

Senate Bill 833

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes changes related to soil additions. (Flesch Readability Score: 61.2).
Makes certain changes related to label requirements for soil-enhancing products.
Makes certain changes related to tonnage reports for soil-enhancing products.

A BILL FOR AN ACT

1
2 Relating to soil-enhancing products; amending ORS 633.321 and 633.462.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 633.321 is amended to read:

5 633.321. (1) A person may not distribute fertilizer, agricultural amendment, agricultural mineral
6 or lime products in packaged form unless there is a printed label attached or applied to the package.
7 A person may not distribute fertilizer, agricultural amendment, agricultural mineral or lime products
8 in bulk unless a label in the form of a separate document physically accompanies the shipment and
9 is furnished to the user or purchaser when each separate delivery is made, or when the last delivery
10 from the lot is made. The label must include the following:

11 (a) The name under which the product is registered or distributed.

12 (b) The net weight or volume.

13 (c) The name and mailing address of the manufacturer, distributor or registrant.

14 (d) The product grade if primary nutrients are claimed.

15 (e) The product density, in pounds per gallon at 68 degrees Fahrenheit, if the product is dis-
16 tributed as a bulk liquid.

17 (f) A guaranteed analysis. The guaranteed analysis must immediately follow the statement,
18 "GUARANTEED ANALYSIS." Guarantees must be based on a laboratory method of analysis ap-
19 proved by the State Department of Agriculture. The guaranteed analysis shall be stated on an "as
20 is" basis at the time the fertilizer, agricultural amendment, agricultural mineral or lime product is
21 distributed into or within this state. Primary nutrients, secondary nutrients and micronutrients that
22 are claimed or advertised must be individually guaranteed. A guarantee of a zero percentage may
23 not appear in the guaranteed analysis statement.

24 (g) A derivation statement declaring the sources for all primary nutrients, secondary nutrients
25 and micronutrients guaranteed. The statement must be listed immediately below the guaranteed
26 analysis. Abbreviations, brand names, trademarks and trade names may not appear in the derivation
27 statement, but may appear as part of the product name in an area of the label that is separate from
28 the derivation statement.

29 (h) The identity and amount of ingredients other than primary nutrients, secondary nutrients

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 and micronutrients that are claimed or advertised. The identity and amount must be guaranteed and
2 determinable by laboratory methods approved by the department. The source of those ingredients
3 shall be formatted on the label as *[follows]* **one of the following:**

4 _____
5
6 **[ALSO] CONTAINS NON-PLANT**
7 **FOOD INGREDIENT(S):**
8 _____% Humic Acids (Derived from _____)
9 _____% Other Determinable Non-Plant
10 **Food Ingredients**

11 _____
12
13 _____
14
15 **CONTAINS BENEFICIAL**
16 **SUBSTANCE(S):**
17 **Humic Acids (Derived from _____) _____%**
18 **Other Determinable Non-Plant _____%**
19 **Food Ingredients _____%**

20 _____
21
22 **(i) Notwithstanding paragraph (h) of this subsection, if the ingredients described in par-**
23 **agraph (h) of this subsection, other than primary nutrients, secondary nutrients and micro-**
24 **nutrients, are present in addition to guaranteed primary nutrients, secondary nutrients or**
25 **micronutrients, the source of the ingredients shall be formatted on the label as one of the**
26 **following:**

27 _____
28
29 **ALSO CONTAINS NON-PLANT**
30 **FOOD INGREDIENT(S):**
31 _____% Humic Acids (Derived from _____)
32 _____% Other Determinable Non-Plant
33 **Food Ingredients**

34 _____
35
36 _____
37
38 **ALSO CONTAINS BENEFICIAL**
39 **SUBSTANCE(S):**
40 **Humic Acids (Derived from _____) _____%**
41 **Other Determinable Non-Plant _____%**
42 **Food Ingredients _____%**

43 _____
44
45 *[(i)]* **(j)** A unique identifier for custom mixed products.

centages that may be accepted for registration are as follows:

4	Calcium (Ca)	1.0000%
5	Magnesium (Mg)	0.5000%
6	Sulfur (S)	1.0000%
7	Boron (B)	0.0200%
8	Chlorine (Cl)	0.1000%
9	Cobalt (Co)	0.0005%
10	Copper (Cu)	0.0500%
11	Iron (Fe)	0.1000%
12	Manganese (Mn)	0.0500%
13	Molybdenum (Mo)	0.0005%
14	Nickel (Ni)	0.0010%
15	Sodium (Na)	0.1000%
16	Zinc (Zn)	0.0500%

(4) The minimum percentages set forth in subsection (3) of this section do not apply to the following as defined by department rule:

(a) Guarantees for water soluble nutrients on labels for:

(A) Ready to use foliar fertilizers or agricultural minerals;

(B) Ready to use specialty liquid fertilizers or agricultural minerals; or

(C) Products used for hydroponic or continuous liquid feed programs.

(b) Guarantees for soils and horticultural growing mediums.

(5) If a fertilizer, agricultural amendment, agricultural mineral or lime product has a boron concentration greater than 0.1 percent or a molybdenum concentration greater than 0.001 percent, the product label must include:

(a) A warning or cautionary statement that the product contains boron or molybdenum and is to be used only according to the manufacturer's recommendations or directions[.]; **and**

(b) A guaranteed analysis of the boron or molybdenum.

(6)(a) If a fertilizer, agricultural amendment, agricultural mineral product or lime product is intended to be microbiological inoculum, the label must include:

(A) A product expiration date;

(B) The number of each viable organism per milliliter for liquid products or per gram for dry products;

(C) The identification of each viable organism expressed as genus and species, and, if applicable, strain;

(D) Storage conditions; and

(E) For products containing organisms known to be human pathogens, a precautionary statement consistent with any department rules establishing statement requirements for the organisms or establishing the text of the statement.

(b) If a fertilizer, agricultural amendment or agricultural mineral product is derived from a microbiological process or culture but is not intended to be a microbiological inoculum, the product label must include a statement that the product is not a viable culture.

1 (7) A product ingredient may not be listed, claimed or guaranteed on the label or labeling
2 without prior approval by the department.

3 (8) The label information requirements established in subsections (1)(d) and (f), (2), (3) and (6)(b)
4 of this section do not apply to the label of a custom medium for commercial production if the end
5 user is provided with a statement of formulation that lists all of the materials in the custom medium
6 and the amount of each material.

7 **SECTION 2.** ORS 633.462 is amended to read:

8 633.462. (1) A person shall file a semiannual tonnage report with the State Department of Agri-
9 culture if the person:

10 (a) Distributes into this state, from foreign or domestic sources, a fertilizer, agricultural
11 amendment, agricultural mineral or lime product used as an ingredient in the in-state manufacture
12 of a fertilizer, agricultural amendment, agricultural mineral or lime product;

13 (b) Distributes into this state, from foreign or domestic sources, an end-use fertilizer, agricul-
14 tural amendment, agricultural mineral or lime product for use within this state; or

15 (c) Distributes into this state a fertilizer, agricultural amendment, agricultural mineral or lime
16 product composed of ingredients not described under paragraph (a) or (b) of this subsection.

17 (2) If a person engaged in the business of making distributions described in subsection (1) of this
18 section does not distribute any fertilizer, agricultural amendment, agricultural mineral or lime
19 product into or within this state during a reporting period, the person shall file a semiannual
20 tonnage report declaring that no distribution occurred.

21 (3) A person shall file a semiannual tonnage report required under this section with the de-
22 partment, on forms provided by the department, setting forth the total tonnage of each product dis-
23 tributed into or within this state during the reporting period. The reporting periods for each year
24 are January 1 through June 30 and July 1 through December 31.

25 (4) Semiannual tonnage reports and inspection fees imposed under ORS 633.465 are due within
26 30 days after the end of the reporting period.

27 **(5) If a person fails to file a semiannual tonnage report or pay an inspection fee [on or before**
28 **the due date] within 30 days after the end of the reporting period:**

29 (a) The department may assess a collection fee of 10 percent of the amount due or \$25, which-
30 ever is greater; and

31 (b) Notwithstanding ORS 633.362, the department may suspend or deny registration of the
32 product until the report is filed and the fee is paid.

33 **(6) If a person fails to file a semiannual tonnage report or pay an inspection fee within**
34 **90 days after the end of the reporting period:**

35 **(a) The department may assess a collection fee as described in subsection (5)(a) of this**
36 **section; and**

37 **(b) Notwithstanding ORS 633.362, the department may suspend or deny registration of the**
38 **product until the semiannual tonnage report is filed and the collection fee is paid.**

39 [(5)] (7) ORS 561.450 applies to a person who refuses to pay inspection fees that are due under
40 this section.

41 [(6)] (8) A person required to file a semiannual tonnage report under this section shall maintain
42 records and a bookkeeping system that accurately indicate the tonnage of fertilizer, agricultural
43 amendment, agricultural mineral or lime product that is subject to inspection fees. The person shall
44 maintain the records for a period of three years.