizer as an employee of the Federal or State government or~~
22 ~~a public entity. EMPLOYED BY A GOVERNMENTAL OR PUBLIC ENTITY WHO <--~~
23 ~~APPLIES OR SUPERVISES THE APPLICATION OF FERTILIZER.~~

24 ~~"PUBLIC PARK." PUBLICLY OWNED OUTDOOR REAL ESTATE WHICH~~
25 ~~INCLUDES A RECREATIONAL AREA FOR USE BY THE PUBLIC, INCLUDING AN~~
26 ~~AREA WITH RESTRICTED ACCESS.~~

27 ~~"RECREATIONAL AREA." AN OUTDOOR PLACE OF RELAXATION, PLAY OR~~
28 ~~EXERCISE.~~

29 "Registrant." A person who registers fertilizer under this
30 chapter.

1 "Repackage." The placement of fertilizer into a container or
2 bulk bin other than what is supplied by the guarantor.

3 "Secondary nutrient." Any of the following:

4 (1) Calcium.

5 (2) Magnesium.

6 (3) Sulfur.

7 "Specialty fertilizer." A fertilizer distributed for nonfarm <--
8 use or FERTILIZER: <--

9 (1) DISTRIBUTED FOR USE NOT ASSOCIATED WITH AN
10 AGRICULTURAL OPERATION; OR

11 (2) a fertilizer primarily intended to supply plant <--
12 nutrients other than nitrogen, phosphate or potash.

13 "Stream buffer zone." A permanent strip of dense perennial
14 vegetation established parallel and immediately adjacent to the
15 bank of a pond, wetland or flowing body of water, such as a
16 stream, river or creek, that is used to slow water runoff,
17 enhance water infiltration and minimize the risk of potential
18 nutrients reaching the waters.

19 "Tolerance." A permitted variation from the guarantee of an
20 official sample of fertilizer.

21 "Ton." A net weight of 2,000 pounds.

22 "Turf." Land, including, but not limited to, residential
23 property, a golf course and privately or publicly owned land,
24 that is planted in closely mowed, managed grass, except for land
25 used for AN agricultural ~~production~~ OPERATION. <--

26 SUBCHAPTER B <--

27 FERTILIZER MANUFACTURERS AND GUARANTORS

28 Sec.

29 6811. Licensing.

30 6812. Registration of specialty fertilizers.

1 ~~6813. Turf fertilizer components. COMPONENTS OF FERTILIZER~~ <--
2 ~~LABELED FOR TURF.~~
3 ~~6814. Labels and labeling.~~
4 ~~6815. Inspection fees.~~
5 ~~6816. Tonnage reports.~~
6 ~~6817. Plant food NUTRIENT deficiency.~~ <--
7 ~~6818. Commercial value.~~
8 ~~6819. Misbranding.~~
9 ~~6820. Adulteration.~~
10 ~~§ 6811~~ 6802. Licensing. <--
11 (a) Requirements.--Each person engaged in the manufacture of
12 fertilizer to be distributed in this Commonwealth and each
13 guarantor of the fertilizer shall, on or before July 1 of each
14 year or prior to manufacture or distribution of the fertilizer,
15 obtain a fertilizer license for each manufacturing facility <--
16 located in this Commonwealth and for each guarantor by
17 completing a form furnished by the department and paying a \$50
18 application fee or a fee established in the manner provided <--
19 under section 6886 (relating to fees, fines and civil penalties)
20 FOR EACH FACILITY AND FOR EACH GUARANTOR. All licenses shall <--
21 expire on June 30 of each year.
22 (b) Labeling and typical analysis.--The department may
23 require an applicant for a fertilizer license or a current
24 fertilizer licensee to submit the labeling that the person is
25 using or intends to use for the fertilizer. The department may
26 also require an applicant or fertilizer licensee to provide a
27 typical analysis of selected components that may be in the
28 fertilizer.
29 ~~§ 6812~~ 6803. Registration of specialty fertilizers. <--
30 (a) Application.--Each brand and grade of specialty

1 fertilizer shall be registered by the guarantor with the
2 department before being offered for sale, sold or distributed in
3 this Commonwealth. An application for each brand and grade of
4 specialty fertilizer shall be made on a form furnished by the
5 department and shall be accompanied by a fee of \$100 ~~or a fee~~ <--
6 established in the manner provided under section 6886 (relating
7 to fees, fines and civil penalties), per each grade of each
8 brand. Labels for each brand and grade shall accompany the
9 application. All registrations shall expire on June 30 of each
10 year.

11 (b) Contents of specialty fertilizer registration
12 application.--An application for registration shall include:

- 13 (1) The brand and grade.
14 (2) The guaranteed analysis.
15 (3) The name and address of the guarantor.
16 (4) Net weight.

17 (c) Exemption.--

18 (1) A distributor shall not be required to register a
19 specialty fertilizer that is already registered under this
20 chapter by another person, if the label does not differ in a
21 material respect.

22 (2) Registration shall not be required when a fertilizer
23 is formulated according to the specifications that are
24 furnished by the ~~end user~~ CONSUMER and is not further <--
25 distributed or offered for sale to the general public.

26 (d) Late fee.--

27 (1) If the application for renewal of the specialty
28 fertilizer registration required under this section is not
29 filed prior to June 30 of each year, a penalty of \$25 or 10%
30 of the total registration fee for all products sought to be

1 registered, whichever is greater, or a fee established in the <--
2 manner provided under section 6886 may be assessed and added
3 to the original fee and shall be paid by the applicant before
4 the renewal of the specialty fertilizer registration is
5 issued.

6 (2) The penalty shall not apply if the applicant
7 furnished an affidavit that the applicant has not distributed
8 the specialty fertilizer subsequent to the expiration of the
9 applicant's prior registration.

10 § 6813 6804. Turf fertilizer components. COMPONENTS OF <--
11 FERTILIZER LABELED FOR TURF.

12 (a) General rule.--Except as provided in subsection (b),
13 fertilizer labeled for turf that is distributed to end users <--
14 CONSUMERS in this Commonwealth shall: <--

15 (1) Consist of at least 20% enhanced efficiency nitrogen
16 of the total nitrogen or as otherwise determined by the
17 department, which determination shall be transmitted to the
18 Legislative Reference Bureau for publication in the
19 Pennsylvania Bulletin.

20 (2) Contain no phosphorus, unless the fertilizer is a
21 natural organic or organic-based fertilizer.

22 (b) Exemptions.--

23 (1) Subsection (a) shall not apply when turf fertilizer <--
24 is labeled for repairing a turf area or establishing a turf
25 area for the first time.

26 (2) Subsection (a) (1) shall not apply to liquid turf <--
27 fertilizers or readily available nitrogen fertilizers labeled
28 for turf, if the directions for use are in accordance with
29 the requirements of section 6852 6813 (relating to <--
30 application of fertilizer to turf).

1 (c) Additional requirements.--The department, through
2 regulation, may establish additional requirements for turf- <--
3 fertilizer APPLIED TO TURF. <--
4 § ~~6814~~ 6805. Labels and labeling. <--

5 (a) Contents of label.--The guarantor of a fertilizer
6 distributed in a container in this Commonwealth shall place on
7 or affix to the container a label stating in legible and
8 conspicuous form the following:

9 (1) The brand and grade of the fertilizer. The grade
10 shall not be required if no primary nutrients are claimed.

11 (2) The guaranteed analysis.

12 (3) A statement of FROM where the material was derived <--
13 from. <--

14 (4) Directions for use for fertilizer distributed to the
15 end user CONSUMER. <--

16 (5) The name and address of the guarantor.

17 (6) The net weight.

18 (b) Bulk fertilizer.--In the case of bulk fertilizer
19 distribution, the information required under subsection (a)
20 shall accompany delivery and shall be provided in writing to the
21 purchaser at time of delivery.

22 (c) Other guarantees.--Guarantees for nutrients other than
23 primary nutrients, shall be expressed in the form of the
24 element. The department may require by regulation that other
25 beneficial substances or compounds be guaranteed. When plant
26 nutrients or other substances or compounds are guaranteed, they
27 shall be subject to inspection and analysis in accordance with
28 the methods and regulation prescribed by the department.

29 (d) Proof of labeling claims.--The department may require
30 proof of labeling claims made for fertilizer. Research in

1 support of the claims must be performed by an institution
2 approved by the department utilizing acceptable scientific
3 methodology.

4 (e) Consumer-specified fertilizer formulations.--In lieu of
5 the requirements under subsection (a), a fertilizer formulated
6 according to specifications that are furnished by the ~~end user~~ <--
7 CONSUMER prior to mixing shall be labeled in a clearly legible <--
8 and conspicuous form to show the grade, net weight, guaranteed
9 analysis and name and address of the guarantor.

10 (f) Bulk fertilizer storage.--Bulk fertilizer in bulk
11 fertilizer storage that is intended for distribution shall be
12 identified with a label attached to the storage bin or container
13 giving the name and grade of the product.

14 (g) Turf fertilizer.--Subject to subsection (i), fertilizer
15 intended for use on turf that is distributed to ~~end users~~ <--
16 CONSUMERS in this Commonwealth, in bulk or packages that are one <--
17 pound or greater, shall include a statement in legible and
18 conspicuous form that at a minimum sets forth the following
19 requirements:

20 (1) The product may not be applied near water, storm
21 drains or drainage ditches.

22 (2) The product may not be applied if heavy rain is
23 expected.

24 (3) The product may only be applied to the intended
25 application site.

26 (4) Material that lands on an impervious surface must be
27 swept back onto the turf. This requirement shall not apply if
28 the product is applied in a liquid form.

29 (h) Nonturf fertilizer.--Subject to subsections (i) and (k),
30 fertilizer that is not labeled for turf, in bulk or packages

1 that are 40 pounds or greater, that is distributed to ~~end users~~ <--
2 CONSUMERS in this Commonwealth, shall include a statement in <--
3 legible and conspicuous form that at a minimum sets forth the
4 following requirements:

5 (1) The product may not be applied near water, storm
6 drains or drainage ditches or to any impervious surface.

7 (2) The product may not be applied if heavy rain is
8 expected.

9 (3) The product may only be applied to the intended
10 application site.

11 (i) Fertilizers containing pesticides.--In lieu of the
12 statements required under subsections (g) and (h), the label for
13 fertilizer products containing pesticides shall contain the
14 environmental hazard statement recommended by the Environmental
15 Protection Agency for that product.

16 (j) Minimum font size.--Statements required under
17 subsections (g) and (h) shall be printed in a legible and
18 conspicuous manner and may not be smaller than the height of the
19 font used for the directions for use on the product labeling.

20 (k) Exemption.--The requirements of subsections (g), (h) and
21 (j) shall not apply to fertilizer labeled for aquatic settings,
22 growing media, indoor use or potted plants.

23 (l) Prohibition.--The label OR LABELING for fertilizer ~~or~~ <--
24 nitrogen based material shall not be labeled for the purposes
25 SHALL NOT INCLUDE THE PURPOSE of melting snow or ice, unless the <--
26 product is distributed to an airport to be used on aircraft or
27 areas an aircraft accesses.

28 (m) Other label information.--The department may, by
29 regulation, require additional information to be present on the
30 label or labeling of fertilizers.

1 ~~§ 6815~~ 6806. Inspection fees. <--

2 ~~(a) Amounts.~~ The guarantor whose name appears on the label <--
3 of a fertilizer distributed in this Commonwealth shall pay
4 semiannually and not later than January 31 and July 31 of each
5 year an inspection fee at the rate of 17¢ per ton of fertilizer
6 distributed in this Commonwealth or a fee established in the <--
7 manner provided under section 6886 (relating to fees, fines and
8 civil penalties). In no case shall the inspection fee paid
9 semiannually amount to less than \$25. or a fee established in <--
10 the manner provided under section 6886.

11 ~~(b) Adjustment of fees by department.~~

12 ~~(1) Notwithstanding subsection (a), following notice to~~
13 ~~registrants and licensees, if the department determines that~~
14 ~~the money derived from the registration and inspection fees~~
15 ~~are either greater or less than that required to administer~~
16 ~~this chapter, the department may reduce or increase the~~
17 ~~registration or inspection fee, or both, so as to maintain~~
18 ~~revenues sufficient to administer this chapter.~~

19 ~~(2) An inspection fee established under this subsection~~
20 ~~may not be changed by more than 5¢ in one year.~~

21 ~~(3) The department shall announce the adjustment of fees~~
22 ~~by transmitting notice to the Legislative Reference Bureau~~
23 ~~for publication in the Pennsylvania Bulletin. The adjusted~~
24 ~~fees shall take effect 60 days after publication of the~~
25 ~~notice in the Pennsylvania Bulletin.~~

26 ~~§ 6816~~ 6807. Tonnage reports. <--

27 (a) Requirements.--The guarantor whose name appears on a
28 label shall submit, along with the requisite inspection fee, a
29 report in a manner prescribed by the department listing by
30 county the intended use and net tons of each brand and grade of

1 fertilizer distributed in this Commonwealth for the period
2 covered by the inspection fee. The department may promulgate
3 regulations to establish additional tonnage reporting
4 requirements.

5 (b) Multiple guarantors.--When more than one guarantor is
6 involved in the distribution of fertilizer, the guarantor who
7 distributed the fertilizer last shall report the tonnage and pay
8 the inspection fee, unless the report and payment have been made
9 by a prior distributor.

10 (c) Late fee.--A penalty of \$25 or 10% of the total
11 inspection fee, whichever is greater, or a fee established in <--
12 the manner provided under section 6886 (relating to fees, fines
13 and civil penalties), shall be imposed for a fee or report not
14 submitted at the required time.

15 (d) Examination permitted.--

16 (1) The department or its authorized representative may
17 examine the records of the guarantor to verify the
18 information contained in the reports filed with the
19 department.

20 (2) Reports containing fraudulent or incorrect
21 information shall be considered a violation of this chapter
22 for which the department may assess a penalty as provided for
23 in this chapter.

24 (e) Confidentiality of information.--

25 (1) Notwithstanding the act of February 14, 2008 (P.L.6,
26 No.3), known as the Right-to-Know Law, or its successor
27 statute, no proprietary information furnished to the
28 department under this section shall be disclosed in a way as
29 to knowingly or intentionally divulge a trade secret of a
30 person subject to the provisions of this chapter.

1 (2) This subsection shall not apply to information
2 furnished to a court or administrative tribunal in accordance
3 with law.

4 ~~§ 6817~~ 6808. Plant food NUTRIENT deficiency.

<--

5 (a) Penalties.--The following penalties shall be assessed
6 for deficiencies from the guaranteed analysis:

7 (1) A penalty payment of five times the commercial value
8 of each deficiency shall be assessed when the analysis shows
9 that a fertilizer is deficient if:

10 (i) one or more of its guaranteed primary plant
11 nutrients is beyond a tolerance of 10% (two unit
12 maximum); or

13 (ii) the overall index value of the primary
14 nutrients in the fertilizer is below 97.

15 (2) When a fertilizer is subject to a penalty payment
16 under paragraph (1)(i) and (ii), the larger penalty payment
17 shall apply. Any penalty assessed shall not exceed the retail
18 price of the lot of fertilizer represented by the official
19 sample.

20 (3) Deficiencies beyond the tolerance as established by
21 regulation in a component other than a primary nutrient shall
22 be evaluated by the department and shall be subject to a
23 penalty under this chapter.

24 (b) Payment of penalties.--Within 90 days following receipt
25 of the official report of analysis, the guarantor shall pay to
26 the consumer a deficiency penalty in the amount prescribed on
27 the report of analysis. Receipts of payment shall be promptly
28 forwarded by the guarantor to the department. If the consumer
29 cannot be found, the penalties shall be paid to the department.

30 (c) Deficiencies in fertilizers.--A deficiency in an

1 official sample of fertilizer resulting from nonuniformity shall
2 not be deemed distinguishable from a deficiency due to actual
3 plant nutrient shortage and shall be deemed a violation of this
4 chapter for which the department may assess a penalty as
5 provided for in this chapter.

6 § ~~6818~~ 6809. Commercial value. <--

7 For the purpose of determining the commercial value to be
8 applied under section ~~6817~~ 6808 (relating to plant ~~feed~~ NUTRIENT <--
9 deficiency), the department shall determine and publish annually
10 a notice transmitted to the Legislative Reference Bureau for
11 publication in the Pennsylvania Bulletin stating the values per
12 pound of total nitrogen, available phosphate and soluble potash
13 in fertilizers in this Commonwealth. The values published in the
14 Pennsylvania Bulletin shall take effect July 1 of each year and
15 be used in determining and assessing penalty payments.

16 § ~~6819~~ 6810. Misbranding. <--

17 No person may distribute a FERTILIZER THAT IS misbranded <--
18 fertilizer. A fertilizer shall be deemed to be misbranded if any <--
19 of the following apply:

20 (1) Its labeling is false or misleading in ~~any~~ <--
21 particular.

22 (2) It is distributed under the name of another
23 fertilizer ~~product~~. <--

24 (3) It is not labeled as required in section ~~6814~~ 6805 <--
25 (relating to labels and labeling) and in accordance with
26 regulations prescribed under this chapter.

27 (4) It purports to be or is represented as a fertilizer
28 or is represented as containing a plant nutrient or
29 fertilizer, unless such plant nutrient or fertilizer conforms
30 to the definition of identity, if any, prescribed by

1 regulation.

2 (5) The label or labeling are in conflict with section
3 ~~6852~~ 6813 (relating to application of fertilizer to turf). <--

4 § ~~6820~~ 6811. Adulteration. <--

5 (A) PROHIBITION.--No person may distribute an adulterated <--
6 fertilizer product A FERTILIZER THAT IS ADULTERATED. A <--
7 fertilizer shall be deemed to be adulterated if any of the
8 following apply:

9 (1) It contains a deleterious or harmful substance in
10 ~~sufficient~~ ANY amount to render it injurious to beneficial <--
11 plant life, animals, humans, aquatic life, soil or water when
12 applied in accordance with its intended use or directions for
13 use on the label.

14 (2) Adequate warning statements or directions for use
15 that may be necessary to protect plant life, animals, humans,
16 aquatic life, soil or water are not shown on the label.

17 (3) Its composition falls below or differs from that
18 which it is purported to possess by its labeling.

19 (4) It contains viable weed seed or unwanted crop seed
20 in amounts exceeding the limit that the department
21 establishes by regulation.

22 (B) EXCEPTION.--A FERTILIZER SHALL NOT BE CONSIDERED <--
23 ADULTERATED UNDER THIS SECTION IF THE QUANTITY OF THE SUBSTANCE
24 IN THE FERTILIZER DOES NOT ORDINARILY RENDER IT INJURIOUS.

25 SUBCHAPTER C <--

26 APPLICATOR LICENSING AND CERTIFICATION

27 Sec.

28 ~~6831. Licensing of fertilizer application businesses.~~

29 ~~6831.1. LICENSING OF GOVERNMENTAL OR PUBLIC ENTITIES.~~ <--

30 ~~6832. Certification of applicators.~~

1 ~~6833. Recertification of applicators.~~

2 ~~6834. Reciprocal agreement. LICENSING AND CERTIFICATION OF OUT <--~~
3 ~~OF STATE ENTITIES.~~

4 ~~6835. Training of fertilizer technicians.~~

5 ~~6836. Process.~~

6 ~~§ 6831. Licensing of fertilizer application businesses.~~

7 ~~(a) Requirements.~~

8 ~~(1) A fertilizer application business must be licensed <--~~
9 ~~prior to applying fertilizer and shall comply with the~~
10 ~~provisions of this chapter and any regulation or order of the~~
11 ~~department. A FERTILIZER APPLICATION BUSINESS SHALL BE <--~~
12 ~~LICENSED AND MAY NOT OPERATE OR APPLY FERTILIZER WITHOUT~~
13 ~~FIRST OBTAINING A FERTILIZER APPLICATION LICENSE FROM THE~~
14 ~~DEPARTMENT.~~

15 ~~(2) A fertilizer application business with more than one~~
16 ~~location or place of business or operating under more than <--~~
17 ~~one name in this Commonwealth shall license each location, <--~~
18 ~~place of business and business entity.~~

19 ~~(3) For a governmental or public entity, each district <--~~
20 ~~or region shall be considered a separate business and shall~~
21 ~~require a separate license.~~

22 ~~(b) Operation, application and expiration.~~

23 ~~(1) A fertilizer application business may not be~~
24 ~~operated without first obtaining a fertilizer application~~
25 ~~business license.~~

26 ~~(2) (3) The application for licensure shall be on a form <--~~
27 ~~furnished by the department and shall be accompanied by a~~
28 ~~\$100 application fee. or a fee later established in the <--~~
29 ~~manner under section 6886 (relating to fees, fines and civil~~
30 ~~penalties).~~

1 ~~(3) All business licenses (4) A FERTILIZER APPLICATION~~ <--
2 ~~LICENSE shall expire on December 31 each year, except that~~
3 ~~the department may issue a license for the following year~~
4 ~~when an initial license application is filed during the last~~
5 ~~two months of a licensing year.~~

6 ~~(5) A FERTILIZER APPLICATION BUSINESS LICENSE RENEWAL~~ <--
7 ~~SHALL BE SUBMITTED IN A MANNER PRESCRIBED BY THE DEPARTMENT~~
8 ~~AND ACCOMPANIED BY A FEE OF \$100.~~

9 ~~(c) (B) Employer requirement. A fertilizer application~~ <--
10 ~~business shall employ at all times and at each licensed business~~
11 ~~LOCATION at least one person who holds a current valid~~ <--
12 ~~commercial applicator or public applicator certification. This~~
13 ~~person shall CERTIFIED APPLICATOR, WHO SHALL ALSO be responsible~~ <--
14 ~~for training fertilizer technicians on the proper handling and~~
15 ~~application of fertilizer.~~

16 ~~(d) (C) Fertilizer technicians. A fertilizer application~~ <--
17 ~~business shall ensure fertilizer technicians do not apply~~ <--
18 ~~fertilizer unless the persons have NOT PERMIT A FERTILIZER~~ <--
19 ~~TECHNICIAN TO APPLY FERTILIZER UNTIL THE FERTILIZER TECHNICIAN~~
20 ~~HAS SUCCESSFULLY completed a training program as described by~~ <--
21 ~~UNDER section 6835 (relating to training of fertilizer~~ <--
22 ~~technicians).~~

23 ~~(e) (D) Record. A fertilizer application business shall~~ <--
24 ~~maintain a record and provide to the department, upon request,~~
25 ~~the following:~~

26 ~~(1) A list of all certified applicators employed by the~~ <--
27 ~~business THE BUSINESS EMPLOYS.~~ <--

28 ~~(2) A list of all fertilizer technicians employed by the~~ <--
29 ~~business THE BUSINESS EMPLOYS and an attestation that each~~ <--
30 ~~has SUCCESSFULLY completed a training program meeting the~~ <--

~~requirements of section 6835. The attestation shall be
subject to the penalties for a violation of 18 Pa.C.S. § 4904
(relating to unsworn falsification to authorities).~~

~~(3) A RECORD OF EACH APPLICATION OF FERTILIZER MADE BY A
CERTIFIED APPLICATOR OR FERTILIZER TECHNICIAN THE BUSINESS
EMPLOYS.~~

~~(f) (E) Notification. A licensed fertilizer application
business shall notify the department in writing within 15 days
of a change in its license information, including the employment
status of its certified applicators and fertilizer technicians.~~

~~(g) (F) License number display. A fertilizer application
business shall prominently display on every vehicle involved in
the fertilizer application phase of its business the license
number assigned by the department. The number shall appear in
figures at least three inches high and be located on both sides
of the vehicle at a readily visible location in a contrasting
color.~~

~~(h) (G) Aerial application. If a fertilizer application
business or an applicator of fertilizer engages in aerial
applications OF FERTILIZER, the applicant FERTILIZER APPLICATION
BUSINESS shall, upon request by the department, provide proof of
compliance with the Federal Aviation Administration regulations
as described in 14 CFR Pt. 137 (relating to agricultural
aircraft operations) or its successor regulations.~~

~~§ 6831.1. LICENSING OF GOVERNMENTAL OR PUBLIC ENTITIES.~~

~~(A) REQUIREMENTS.~~

~~(1) A GOVERNMENTAL OR PUBLIC ENTITY THAT DOES NOT USE
THE SERVICES OF A FERTILIZER APPLICATION BUSINESS MAY NOT
ENGAGE IN THE APPLICATION OF FERTILIZER WITHOUT FIRST
OBTAINING A FERTILIZER APPLICATION LICENSE FROM THE~~

1 ~~DEPARTMENT.~~

2 ~~(2) EACH SCHOOL DISTRICT AND EACH DISTRICT OR REGION OF~~
3 ~~A GOVERNMENTAL OR PUBLIC ENTITY SHALL BE CONSIDERED A~~
4 ~~SEPARATE LOCATION AND SHALL REQUIRE A SEPARATE LICENSE.~~

5 ~~(3) THE APPLICATION FOR LICENSURE SHALL BE ON A FORM~~
6 ~~FURNISHED BY THE DEPARTMENT AND SHALL BE ACCOMPANIED BY A FEE~~
7 ~~OF \$100.~~

8 ~~(4) A GOVERNMENTAL OR PUBLIC ENTITY LICENSE SHALL EXPIRE~~
9 ~~ON DECEMBER 31 EVERY THREE YEARS FOLLOWING THE INITIAL~~
10 ~~LICENSE YEAR.~~

11 ~~(5) A LICENSE RENEWAL FOR A GOVERNMENTAL OR PUBLIC~~
12 ~~ENTITY SHALL BE SUBMITTED IN A MANNER PRESCRIBED BY THE~~
13 ~~DEPARTMENT AND SHALL BE ACCOMPANIED BY A FEE OF \$100.~~

14 ~~(B) EMPLOYER REQUIREMENT. A GOVERNMENTAL OR PUBLIC ENTITY~~
15 ~~SHALL EITHER:~~

16 ~~(1) EMPLOY AT LEAST ONE PUBLIC APPLICATOR, WHO SHALL BE~~
17 ~~RESPONSIBLE FOR APPLYING FERTILIZER TO PROPERTY OR PREMISES~~
18 ~~BELONGING TO OR UNDER THE MANAGEMENT OF THE GOVERNMENTAL OR~~
19 ~~PUBLIC ENTITY AND FOR TRAINING FERTILIZER TECHNICIANS ON THE~~
20 ~~PROPER HANDLING AND APPLICATION OF FERTILIZER; OR~~

21 ~~(2) USE A LICENSED FERTILIZER APPLICATION BUSINESS FOR~~
22 ~~ALL APPLICATIONS OF FERTILIZER.~~

23 ~~(C) FERTILIZER TECHNICIANS. A GOVERNMENTAL OR PUBLIC ENTITY~~
24 ~~SHALL NOT PERMIT A FERTILIZER TECHNICIAN EMPLOYED BY THE ENTITY~~
25 ~~TO APPLY FERTILIZER TO TURF UNTIL THE FERTILIZER TECHNICIAN HAS~~
26 ~~SUCCESSFULLY COMPLETED A TRAINING PROGRAM UNDER SECTION 6835~~
27 ~~(RELATING TO TRAINING OF FERTILIZER TECHNICIANS).~~

28 ~~(D) RECORD. A GOVERNMENTAL OR PUBLIC ENTITY SHALL MAINTAIN~~
29 ~~A RECORD AND PROVIDE TO THE DEPARTMENT, UPON REQUEST, THE~~
30 ~~FOLLOWING:~~

1 ~~(1) A LIST OF EACH PUBLIC APPLICATOR THE GOVERNMENTAL OR~~
2 ~~PUBLIC ENTITY EMPLOYS.~~

3 ~~(2) A LIST OF EACH FERTILIZER TECHNICIAN THE~~
4 ~~GOVERNMENTAL OR PUBLIC ENTITY EMPLOYS AND AN ATTESTATION THAT~~
5 ~~EACH HAS SUCCESSFULLY COMPLETED A TRAINING PROGRAM MEETING~~
6 ~~THE REQUIREMENTS OF SECTION 6835. THE ATTESTATION SHALL BE~~
7 ~~SUBJECT TO THE PENALTIES FOR A VIOLATION OF 18 PA.C.S. § 4904~~
8 ~~(RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES).~~

9 ~~(3) A RECORD OF EACH APPLICATION OF FERTILIZER MADE BY A~~
10 ~~CERTIFIED APPLICATOR OR FERTILIZER TECHNICIAN THE~~
11 ~~GOVERNMENTAL OR PUBLIC ENTITY EMPLOYS.~~

12 ~~(4) THE NAME AND LICENSE NUMBER OF A FERTILIZER~~
13 ~~APPLICATION BUSINESS USED TO APPLY FERTILIZER.~~

14 ~~(E) AERIAL APPLICATION. IF A GOVERNMENTAL OR PUBLIC ENTITY~~
15 ~~ENGAGES IN AERIAL APPLICATIONS OF FERTILIZER, THE GOVERNMENTAL~~
16 ~~OR PUBLIC ENTITY SHALL, UPON REQUEST BY THE DEPARTMENT, PROVIDE~~
17 ~~PROOF OF COMPLIANCE WITH THE FEDERAL AVIATION ADMINISTRATION~~
18 ~~REGULATIONS AS DESCRIBED IN 14 CFR PT. 137 (RELATING TO~~
19 ~~AGRICULTURAL AIRCRAFT OPERATIONS) OR ITS SUCCESSOR REGULATIONS.~~
20 ~~§ 6832. Certification of applicators.~~

21 ~~(a) Certification examination.~~

22 ~~(1) Any person required to be certified under this~~ <--
23 ~~chapter must take and pass a written examination developed or~~
24 ~~approved by the department and administered by the department~~
25 ~~or an agent of the department. AN INDIVIDUAL SEEKING TO~~ <--
26 ~~BECOME A CERTIFIED APPLICATOR SHALL TAKE AND PASS A WRITTEN~~
27 ~~EXAMINATION DEVELOPED OR APPROVED BY THE DEPARTMENT AND~~
28 ~~ADMINISTERED IN ENGLISH AND SPANISH UNDER THE SUPERVISION OF~~
29 ~~THE DEPARTMENT OR ITS DESIGNATED AGENT AT A TEST SITE~~
30 ~~APPROVED BY THE DEPARTMENT. The department may also establish~~

~~field testing requirements. All tests and examinations shall
be subject to examination fees established by the department.
Any person seeking certification shall demonstrate minimum
standard proficiency on the basis of a written examination
conducted at an approved test site under direction of the
department or its designated agent. ANY STUDY MATERIALS
PROVIDED FOR THE EXAMINATION SHALL BE PUBLISHED IN ENGLISH
AND SPANISH.~~

~~(2) Each applicant for certification shall demonstrate
knowledge and competence OF FERTILIZER APPLICATION as to:~~

~~(i) Safety and health.~~

~~(ii) Labeling and label comprehension.~~

~~(iii) Environmental protection.~~

~~(iv) Equipment use, calibration and dosage
calculations.~~

~~(v) Personal protective equipment.~~

~~(vi) Cleaning and maintaining equipment.~~

~~(vii) Transportation, storage, security and
disposal.~~

~~(viii) Applicable Federal and State laws.~~

~~(ix) Any subject matter deemed appropriate by the
department through regulation.~~

~~(3) The department shall require a minimum examination
fee of \$10 or a fee established in the manner specified under
section 6886 (relating to fees, fines and civil penalties).~~

~~(b) Commercial and public applicators.~~

~~(1) A commercial or public applicator certification
shall not be valid until the applicator is associated with a
fertilizer application business that is licensed according to
the requirements of section 6831 (relating to licensing of~~

~~fertilizer application businesses).~~

~~(2) If a commercial or public applicator separates employment from a fertilizer application business, the eligibility for certification shall remain with the applicator and may be transferred to another fertilizer application business.~~

~~(3) A PUBLIC APPLICATOR CERTIFICATION SHALL NOT BE VALID UNTIL THE APPLICATOR IS ASSOCIATED WITH A GOVERNMENTAL OR PUBLIC ENTITY THAT IS LICENSED ACCORDING TO THE REQUIREMENTS OF SECTION 6831.1 (RELATING TO LICENSING OF GOVERNMENTAL OR PUBLIC ENTITIES).~~

~~(4) IF A PUBLIC APPLICATOR SEPARATES EMPLOYMENT FROM A GOVERNMENTAL OR PUBLIC ENTITY, THE ELIGIBILITY FOR CERTIFICATION SHALL REMAIN WITH THE APPLICATOR AND MAY BE TRANSFERRED TO ANOTHER GOVERNMENTAL OR PUBLIC ENTITY OR A LICENSED FERTILIZER APPLICATION BUSINESS.~~

~~(c) Issuance of certification. Certification shall be issued to a person AN INDIVIDUAL upon:~~

~~(1) successful completion of all classroom, examination, testing and any other certification requirements established by this chapter; and~~

~~(2) payment of all fees. ACTIVATION UNDER SUBSECTION (D).~~

~~(d) Activation.~~

~~(1) Upon receiving notice of passing all certification requirements, the applicant shall, within 12 months of becoming eligible to be certified as a commercial or public applicator, file with the department a request to activate certification.~~

~~(2) A person who fails to request activation within this~~

~~12-month period shall lose certification eligibility and must again establish eligibility in accordance with this section.~~

~~(c) Expiration. Certification shall expire as follows:~~

~~(1) Commercial applicator certification shall expire on September 30 of each year following the date of certification.~~

~~(2) Public applicator certification shall expire on September 30 every three years following the date of certification.~~

~~(3) With regard to an initial application for certification, the department may issue a certificate for an additional year when a person AN INDIVIDUAL becomes fully certified within the last two months of the certification year.~~

~~(f) Existing applicator certifications.~~

~~(1) A person AN INDIVIDUAL who holds a valid pesticide applicator certification in the following categories under 7 Pa. Code § 128.42 (relating to categories of commercial and public applicators) AS LISTED IN SUBPARAGRAPHS (I), (II), (III), (IV), (V), (VI), (VII), (VIII), (IX), (X) AND (XI) on the effective date of this section shall be granted certification as a certified fertilizer applicator under this chapter and shall comply with all other requirements of this chapter:~~

~~(i) Category 1, Agronomic crops.~~

~~(ii) Category 2, Fruits and nuts.~~

~~(iii) Category 3, Vegetable crops.~~

~~(iv) Category 5, Forest pest control.~~

~~(v) Category 6, Ornamental and shade trees.~~

~~(vi) Category 7, Lawn and turf.~~

~~(vii) Category 10, Right of way and weeds.~~

~~(viii) Category 18, Demonstration and research pest control.~~

~~(ix) Category 22, Interior plantscape.~~

~~(x) Category 23, Park or school pest control.~~

~~(xi) Category 25, Aerial applicator.~~

~~(2) The certification under this subsection shall be valid until each person's INDIVIDUAL'S pesticide core recertification APPLICATOR CERTIFICATION RENEWAL is due, at which time the person INDIVIDUAL shall be required to meet all OF the recertification requirements as required by this chapter, AN ORDER ISSUED UNDER THE AUTHORITY OF THIS CHAPTER or regulations promulgated under this chapter.~~ <--

~~(g) Renewal. A certified applicator, in good standing and IN full compliance with the provisions of this chapter, regulations promulgated under this chapter and any order issued under the authority of this chapter, may renew certification by submitting a renewal application on a form provided by the department. The renewal shall be filed with the department by September 30 of the year the certification expires.~~ <--

~~(h) Failure to renew. A person AN INDIVIDUAL who fails to timely renew the person's certification shall, after 12 months of expiration, be required to establish certification in accordance with the full certification provisions of this chapter.~~ <--

~~§ 6833. Recertification of applicators.~~

~~(a) Continuing education. At intervals of three years, a certified applicator shall provide evidence of having received continuing education credits in practices relating to fertilizer applications. Recertification training shall be in the same~~

1 ~~field as required for initial certification under section~~
2 ~~6832(a)(2) (relating to certification of applicators).~~

3 ~~(b) Credits. Continuing education credits shall be given~~ <--
4 ~~GRANTED on the basis of attendance at courses or other~~ <--
5 ~~appropriate training approved by the department. At a minimum,~~
6 ~~certified applicators A CERTIFIED APPLICATOR shall obtain four~~ <--
7 ~~credits every three years or the total amount of credits~~
8 ~~established by notice published in the Pennsylvania Bulletin.~~

9 ~~(c) Training. Training shall be approved based on the~~
10 ~~following:~~

11 ~~(1) Training shall be conducted or sponsored by the~~
12 ~~department or a department approved institution, association,~~
13 ~~business entity or governmental agency. The department~~
14 ~~approved trainer shall submit course materials for approval~~
15 ~~by the department and shall establish that courses will be~~
16 ~~conducted by a person or persons who are certified~~ <--
17 ~~applicators AN INDIVIDUAL WHO IS A CERTIFIED APPLICATOR in~~ <--
18 ~~good standing under this chapter and with at least three~~
19 ~~years' experience as a certified fertilizer applicator or by~~ <--
20 ~~a department approved entity with other documented~~
21 ~~qualifications to serve as a trainer, such as an appropriate~~
22 ~~educational background.~~

23 ~~(2) AN ENTITY WISHING TO CONDUCT OR SPONSOR CONTINUING~~ <--
24 ~~EDUCATION TRAINING MUST SUBMIT A WRITTEN REQUEST FOR COURSE~~
25 ~~AND TRAINER APPROVAL TO THE DEPARTMENT'S REGIONAL OFFICE FOR~~
26 ~~THE REGION IN WHICH THE TRAINING WILL BE HELD. A REQUEST TO~~
27 ~~APPROVE OUT OF STATE TRAINING MUST BE SUBMITTED TO THE~~
28 ~~DEPARTMENT'S HEADQUARTERS. THE REQUEST SHALL INCLUDE EVIDENCE~~
29 ~~OF COMPLIANCE WITH THE STANDARDS ESTABLISHED BY PARAGRAPH~~

30 ~~(1).~~

1 ~~(2) (3) Training shall be approved for continuing~~ <--
2 ~~education credits at the rate of one credit per 30 minutes or~~ <--
3 ~~as later established by regulation of applicable instruction,~~
4 ~~OR A RATE AS LATER ESTABLISHED BY REGULATIONS PROMULGATED~~ <--
5 ~~UNDER THIS CHAPTER, exclusive of coffee breaks, lunches,~~
6 ~~visits to exhibits and other similar activities.~~

7 ~~(3) An approved entity wishing to conduct or sponsor~~ <--
8 ~~continuing education training must submit a written request~~
9 ~~for course and trainer approval to the department's regional~~
10 ~~office for the region in which the training will be held. A~~
11 ~~request to approve out of State training must be submitted to~~
12 ~~the department's headquarters. The request shall include~~
13 ~~evidence of compliance with the standards established by~~
14 ~~paragraph (1).~~

15 ~~(d) Information request. A request for training approval~~
16 ~~shall be submitted on an application form supplied by the~~
17 ~~department. The department shall return an incomplete~~
18 ~~application to the applicant without approval.~~

19 ~~(e) Assignment of credits. Credits shall be assigned to~~
20 ~~each training course based upon the subjects covered and the~~
21 ~~amount of time expended on each subject.~~

22 ~~(f) Training course sponsors. The A training course sponsor~~ <--
23 ~~shall authenticate attendance and compile an approved A list of~~ <--
24 ~~Pennsylvania certified applicators in attendance. The list shall~~
25 ~~be returned to the department within 10 working days following~~
26 ~~the meeting date and shall include the name of each individual~~
27 ~~attending and the individual's applicator certification number.~~

28 ~~(g) Monitoring of training. The department may monitor~~
29 ~~recertification training to verify the accuracy the accuracy of~~ <--
30 ~~the course approval and attendance of participants.~~

1 ~~(h) Modification of credits. Credits assigned may be~~
2 ~~modified if the content, approved trainer or time of the actual~~
3 ~~training course differs from the original training course~~
4 ~~approved by the department.~~

5 ~~(i) Violation.~~

6 ~~(1) Falsification by a department approved course~~
7 ~~trainer or sponsor of information required under this section~~
8 ~~shall be considered a violation of this chapter.~~

9 ~~(2) A person may not falsify attendance or that of~~
10 ~~another person's attendance at a continuing education~~
11 ~~meeting.~~

12 ~~(3) Falsification of attendance at a continuing~~
13 ~~education course by a person shall be considered a violation~~
14 ~~of this chapter.~~

15 ~~(j) Failure to obtain required credits. If a person AN <--~~
16 ~~INDIVIDUAL does not obtain the required number of~~
17 ~~recertification credits in the triennial year in which~~
18 ~~continuing education credits are due, the person's INDIVIDUAL'S <--~~
19 ~~certification shall be invalid and the person INDIVIDUAL shall <--~~
20 ~~cease and desist from all fertilizer application and, in order <--~~
21 ~~to renew recertification, the person must complete delinquent~~
22 ~~continuing education credits as established under this section.~~
23 ~~AND TRAINING OF FERTILIZER TECHNICIANS UNTIL THE REQUIRED NUMBER <--~~
24 ~~OF CREDITS HAS BEEN OBTAINED.~~

25 ~~(k) Failure to complete delinquent credits. If a person AN <--~~
26 ~~INDIVIDUAL fails to complete delinquent THE REQUIRED NUMBER OF <--~~
27 ~~continuing education credits within one year from the triennial~~
28 ~~expiration date THE CREDITS ARE DUE or fails to renew the <--~~
29 ~~certification for any reason during that time period, the person <--~~
30 ~~shall cease and desist from all fertilizer application and shall~~

1 ~~INDIVIDUAL SHALL COMPLY WITH THE PROHIBITIONS UNDER SUBSECTION~~ <--
2 ~~(J) AND SHALL be required to reestablish eligibility FOR~~ <--
3 ~~CERTIFICATION by meeting the requirements in section 6832.~~
4 ~~§ 6834. Reciprocal agreement.~~ <--

5 ~~The department may issue a license or certification on a~~
6 ~~reciprocal basis with another state without examination to a~~
7 ~~nonresident who is licensed or certified in the other state if~~
8 ~~the other state administers a fertilizer licensing or~~
9 ~~certification course substantially in accordance with the~~
10 ~~provisions of this chapter.~~

11 ~~§ 6834. LICENSING AND CERTIFICATION OF OUT OF STATE ENTITIES.~~ <--

12 ~~(A) OUT OF STATE FERTILIZER APPLICATION BUSINESS. AN OUT~~
13 ~~OF STATE FERTILIZER APPLICATION BUSINESS THAT APPLIES FERTILIZER~~
14 ~~IN THIS COMMONWEALTH SHALL, BEFORE APPLYING FERTILIZER, OBTAIN A~~
15 ~~FERTILIZER APPLICATION LICENSE IN ACCORDANCE WITH THIS CHAPTER~~
16 ~~AND COMPLY WITH ALL OTHER APPLICABLE PROVISIONS OF THIS CHAPTER.~~

17 ~~(B) OUT OF STATE CERTIFIED APPLICATOR. THE DEPARTMENT MAY~~
18 ~~ISSUE A CERTIFICATION TO AN OUT OF STATE INDIVIDUAL WITHOUT~~
19 ~~EXAMINATION WHERE ALL THE FOLLOWING STANDARDS ARE MET:~~

20 ~~(1) THERE IS RECIPROCITY WITH THE STATE IN WHICH THE~~
21 ~~INDIVIDUAL RESIDES.~~

22 ~~(2) THE STATE IN WHICH THE INDIVIDUAL RESIDES SHALL HAVE~~
23 ~~A FERTILIZER APPLICATION CERTIFICATION PROGRAM THAT PROVIDES~~
24 ~~FOR TESTING AND CERTIFICATION STANDARDS THAT ARE AT LEAST AS~~
25 ~~STRINGENT AS THOSE ESTABLISHED IN THIS CHAPTER.~~

26 ~~(3) THE INDIVIDUAL APPLYING FOR CERTIFICATION IS~~
27 ~~CERTIFIED AND IN GOOD STANDING WITH THE CERTIFICATION AND~~
28 ~~PROGRAM REQUIREMENTS OF THE STATE IN WHICH THE INDIVIDUAL~~
29 ~~RESIDES.~~

30 ~~(4) ONCE CERTIFICATION IS GRANTED BY THE DEPARTMENT, THE~~

1 ~~INDIVIDUAL SHALL MEET ALL THE RECERTIFICATION, APPLICATION~~
2 ~~AND OTHER STANDARDS ESTABLISHED IN THIS CHAPTER.~~

3 ~~§ 6835. Training of fertilizer technicians.~~

4 ~~(a) Prohibition. Fertilizer technicians working for a~~ <--
5 ~~fertilizer application business A FERTILIZER TECHNICIAN may not~~ <--
6 ~~apply fertilizer without completing a training program, as~~
7 ~~required by the provisions of this chapter, an order of the~~
8 ~~department or the department's regulations ISSUED UNDER THE~~ <--
9 ~~AUTHORITY OF THIS CHAPTER OR REGULATIONS PROMULGATED UNDER THIS~~
10 ~~CHAPTER.~~

11 ~~(b) Requirements. A fertilizer technician shall be an~~ <--
12 ~~employee of the business and trained by a certified applicator~~
13 ~~who is an employee of the same business UNDER SUBSECTION (D).~~ <--

14 ~~(c) Transferability. Training of fertilizer technicians~~
15 ~~shall not be transferrable between businesses. FERTILIZER~~ <--
16 ~~APPLICATION BUSINESSES OR GOVERNMENTAL OR PUBLIC ENTITIES.~~

17 ~~(d) Program administration. The training program for a~~
18 ~~fertilizer technician shall be administered by a certified~~
19 ~~applicator, employed by the fertilizer application business OR~~ <--
20 ~~GOVERNMENTAL OR PUBLIC ENTITY employing the fertilizer~~
21 ~~technician, in subject matter involving the assigned tasks of~~
22 ~~the fertilizer technician. The training program shall include,~~
23 ~~but not be limited to:~~

24 ~~(1) Proper use of fertilizers and use of application~~
25 ~~equipment, including calibration and maintenance equipment~~
26 ~~used on the job.~~

27 ~~(2) Protective clothing required during the application~~
28 ~~and handling of fertilizers.~~

29 ~~(3) Transportation and disposal of fertilizers used in~~
30 ~~and around the workplace.~~

~~(4) Applicable Federal and State regulations as they affect work assignments.~~

~~(5) Competence in reading and following label and application requirements.~~

~~(e) Noncertified employees. When there are noncertified employees engaged in the application of fertilizer, they shall be trained in accordance with subsection (d) or work under the supervision of a certified applicator who is physically present on the job site.~~

~~(f) Training and supervision prohibition. A fertilizer technician may not train applicators INDIVIDUALS or supervise the use or application of fertilizers by other fertilizer technicians or noncertified employees NOT CERTIFIED TO APPLY FERTILIZER.~~

~~(g) Record. At the completion of training, the certified applicator conducting the training shall complete a record of training. Training records shall be maintained by the firm for one year following separation of the fertilizer technician's employment and at a minimum, shall include:~~

~~(1) The name and certification number of the trainer.~~

~~(2) The name of fertilizer technician trained.~~

~~(3) The date of training.~~

~~(4) The areas of training.~~

~~(5) The business name and address of the fertilizer application business employing the fertilizer technician.~~

~~(6) Any other requirements as established by the department through order or regulation. AN ORDER ISSUED UNDER THE AUTHORITY OF THIS CHAPTER OR REGULATIONS PROMULGATED UNDER THIS CHAPTER.~~

~~§ 6836. Process.~~

1 ~~The department shall, to the extent legally and fiscally~~
2 ~~possible, attempt to streamline the testing and educational~~
3 ~~aspects of fertilizer and pesticide applicator certification and~~
4 ~~recertification process to ensure availability at the same time~~
5 ~~and location.~~

6 SUBCHAPTER D

7 RECORDKEEPING

8 Sec.

9 ~~6841. Records.~~

10 ~~§ 6841. Records.~~

11 ~~(a) Condition. A person required to be licensed, certified <--~~
12 ~~or permitted OR CERTIFIED and a person issued a license, <--~~
13 ~~certificate or permit OR CERTIFICATE under the provisions of <--~~
14 ~~this chapter shall keep accurate records of the information~~
15 ~~specified in this section and such relevant information as the~~
16 ~~department may deem necessary through order ISSUED UNDER THE <--~~
17 ~~AUTHORITY OF THIS CHAPTER or by regulation PROMULGATED UNDER <--~~
18 ~~THIS CHAPTER. The person shall make the records available to the~~
19 ~~department upon request.~~

20 ~~(b) Fertilizer application. Applicators AN INDIVIDUAL <--~~
21 ~~required to be certified under section 6832 (relating to~~
22 ~~certification of applicators) and A fertilizer technicians <--~~
23 ~~trained under section 6835 (relating to training of fertilizer~~
24 ~~technicians) TECHNICIAN shall keep for every application of <--~~
25 ~~fertilizer a record containing the following information:~~

26 ~~(1) The name and address of the customer and the address <--~~
27 ~~and location of the application site, if different from the~~
28 ~~address of the customer. ADDRESS OF THE LOCATION WHERE <--~~
29 ~~FERTILIZER IS APPLIED AND THE NAME AND ADDRESS OF THE PERSON~~
30 ~~ASSOCIATED WITH THE LOCATION, IF DIFFERENT THAN THE~~

1 APPLICATION SITE.

2 ~~(2) A record of the date of each fertilizer application.~~
3 ~~For continuous applications, such as hydroponics or drip~~
4 ~~lines, the record shall include start and finish dates and~~
5 ~~the total amount of fertilizer products used during that time~~ <--
6 ~~period. Each addition of a fertilizer to the system shall be~~
7 ~~entered in the record.~~

8 ~~(3) The weather conditions, including approximate~~
9 ~~temperature.~~

10 ~~(4) The brand name and grade of the fertilizer used.~~

11 ~~(5) The dosage or rate of application of every~~
12 ~~fertilizer used.~~

13 ~~(6) The total amount of fertilizer used in pounds,~~
14 ~~ounces, gallons or liters applied to a treated area.~~

15 ~~(7) Identification of the application site, including~~
16 ~~the specific field or land area and the crop.~~

17 ~~(8) The total area treated in acres, square feet or~~
18 ~~other applicable units of measure.~~

19 ~~(9) The name and certification number of each person~~ <--
20 ~~involved with the application CERTIFIED APPLICATOR and the~~ <--
21 ~~name of each fertilizer technician and noncertified employee~~
22 ~~involved in the application.~~

23 ~~(10) Additional information as the department may~~
24 ~~require through order or A regulation PROMULGATED UNDER THIS~~ <--
25 ~~CHAPTER.~~

26 ~~(c) Fertilizer application record. A fertilizer application~~
27 ~~record INCLUSIVE OF THE INFORMATION UNDER SUBSECTION (B) shall~~ <--
28 ~~be completed in written or printable form no later than 24 hours~~
29 ~~after the application date and made immediately available to the~~
30 ~~FERTILIZER APPLICATION BUSINESS OR GOVERNMENTAL OR PUBLIC ENTITY~~ <--

1 ~~AS REQUIRED BY SECTIONS 6831(D) (RELATING TO LICENSING OF~~
2 ~~FERTILIZER APPLICATION BUSINESSES) AND 6831.1(D) (RELATING TO~~
3 ~~LICENSING OF GOVERNMENTAL OR PUBLIC ENTITIES), AND TO THE~~
4 ~~department upon request.~~

5 ~~(d) Maintenance requirements. A record required under this~~
6 ~~section shall be maintained BY THE FERTILIZER APPLICATION~~ <--
7 ~~BUSINESS OR GOVERNMENTAL OR PUBLIC ENTITY for at least three~~
8 ~~years.~~

9 ~~(e) Annual report. All businesses PERSONS required to be~~ <--
10 ~~licensed under section 6831 (relating to licensing of fertilizer~~ <--
11 ~~application businesses) SECTIONS 6831 AND 6831.1 shall submit TO~~ <--
12 ~~THE DEPARTMENT an annual report in a manner prescribed by the~~
13 ~~department listing, by county and use WITHIN EACH COUNTY,~~ <--
14 ~~aggregated data compiled from the records required under~~
15 ~~subsection (b). At a minimum, aggregated data shall contain:~~

16 ~~(1) The total acreage to which fertilizer was applied.~~

17 ~~(2) The total amount of nitrogen, available phosphate~~
18 ~~and soluble potash applied.~~

19 ~~(3) Any other aggregated data, within the scope of this~~
20 ~~chapter, the department may determine is necessary.~~

21 SUBCHAPTER E

22 APPLICATION RATES, REQUIREMENTS AND PROHIBITIONS

23 Sec.

24 6851. Application of fertilizer.

25 6852. Application of fertilizer to turf.

26 6853. Prohibited acts.

27 § ~~6851~~ 6812. Application of fertilizer. <--

28 (a) Restrictions.--

29 (1) No person may apply nonaquatic fertilizer within 15
30 feet of the top of a bank of a lake, pond, wetlands or

1 flowing body of water, such as a stream, river or creek,
2 except that fertilizer may be applied to the top of the bank
3 of the waterways if applied using a drop spreader, rotary
4 spreader with deflector, targeted spray liquid or other
5 available targeted application technology when establishing
6 and maintaining a stream buffer zone.

7 (2) The establishment of setbacks for fertilizer
8 application under this subsection shall not be construed to
9 preclude the establishment or applicability of or required
10 compliance with any other environmental standard established
11 under other Federal or State law, rule or regulation.

12 (b) Regulation.--The department may establish additional
13 restrictions through regulation.

14 (c) Construction.--Nothing in this section shall be
15 construed to prohibit the lawful use of fertilizer in blasting
16 as regulated by the Department of Environmental Protection.

17 ~~§ 6852~~ 6813. Application of fertilizer to turf.

<--

18 (a) Application rates.--Except as provided in subsections
19 (c) and (d), fertilizer application rates to turf:

20 (1) Shall not exceed 0.7 pounds of readily available
21 nitrogen per 1,000 square feet per application.

22 (2) Shall not exceed 0.9 pounds of total nitrogen per
23 1,000 square feet per application except, when labeled as an
24 enhanced-efficiency nitrogen fertilizer, the amount of
25 nitrogen released at any given time shall not exceed 0.7
26 pounds of nitrogen per 1,000 square feet.

27 (3) Shall contain zero phosphorus, except when
28 specifically labeled for the following purposes:

29 (i) establishing vegetation for the first time;

30 (ii) reestablishing or repairing a turf area; or

1 (iii) as an enhanced-efficiency phosphorus
2 fertilizer, natural organic fertilizer or organic-based
3 fertilizer, if the application rate does not exceed 0.25
4 pounds of phosphorus per 1,000 square feet per
5 application, with a maximum total annual application of
6 0.5 pounds of phosphorus per 1,000 square feet.

7 (b) Restrictions.--No person may:

8 (1) Apply ~~turf~~ fertilizer LABELED FOR USE ON TURF to an <--
9 impervious surface. ~~Turf fertilizer~~ FERTILIZER LABELED FOR <--
10 USE ON TURF that is inadvertently applied to an impervious
11 surface shall be removed from the impervious surface
12 immediately following the application.

13 (2) Apply fertilizer containing nitrogen or phosphorus
14 to turf at any time when the ground is frozen to a depth of
15 at least two inches or snow covered.

16 (3) Except as provided in paragraph (4), apply
17 fertilizer containing nitrogen or phosphorus to turf after
18 December 15 and before March 1 or dates as established in
19 regulations promulgated by the department.

20 (4) Fertilizer containing no more than 0.5 pounds of
21 total nitrogen per 1,000 square feet, or at a rate
22 established in regulations promulgated by the department, may
23 be applied by a certified applicator or fertilizer technician
24 to turf after December 15 and before March 1 or dates as
25 established in regulations promulgated by the department.

26 (c) Fertilizer use and application rates for turf.--

27 (1) The department may establish use and application
28 rates for fertilizer that is applied to turf.

29 (2) The current rates or source of established
30 fertilizer use and application rates shall be published at

1 least once every two years by the department transmitting a
2 notice to the Legislative Reference Bureau for publication in
3 the Pennsylvania Bulletin.

4 (3) New application rates or changes to established
5 fertilizer use and application rates shall:

6 (i) Be based on appropriately peer-reviewed
7 scientific research representing conditions of this
8 Commonwealth and recommended by The Pennsylvania State
9 University or other institution of higher education in
10 this Commonwealth.

11 (ii) Be as protective or more protective of water
12 quality as those rates specified in subsection (a).

13 (iii) Be published as a notice of public comment in
14 the Pennsylvania Bulletin and allow for a 30-day public
15 comment period. The department shall respond to all
16 comments received and make a copy of the comments
17 publicly available. The new rates or changes shall be
18 published as final rates in the Pennsylvania Bulletin and
19 take effect upon publication.

20 (d) Application based on soil test and site-specific plan.--

21 ~~An applicator A CERTIFIED APPLICATOR, FERTILIZER TECHNICIAN OR~~ <--
22 ~~OTHER PERSON~~ shall not be required to follow application rates
23 established under subsection (a) or (c) if a site-specific plan
24 is used based on all the following:

25 (1) A soil test was conducted within the previous three
26 years and in accordance with procedures recommended by ~~the~~ <--
27 THE Pennsylvania State University. <--

28 (2) Current soil, plant species, climate, use,
29 topography or other appropriate management factors.

30 (3) Rates recommended by The Pennsylvania State

1 University or other institution of higher education in this
2 Commonwealth recognized APPROVED by the department. <--

3 (e) Certified applicators or fertilizer technicians. In <--
4 addition to the requirements of section 6841 (relating to
5 records), when a certified applicator or fertilizer technician
6 applies fertilizer in accordance with subsection (d), the
7 certified applicator or fertilizer technician shall retain a
8 copy of the soil test and recommendations received for the site
9 specific plan as part of the recordkeeping requirements.

10 (RESERVED). <--

11 (f) Additional requirements.--The department may establish
12 additional requirements through regulation.

13 (g) Exemption.--This section shall not apply to fertilizer
14 applied for agricultural production TO LAND USED FOR AN <--
15 AGRICULTURAL OPERATION or by a public or private institution of
16 higher education for research purposes.

17 § 6853 6814. Prohibited acts. <--

18 (a) Prohibited acts by business, ENTITY, certified <--
19 applicator or fertilizer technician. A fertilizer application
20 business, GOVERNMENTAL OR PUBLIC ENTITY, certified applicator or <--
21 fertilizer technician may not:

22 (1) Apply fertilizer without a license, certification or
23 the training required by this chapter.

24 (2) Apply fertilizer that is misbranded or adulterated.

25 (3) Make false or fraudulent records, invoices or
26 reports concerning the application, storage or disposal of
27 fertilizer.

28 (4) Make a false statement or misrepresentation of
29 material fact on an application for issuance or renewal of a
30 license or certification required under this chapter, a

~~regulation promulgated under this chapter or an order issued under the authority of this chapter.~~

~~(5) Refuse or neglect to comply with a condition or limitation imposed upon a license or certification issued under this chapter, a regulation promulgated under this chapter or an order issued under the authority of this chapter.~~

~~(6) Refuse to present evidence of proper licensure or certification to an employee or agent of the department upon request.~~

~~(7) Refuse to display the fertilizer application business's, certified applicator's or fertilizer technician's A license or certification number in a manner required by this chapter, a regulation promulgated under this chapter or an order issued under the authority of this chapter.~~ <-- <--

~~(8) Refuse or neglect to keep and maintain a record, or make a report when and as required, by this chapter, a regulation promulgated under this chapter or an order issued under the authority of this chapter.~~

~~(9) Fail to comply with a provision of this chapter, a regulation promulgated under this chapter or an order issued under the authority of this chapter.~~

~~(b) Prohibited acts by person.—A person may not:~~

~~(1) Apply fertilizer with a device that is not intended for the application of fertilizer or that has not been properly calibrated.~~

~~(2) Operate fertilizer application equipment or devices in a faulty, careless or negligent manner.~~

~~(3) Dispose of, discard or store a fertilizer product in a manner that would be inconsistent with its label, would~~

1 cause over-application of fertilizer, would result in direct
2 discharge to a storm drain or waters of this Commonwealth or
3 would be inconsistent with this chapter, a regulation
4 promulgated under this chapter or an order issued under the
5 authority of this chapter.

6 (4) Aid or abet another person to evade the provisions
7 of this chapter, a regulation promulgated under this chapter
8 or an order issued under the authority of this chapter,
9 conspire with another person for that purpose ~~or allow the~~ <--
10 ~~person's certification to be used by another person.~~

11 (5) Hinder, mislead, make false statements to or refuse
12 to cooperate with an employee or agent of the department in
13 an investigation or inspection undertaken by the authority
14 delegated to the department under the provisions of this
15 chapter.

16 (6) Apply fertilizer ~~or a nitrogen-based material~~ for <--
17 the purposes of melting snow or ice, unless the material is
18 applied to aircraft or areas an aircraft accesses at an
19 airport.

20 (7) Fail to comply with a provision of this chapter, a
21 regulation promulgated under this chapter or an order issued
22 under the authority of this chapter.

23 SUBCHAPTER F <--

24 AGRICULTURAL AND HOMEOWNER EDUCATION PROGRAM

25 Sec.

26 ~~6861. Agricultural and homeowner education.~~

27 (8) MAKE A FALSE STATEMENT OR MISREPRESENTATION OF <--
28 MATERIAL FACT ON AN APPLICATION FOR ISSUANCE OR RENEWAL OF A
29 LICENSE REQUIRED UNDER THIS CHAPTER, A REGULATION PROMULGATED
30 UNDER THIS CHAPTER OR AN ORDER ISSUED UNDER THE AUTHORITY OF

1 THIS CHAPTER.

2 (9) REFUSE OR NEGLECT TO COMPLY WITH A CONDITION OR
3 LIMITATION IMPOSED UPON A LICENSE ISSUED UNDER THIS CHAPTER,
4 A REGULATION PROMULGATED UNDER THIS CHAPTER OR AN ORDER
5 ISSUED UNDER THE AUTHORITY OF THIS CHAPTER.

6 (10) REFUSE TO PRESENT EVIDENCE OF PROPER LICENSURE TO
7 AN EMPLOYEE OR AGENT OF THE DEPARTMENT UPON REQUEST.

8 (11) REFUSE OR NEGLECT TO KEEP AND MAINTAIN A RECORD, OR
9 MAKE A REPORT WHEN AND AS REQUIRED, BY THIS CHAPTER, A
10 REGULATION PROMULGATED UNDER THIS CHAPTER OR AN ORDER ISSUED
11 UNDER THE AUTHORITY OF THIS CHAPTER.

12 ~~§ 6861~~ 6815. Agricultural and homeowner education. <--

13 The department, through guidelines established in
14 consultation with The Pennsylvania State University and
15 representatives of the agricultural and turf grass industries,
16 shall establish and administer a program of public outreach to
17 educate the public on proper use, application, handling and
18 storage of fertilizers.

19 SUBCHAPTER G <--

20 ADMINISTRATION AND PENALTIES

21 Sec.

22 ~~6871. Publications.~~

23 ~~6872. Rules and regulations.~~

24 ~~6873. Short weight.~~

25 ~~6874. Refusal, suspension or revocation of registration,~~
26 ~~license or certification.~~

27 ~~6875. Stop sale orders.~~

28 ~~6876. Seizure and condemnation.~~

29 ~~6877. Unlawful conduct.~~

30 ~~6878. Inspection, sampling and analysis.~~

1 ~~6879. Interference with officer or employee of department.~~

2 ~~6880. Enforcement and penalties.~~

3 ~~6881. Appeal process.~~

4 ~~6882. Civil remedy.~~

5 ~~6883. Cooperation with other entities.~~

6 ~~6884. Exchanges between manufacturers.~~

7 ~~6885. Confidentiality.~~

8 ~~6886. Fees, fines and civil penalties (RESERVED).~~ <--

9 ~~6887. Disposition of funds.~~

10 ~~6888. Exclusion of local laws and regulations.~~

11 ~~§ 6871 6816. Publications.~~ <--

12 The department may publish on an annual basis, and in a form
13 as it deems proper, information concerning the distribution of
14 fertilizers for both agricultural and nonagricultural uses and <--
15 results of analyses based on official samples of fertilizer
16 distributed within this Commonwealth as compared with analyses
17 guaranteed under sections ~~6812~~ 6803 (relating to registration of <--
18 specialty fertilizers) and ~~6814~~ 6805 (relating to labels and <--
19 labeling).

20 ~~§ 6872 6817. Rules and regulations.~~ <--

21 The department may promulgate and enforce rules and
22 regulations necessary for administration and implementation of
23 this chapter. Regulations currently in place shall remain in
24 effect, to the extent they are consistent with this chapter,
25 until such time as new regulations are promulgated by the
26 department. THE DEPARTMENT MAY DRAFT AND ISSUE SUCH ORDERS AS <--
27 ARE NECESSARY TO ENFORCE AND PROVIDE CLARITY FOR ADMINISTRATION
28 OF THIS CHAPTER.

29 ~~§ 6873 6818. Short weight.~~ <--

30 If the department finds that a fertilizer in the possession

1 of a consumer is short in weight, the guarantor of that
2 fertilizer shall, within 30 days after official notice from the
3 department, submit to the consumer a penalty payment of two
4 times the value of the actual shortage.

5 § ~~6874~~ 6819. Refusal, suspension or revocation of registration, <--
6 license or certification OR LICENSE. <--

7 (a) Authority of department.--The department may refuse,
8 suspend or revoke:

9 (1) the registration of a fertilizer;

10 (2) the license ~~or certification~~ of a person, if the <--
11 person is a registrant, licensee or certificate holder OR <--
12 LICENSEE and has not complied with the provisions of this
13 chapter, a regulation promulgated under this chapter or an
14 order issued under the authority of this chapter; or

15 (3) the license ~~or certification~~ of a person, if the <--
16 person has used fraudulent or deceptive practices in the
17 evasion or attempted evasion of the provisions of this
18 chapter.

19 (b) Hearing.--The department shall provide an opportunity
20 for a hearing, as specified in section ~~6881~~ 6826 (relating to <--
21 appeal process), to a person appealing an action of the
22 department under this section.

23 § ~~6875~~ 6820. Stop-sale orders. <--

24 (a) Authority of department.--

25 (1) The department may issue and enforce a written or
26 printed stop-sale, use or removal order to the owner or
27 custodian of a lot of fertilizer being offered or exposed for
28 sale in violation of a provision of this chapter, a
29 regulation promulgated under this chapter or an order issued
30 under the authority of this chapter.

1 (2) Fertilizer placed under the order shall be held at a
2 designated place approved by the department and may not be
3 moved without written approval by the department.

4 (3) The order shall remain in effect until the law has
5 been complied with and the fertilizer is released in writing
6 by the department or the fertilizer in violation has been
7 disposed of in a manner authorized by the department. The
8 authorization shall be specified in writing.

9 (b) Release by department.--The department shall release the
10 fertilizer held under a stop-sale order when the requirements of
11 this chapter, a regulation promulgated under this chapter or an
12 order issued under the authority of this chapter have been
13 complied with and all costs and expenses incurred in connection
14 with the order have been paid by the person responsible for the
15 violation.

16 § ~~6876~~ 6821. Seizure and condemnation. <--

17 Fertilizer not in compliance with the provisions of this
18 chapter, a regulation promulgated under this chapter or an order
19 issued under the authority of this chapter shall be subject to
20 seizure and condemnation by the department, provided that in no
21 instance shall the disposition of the fertilizer be ordered by
22 the department without first giving the claimant an opportunity
23 for a hearing as provided for in section ~~6881~~ 6826 (relating to <--
24 appeal process) or for opportunity to apply for permission to
25 process or relabel the fertilizer to bring it into compliance
26 with this chapter.

27 § ~~6877~~ 6822. Unlawful conduct. <--

28 It shall be unlawful for a person to fail to comply with or
29 cause to assist in the violation of this chapter, a regulation
30 promulgated under this chapter or an order issued under the

1 authority of this chapter.

2 § ~~6878~~ 6823. Inspection, sampling and analysis.

<--

3 (a) Authorization.--For purposes of enforcement of this
4 chapter, the department or its agent may enter upon any public
5 or private premises or carriers at reasonable times, including
6 any vehicle being used to transport or hold fertilizer, as may
7 be necessary to determine compliance with this chapter. The
8 department may also:

9 (1) Have access for the purpose of inspecting any
10 equipment subject to this chapter and the premises on which
11 the equipment is kept or stored.

12 (2) Inspect and sample lands, plants or waterways
13 actually or reported to be exposed to fertilizers.

14 (3) Inspect storage or disposal areas.

15 (4) Inspect or investigate complaints of injury to
16 humans, animals, plants or the environment.

17 (5) Sample fertilizers being manufactured, processed,
18 packed or held for distribution, being applied or to be
19 applied.

20 (6) Have access to records relating to the manufacture,
21 distribution, sale, storage and use of fertilizer.

22 (b) Inspection.--

23 (1) The department may conduct unannounced inspections,
24 but shall give written notice to the owner or person in
25 charge of the facility, warehouse, establishment, premises or
26 vehicle at the time of inspection and sampling.

27 (2) A separate notice shall be given for each
28 inspection, but a notice shall not be required for each entry
29 made during the period covered by the inspection.

30 (c) Samples.--If an employee conducting an inspection

1 obtains a sample in the course of the inspection, upon
2 completion of the inspection and prior to leaving the premises,
3 the employee may, when possible, give to the owner, operator or
4 agent in charge a receipt describing the samples obtained.

5 (d) Methodology.--

6 (1) The methods of fertilizer sampling and analysis by
7 the department ~~shall~~ MAY include those methods adopted by the <--
8 Association of Official Analytical Chemists International.

9 (2) In cases not covered by those methods or in cases
10 where improved methods are available, the department may
11 issue a temporary order defining the method to be utilized.
12 The method defined in the temporary order shall be effective
13 upon publication in the Pennsylvania Bulletin. The temporary
14 order shall remain in effect for a period not to exceed one
15 year, unless reissued or until the notice is promulgated as a
16 regulation.

17 (e) Deficiency determination.--In determining whether a
18 fertilizer is deficient in nutrients, the department shall be
19 guided solely by the official sample obtained.

20 (f) Maintenance by official samples.--

21 (1) Official samples maintained by the department and
22 that require imposition of a penalty for nutrient deficiency
23 shall be retained for a minimum of 90 days from issuance of a
24 fertilizer deficiency report or an official report of
25 analysis.

26 (2) Upon request, the department shall furnish to the
27 guarantor a portion of the official sample.

28 (3) Requests must be made within 30 days of receipt of a
29 fertilizer deficiency report or an official report of
30 analysis.

1 § ~~6879~~ 6824. Interference with officer or employee of <--
2 department.

3 (a) Interference.--A person who willfully or intentionally
4 interferes with an employee or officer of the department in the
5 performance of the employee's or officer's duties or activities
6 authorized under this chapter commits a misdemeanor of the third
7 degree and shall, upon conviction, be subject to a term of
8 imprisonment for not more than one year or a fine of not more
9 than \$2,500, or both.

10 (b) Refuse entry.--

11 (1) It shall be a violation of this chapter to refuse
12 entry to a department employee or agent acting under the
13 authority of this chapter.

14 (2) For purposes of this subsection, the term "refuse
15 entry" includes any of the following:

16 (i) Preventing entry to the establishment or any
17 other place or object set forth in section ~~6878(a)~~ <--
18 6823(A) (relating to inspection, sampling and analysis) <--
19 of this chapter. <--

20 (ii) Preventing the taking of a sample as authorized
21 under this chapter.

22 (iii) Preventing access to records required under
23 this chapter or any order or regulation issued ISSUED <--
24 UNDER THE AUTHORITY OF THIS CHAPTER OR REGULATION
25 PROMULGATED under this chapter.

26 (c) Search warrant.--

27 (1) The department may apply for a search warrant to any
28 court of competent jurisdiction authorized to issue a search
29 warrant for the purposes of conducting inspections,
30 collecting samples or examining records of any facility,

1 premises or vehicle in the enforcement of this chapter.

2 (2) The warrant shall be issued upon probable cause. It
3 shall be sufficient probable cause to show any of the
4 following:

5 (i) The department or its authorized agent has been
6 subject to interference or refused entry as defined under
7 subsections (a) and (b).

8 (ii) The department has reasonable grounds to
9 believe that a violation of this chapter, a regulation
10 promulgated under this chapter or an order issued under
11 the authority of this chapter has occurred.

12 § ~~6880~~ 6825. Enforcement and penalties.

<--

13 (a) Criminal penalties.--Unless otherwise specified, a
14 person who violates a provision of this chapter, a regulation
15 promulgated under this chapter or an order issued under the
16 authority of this chapter:

17 (1) For the first offense, commits a summary offense and
18 may, upon conviction, be sentenced for each offense to pay a
19 fine of not less than \$100 nor more than \$500 and costs of
20 prosecution or to imprisonment for a term which shall be
21 fixed at not more than 90 days, or both.

22 (2) For a subsequent offense committed within three
23 years of a prior conviction for a violation of this chapter,
24 a regulation promulgated under this chapter or an order
25 issued under the authority of this chapter commits a
26 misdemeanor of the second degree and shall, upon conviction,
27 be sentenced to pay a fine of not less than \$500 nor more
28 than \$1,000 and costs of prosecution or to imprisonment for
29 not more than two years, or both.

30 (b) Civil penalties.--

1 (1) In addition to another remedy available at law or in
2 equity for a violation of this chapter, the department may
3 assess a civil penalty of not less than \$500 nor more than
4 \$5,000 upon a person for each violation of this chapter. The
5 civil penalty assessed shall be payable to the department and
6 shall be collectible in any manner provided by law for the
7 collection of debt.

8 (2) No civil penalty shall be assessed unless the person
9 assessed the penalty has been given notice and an opportunity
10 for a hearing on the assessment in accordance with the
11 provisions of 2 Pa.C.S. Chs. 5 Subch. A (relating to practice
12 and procedure of Commonwealth agencies) and 7 Subch. A
13 (relating to judicial review of Commonwealth agency action).

14 (c) Trade secrets.--

15 (1) A person who to the person's own advantage uses or
16 reveals to anyone other than the department, administrative
17 tribunal or a court when relevant in a judicial proceeding
18 information acquired under the authority of this chapter
19 concerning a method, record, formulation or process that as a
20 trade secret is entitled to protection under the law commits
21 a misdemeanor of the third degree and shall, upon conviction,
22 be sentenced to pay a fine of not less than \$500.

23 (2) This subsection shall not be construed to prohibit
24 the department from exchanging information of a regulatory
25 nature with governmental agencies of the Federal Government,
26 agencies of this Commonwealth or another state.

27 (d) Certified copy of official analysis.--In a prosecution
28 under this chapter involving the composition of a lot of
29 fertilizer, a certified copy of the official analysis signed by
30 the department shall be accepted as prima facie evidence of the

1 composition.

2 (e) De minimis violations.--Nothing in this chapter shall be
3 construed to require the department to report a violation and to
4 institute seizure proceedings as a result of a de minimis
5 violation of this chapter when the department concludes that the
6 public interest will be best served by a suitable notice of
7 warning in writing.

8 (f) District attorney.--A district attorney to whom a
9 criminal violation of this chapter is reported shall cause
10 appropriate proceedings to be instituted and prosecuted in a
11 court of competent jurisdiction without delay.

12 § ~~6881~~ 6826. Appeal process.

<--

13 All appeals shall be taken and hearings conducted in
14 accordance with the provisions of 2 Pa.C.S. Chs. 5 Subch. A
15 (relating to practice and procedure of Commonwealth agencies)
16 and 7 Subch. A (relating to judicial review of Commonwealth
17 agency action). A person shall have 15 days to appeal an
18 enforcement action of the department.

19 § ~~6882~~ 6827. Civil remedy.

<--

20 (a) Office of Attorney General.--In addition to other
21 remedies provided for in this chapter, the Office of Attorney
22 General, at the request of the department, may initiate in
23 Commonwealth Court or the court of common pleas of the county in
24 which the defendant resides or has a place of business an action
25 in equity for an injunction to restrain a violation of this
26 chapter, a regulation promulgated under this chapter or an order
27 issued under the authority of this chapter from which no timely
28 appeal has been taken or which has been sustained on appeal.

29 (b) Preliminary injunctions.--In a proceeding under
30 subsection (a), the court shall, upon motion of the

1 Commonwealth, issue a preliminary injunction if the court finds
2 that the defendant is engaging in conduct that causes immediate
3 or irreparable harm to the public or has engaged in other
4 conduct which the court has developed through case law.

5 (c) Bonds not required.--The Commonwealth may not be
6 required to furnish bond or other security in connection with
7 proceedings under this section.

8 (d) Civil penalties.--In addition to an injunction, the
9 court may levy civil penalties as provided by this chapter.

10 § ~~6883~~ 6828. Cooperation with other entities. <--

11 The department may cooperate with and enter into agreement
12 with governmental agencies of the Federal Government, agencies
13 of this Commonwealth or another state to carry out the purpose
14 and provisions of this chapter.

15 § ~~6884~~ 6829. Exchanges between manufacturers. <--

16 Nothing in this chapter shall be construed to restrict or
17 avoid sales or exchanges of fertilizers to each other by
18 importers, manufacturers or manipulators who mix fertilizer
19 materials for sale or as preventing the free and unrestricted
20 shipments of fertilizer to manufacturers or manipulators who are
21 in compliance with the provisions of this chapter.

22 § ~~6885~~ 6830. Confidentiality. <--

23 All proprietary business information contained in records,
24 data, formulations and other information filed with or collected
25 by the department ~~under section 6841 (relating to records)~~ and <--
26 that relate to tonnage reports and trade secrets, such as
27 product formulation, customer information or production methods,
28 shall be exempt from the act of February 14, 2008 (P.L.6, No.3),
29 known as the Right-to-Know Law, and subject to inspection only
30 upon the order of a court of competent jurisdiction. Aggregate

1 data may be shared with other Federal, State or local agencies.

2 ~~§ 6886. Fees, fines and civil penalties.~~ <--

3 ~~(a) Insufficient revenues. If the revenues raised by fees,~~
4 ~~fines and civil penalties imposed under this chapter are~~
5 ~~insufficient to meet expenditures for the administration and~~
6 ~~enforcement of this chapter over a two year period, the~~
7 ~~department may increase those fees so that the project revenues~~
8 ~~will meet or exceed projected expenditures.~~

9 ~~(b) Notice and effective date.~~

10 ~~(1) The department shall announce the adjustment of~~
11 ~~fees, fines and penalties by transmitting a notice to the~~
12 ~~Legislative Reference Bureau for publication in the~~
13 ~~Pennsylvania Bulletin.~~

14 ~~(2) Prior to the adjusted fees, fines and penalties~~
15 ~~becoming effective, the department shall hold a public~~
16 ~~meeting to receive input from the regulated community.~~

17 ~~(3) Subsequent to the public meeting, the department~~
18 ~~shall transmit a notice to the Legislative Reference Bureau~~
19 ~~for republishing the adjusted fees, fines and penalties in~~
20 ~~the Pennsylvania Bulletin. The adjusted fees shall take~~
21 ~~effect 60 days after publication of the subsequent notice in~~
22 ~~the Pennsylvania Bulletin. (RESERVED).~~ <--

23 ~~§ 6887 6831. Disposition of funds.~~ <--

24 ~~Money received from license fees, registration fees,~~
25 ~~applicator certification, inspection fees, fines and penalties~~ <--
26 ~~shall be paid into a special restricted account in the General~~
27 ~~Fund known as the Agronomic Regulatory Account. All money in the~~
28 ~~Agronomic Regulatory Account is appropriated on a continuing~~
29 ~~basis to the department for the purposes of this chapter and~~
30 ~~Chapters 69 (relating to soil and plant amendment) and 71~~

1 (relating to seed).

2 § ~~6888~~ 6832. Exclusion of local laws and regulations. <--

3 (a) Effect of chapter.--The provisions of this chapter are
4 of Statewide concern and occupy the whole field of regulation
5 regarding the registration, packaging, labeling, sale,
6 transportation, distribution, use and application of fertilizers
7 and certification of fertilizer applicators to the exclusion of <--
8 all local regulations.

9 (b) Enforcement.--No ordinance or regulation of a local
10 agency, political subdivision or home rule municipality may
11 prohibit or attempt to regulate a matter relating to the
12 registration, packaging, labeling, sale, transportation,
13 distribution, use or application of fertilizers, if the
14 ordinance or regulation conflicts with this chapter.

15 (c) Stricter requirements.--Nothing in this chapter shall be
16 construed to prevent a political subdivision or home rule
17 municipality from adopting and enforcing an ordinance or a
18 regulation that is consistent with and no more stringent than
19 the requirements of this chapter and the regulations ~~or~~ <--
20 guidelines promulgated under this chapter. No penalty shall be
21 assessed under the local ordinance or regulation under this
22 subsection for a violation for which a penalty has been assessed
23 under this chapter.

24 Section 3. Sections 6921 and 7122 of Title 3 are amended to
25 read:

26 § 6921. Disposition of funds.

27 Moneys received from license fees, registration fees,
28 inspection fees, fines and penalties shall be paid into the
29 Agronomic Regulatory Account established in section [6725] ~~6887~~ <--
30 ~~6831~~ (relating to disposition of funds). All moneys in the <--

1 Agronomic Regulatory Account are hereby appropriated to the
2 department for the purposes of this chapter [and], Chapter [67]
3 68 (relating to fertilizer) and Chapter 71 (relating to seed).
4 § 7122. Disposition of funds.

5 Moneys received from license fees, seed testing fees,
6 certification fees, fines and penalties shall be paid into the
7 Agronomic Regulatory Account established in section [6725] ~~6887~~ <--
8 6831 (relating to disposition of funds). All moneys in the <--
9 Agronomic Regulatory Account are hereby appropriated to the
10 department for the purposes of Chapters [67] 68 (relating to
11 fertilizer) and 69 (relating to soil and plant amendment) and
12 this chapter.

13 ~~Section 4. The State Treasurer shall transfer the sum of~~ <--
14 ~~\$100,000 from the General Fund to the Agronomic Regulatory~~
15 ~~Account for use by the Department of Agriculture to develop the~~
16 ~~certification and recertification courses required under 3~~
17 ~~Pa.C.S. §§ 6832 and 6833 and any computer programming or~~
18 ~~software necessary for administration and enforcement of 3~~
19 ~~Pa.C.S. Ch. 68.~~

20 ~~SECTION 4. IF THE NUTRIENT REDUCTION PLANNING TARGETS~~ <--
21 ~~IDENTIFIED IN THE PENNSYLVANIA PHASE 3 CHESAPEAKE BAY WATERSHED~~
22 ~~IMPLEMENTATION PLAN PREPARED BY THE DEPARTMENT OF ENVIRONMENTAL~~
23 ~~PROTECTION, DATED AUGUST 2019, FOR IMPLEMENTING THIS ACT ARE NOT~~
24 ~~ACHIEVED AND DO NOT RESULT IN CREDIT IN THE CHESAPEAKE BAY~~
25 ~~WATERSHED MODEL BY DECEMBER 31, 2026, THE FOLLOWING PROVISIONS~~
26 ~~OF THIS ACT SHALL EXPIRE DECEMBER 31, 2026:~~

- 27 ~~(1) THE ADDITION OF 3 PA.C.S. CH. 68 SUBCHS. C AND D.~~
28 ~~(2) THE ADDITION OF 3 PA.C.S. § 6853(A)(1).~~

29 Section ~~5~~ 4. This act shall take effect as follows: <--

- 30 (1) The addition of 3 Pa.C.S. § ~~6814(a)(3)~~ 6805(A)(3) <--

1 and (4), (g), (h), (i), (j), (k) and (l) shall take effect in
2 18 months.

3 ~~(2) The addition of 3 Pa.C.S. §§ 6831, 6831.1, 6832, <--~~
4 ~~6833 and 6834 shall take effect upon the development of the~~
5 ~~certification examination specified under 3 Pa.C.S. § 6832(a)~~
6 ~~and applicable software to implement these sections.~~

7 ~~(3)~~ (2) This section and the remainder of this act shall <--
8 take effect immediately.