



General Assembly

January Session, 2009

**Raised Bill No. 891**

LCO No. 3334

\*03334\_\_\_\_\_ENV\*

Referred to Committee on Environment

Introduced by:  
(ENV)

***AN ACT MODERNIZING CONNECTICUT FERTILIZER LAW.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22-111a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2009*):

3 This chapter shall be known as the "Connecticut Fertilizer Law of  
4 2008".

5 Sec. 2. (NEW) (*Effective July 1, 2009*) Except as otherwise specified in  
6 sections 1 to 23, inclusive, of this act, the provisions of said sections  
7 shall be administered and enforced by the Commissioner of  
8 Agriculture or by such commissioner's duly authorized agent.

9 Sec. 3. (NEW) (*Effective July 1, 2009*) All special acts and municipal  
10 ordinances or regulations contrary to or inconsistent with the  
11 provisions of this act are superseded and shall be of no force or effect.  
12 No political subdivision of the state shall enact or attempt to enforce  
13 any ordinance or regulation respecting the registration, packaging,  
14 labeling, sale, storage, distribution, use or application of a fertilizer, as  
15 defined in section 22-111b of the general statutes, as amended by this

16 act.

17 Sec. 4. Section 22-111b of the general statutes is repealed and the  
18 following is substituted in lieu thereof (*Effective July 1, 2009*):

19 When used in this chapter:

20 [(a) "Commercial fertilizer" means any substance containing one or  
21 more recognized plant nutrients which is used for its plant nutrient  
22 content and which is designed for use or claimed to have value in  
23 promoting plant growth, except unmanipulated animal and vegetable  
24 manures, marl, lime, limestone, wood ashes and gypsum;

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

29 (c) "Bulk fertilizer" means a commercial fertilizer distributed in a  
30 nonpackaged form;

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

33 (e) (1) Until July 1, 1967, and thereafter until the Commissioner of  
34 Agriculture prescribes the alternative form in accordance with the  
35 provisions of subdivision (2) hereof, "guaranteed analysis" means the  
36 minimum percentage of plant nutrients claimed in the following order  
37 and form:

- (A) Total Nitrogen (N) ..... per cent
- Available Phosphoric Acid (P<sub>2</sub>O<sub>5</sub>) ..... per cent
- Soluble Potash (K<sub>2</sub>O) ..... per cent;

38 (B) For unacidulated mineral phosphatic materials and basic slag,  
39 both total and available phosphoric acid and the degree of fineness.  
40 For bone, tankage and other organic phosphatic materials, total

41 phosphoric acid;

42 (C) Guarantees for plant nutrients other than nitrogen, phosphorus  
43 and potassium may be permitted or required by regulation of the  
44 commissioner. The guarantees for such other nutrients shall be  
45 expressed in the form of the element. The sources of such other  
46 nutrients, such as oxides, salt, chelates, etc., may be required to be  
47 stated on the application for registration and may be included as a  
48 parenthetical statement on the label. Other important beneficial or  
49 harmful substances or compounds, determinable by laboratory  
50 methods also may be guaranteed by provision of the director and  
51 commissioner, acting jointly. When any plant nutrients or other  
52 substances or compounds are guaranteed, they shall be subject to  
53 inspection and analysis in accord with the methods and regulations  
54 prescribed by the director.

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

Total Nitrogen (N) ..... per cent  
Available Phosphoric Acid (P) ..... per cent  
Soluble Potash (K) ..... per cent

62 provided the effective date of such regulation shall be not less than six  
63 months following the issuance thereof, and provided, for a period of  
64 two years following the effective date of such regulation, the  
65 equivalent of phosphorus and potassium may also be shown in the  
66 form of phosphoric acid and potash; provided, after the effective date  
67 of a regulation issued under the provisions of this section, requiring  
68 that phosphorus and potassium be shown in the elemental form, the

69 guaranteed analysis for nitrogen, phosphorus and potassium shall  
70 constitute the grade;

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

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

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

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

80 (j) "Person" includes individual, partnership, association, firm,  
81 limited liability company and corporation;

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

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

88 (m) "Director" means the director of the Connecticut Agricultural  
89 Experiment Station;

90 (n) "Commissioner" means the Commissioner of Agriculture.]

91 (a) "Fertilizer" means any substance containing one or more  
92 recognized plant nutrients, which is used for its plant nutrient content  
93 and which is designed for use or claimed to have value in promoting  
94 plant growth. Fertilizer does not include unmanipulated animal and  
95 vegetable manures, marl, lime, limestone, wood, ash and other  
96 products exempted by regulations adopted by the commissioner

97 pursuant to section 22-111j, as amended by this act.

98 (b) "Fertilizer material" means a fertilizer which: (1) Contains  
99 important quantities of not more than one of the primary plant  
100 nutrients nitrogen, phosphate or potash, or (2) has not less than eighty-  
101 five per cent of its plant nutrient content present in the form of a single  
102 chemical compound, or (3) is derived from a plant or animal residue,  
103 by-product or natural material deposit which has been processed in a  
104 manner that results in its content of plant nutrients not having been  
105 materially changed, except by purification and concentration.

106 (c) "Mixed fertilizer" means a fertilizer containing any combination  
107 or mixture of fertilizer materials.

108 (d) "Specialty fertilizer" means a fertilizer distributed for nonfarm  
109 use.

110 (e) "Bulk fertilizer" means a fertilizer distributed in a nonpackaged  
111 form.

112 (f) "Brand" means a term, design or trademark used in connection  
113 with one or more grades of fertilizer.

114 (g) "Guaranteed analysis" means the minimum percentage of plant  
115 nutrients claimed in the following order and form:

- (1) Total Nitrogen (N) ..... per cent
- (2) Available Phosphate (P<sub>2</sub>O<sub>5</sub>) ..... per cent
- (3) Soluble Potash (K<sub>2</sub>O) ..... per cent

116 (h) "Grade" means the percentage of total nitrogen, available  
117 phosphate and soluble potash, stated in whole numbers in the same  
118 terms, order and percentages as in the guaranteed analysis.

119 (i) "Official sample" means any sample of fertilizer taken by the  
120 commissioner or the commissioner's duly authorized agent and  
121 designated as such by the commissioner.

- 122        (j) "Ton" means a net weight of two thousand pounds avoirdupois.
- 123        (k) "Primary nutrient" means total nitrogen, available phosphate  
124        and soluble potash.
- 125        (l) "Per cent" or "percentage" means percentage by weight.
- 126        (m) "Person" means an individual, partnership, association, firm,  
127        corporation, limited liability company or other entity.
- 128        (n) "Distribute" means to import or consign or to offer for sale, sell,  
129        barter or otherwise supply fertilizer to any person in this state.
- 130        (o) "Distributor" means any person who distributes fertilizer.
- 131        (p) "Registrant" means a person who registers fertilizer pursuant to  
132        this act.
- 133        (q) "Label" means the display of all written, printed or graphic  
134        matter on a fertilizer container or a written statement accompanying a  
135        fertilizer.
- 136        (r) "Labeling" means all written, printed or graphic matter upon or  
137        accompanying any fertilizer, or advertisements, brochures, posters,  
138        television or radio announcements and Internet web site content used  
139        in promoting the sale of any fertilizer.
- 140        (s) "Investigational allowance" means an allowance for variations  
141        inherent in the taking, preparation and analysis of an official sample of  
142        fertilizer.
- 143        (t) "Deficiency" means the amount of nutrient found by analysis that  
144        is less than that guaranteed, which may result from a lack of nutrient  
145        ingredients or from lack of uniformity.
- 146        (u) "Blender" means any person or system engaged in the business  
147        of blending fertilizer through the use of mobile or fixed equipment.

148 (v) "Blending" means the physical mixing or combining of the  
149 following to produce a uniform mixture: (1) One or more fertilizer  
150 materials and one or more filler materials, (2) two or more fertilizer  
151 materials, or (3) two or more fertilizer materials and filler materials,  
152 including mixing through the simultaneous or sequential application  
153 of any combination of materials listed in this subsection.

154 (w) "Application" means the process of placement or usage of  
155 fertilizer onto a targeted growing area.

156 (x) "Director" means the director of the Connecticut Agricultural  
157 Experiment Station.

158 (y) "Commissioner" means the Commissioner of Agriculture.

159 Sec. 5. Section 22-111c of the general statutes is repealed and the  
160 following is substituted in lieu thereof (*Effective July 1, 2009*):

161 (a) Each brand and grade of [commercial] fertilizer shall be  
162 registered in the name of the person whose name appears on the label  
163 for such fertilizer before being distributed in this state. The application  
164 for registration shall be submitted to the commissioner on a form  
165 furnished by the commissioner and shall be accompanied by a fee of  
166 [~~fifteen~~] seventy-five dollars. [per major and minor element for each  
167 brand and grade listed on the application form, provided the cost for  
168 each registration shall not exceed ninety dollars per individual  
169 product.] On and after January 1, [1993] 2010, said fee shall be  
170 established by the commissioner by regulations adopted in accordance  
171 with the provisions of [chapter 54] section 22-111j, as amended by this  
172 act. The application shall include the following information: (1) The net  
173 weight; (2) the brand and grade; (3) the guaranteed analysis; and (4)  
174 the name and address of the registrant. [; (5) the sources from which  
175 the nitrogen, phosphorus and potassium are derived. Upon approval  
176 of the application by the commissioner, a copy of the registration shall  
177 be furnished to the applicant.] All registrations shall expire on June  
178 thirtieth of each year.

179 (b) A distributor shall not be required to register any [brand of  
180 commercial] fertilizer which is already registered under this chapter by  
181 another person, provided the label for such exempted fertilizer does  
182 not differ in any material respect to such previously registered  
183 fertilizer.

184 (c) A distributor shall not be required to register [a commercial]  
185 fertilizer formulated according to specifications which are furnished by  
186 a consumer prior to mixing; but shall be required to label such  
187 fertilizer as provided in subsection (c) of section 22-111d, as amended  
188 by this act.

189 Sec. 6. Section 22-111d of the general statutes is repealed and the  
190 following is substituted in lieu thereof (*Effective July 1, 2009*):

191 (a) Any [commercial] fertilizer distributed in this state in containers  
192 shall have placed on or affixed to the container a label setting forth in  
193 clearly legible and conspicuous form the following information:  
194 [required by subdivisions (1), (2), (3) and (4) of subsection (a) of section  
195 22-111c] (1) Net weight, (2) brand and grade, provided the grade shall  
196 not be required when no primary nutrients are claimed, (3) guaranteed  
197 analysis, (4) the name and address of the registrant, and (5) directions  
198 for use for fertilizer distributed to the end user.

199 (b) If the fertilizer is distributed in bulk shipments, a written or  
200 printed statement of the information required by [said subdivisions]  
201 subsection (a) of this section shall accompany delivery and be supplied  
202 to the purchaser at the time of delivery.

203 (c) A [commercial] fertilizer formulated according to specifications  
204 which are furnished by or for a consumer prior to mixing shall be  
205 labeled to show the net weight, guaranteed analysis and the name and  
206 address of the applicable distributor or registrant.

207 Sec. 7. Section 22-111e of the general statutes is repealed and the  
208 following is substituted in lieu thereof (*Effective July 1, 2009*):

209 (a) [The commissioner shall adopt regulations in accordance with  
210 the provisions of chapter 54 establishing] Each distributor shall pay to  
211 the commissioner an inspection fee for all [commercial] fertilizer  
212 distributed to non registrants in this state [, provided the minimum fee  
213 shall be not less than] of twenty-five cents per ton, [and provided  
214 further, sales] with a minimum inspection fee of ten dollars. Sales to  
215 manufacturers or exchanges between them and sales by distributors  
216 [of less than ten tons in any annual period provided for in subsection  
217 (b) of this section] are exempted. Fees so collected shall be used for the  
218 payment of the costs of inspection, sampling and analysis and other  
219 expenses necessary for the administration of this chapter.

220 (b) Every person who distributes [a commercial] fertilizer in this  
221 state shall: File with the commissioner, on forms furnished by the  
222 commissioner, an annual statement for the period ending June thirtieth  
223 setting forth the number of net tons of each [commercial] fertilizer  
224 distributed in this state during such [annual] period. Such report shall  
225 be due on or before the [fifteenth] thirtieth day of the month following  
226 the close of each annual period and shall be accompanied by the  
227 inspection fee established pursuant to subsection (a) of this section. If  
228 the tonnage report is not filed, and the payment of the inspection fee is  
229 not made [,] within sixty days after the end of the annual period, a  
230 collection fee amounting to ten per cent of the amount [, but not less  
231 than ten dollars,] shall be assessed against the registrant and may be  
232 collected in a legal action against the registrant.

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

239 Sec. 8. Section 22-111f of the general statutes is repealed and the  
240 following is substituted in lieu thereof (*Effective July 1, 2009*):

241 (a) For the purpose of the enforcement of the provisions of this  
242 chapter or any regulation adopted by the commissioner pursuant to  
243 section 22-111j, as amended by this act, the commissioner or [his] the  
244 commissioner's authorized agent, upon presenting appropriate  
245 credentials, [is authorized (1) to enter, during normal business hours,]  
246 may: (1) Enter any factory, warehouse or establishment within the  
247 state in which [commercial] fertilizers are manufactured, processed,  
248 packed or held for distribution, [or to] (2) enter any vehicle being used  
249 to transport or hold such fertilizers, and [(2) to inspect at reasonable  
250 times and within reasonable limits and in a reasonable manner,] (3)  
251 inspect such factory, warehouse, establishment or vehicle and all  
252 pertinent equipment, finished and unfinished materials, containers  
253 and labeling therein.

254 (b) The commissioner, [who may act through his] or the  
255 commissioner's authorized agent, shall sample and inspect  
256 [commercial] fertilizers distributed within this state at such times and  
257 places and to such extent as [he] the commissioner may deem  
258 necessary to determine whether such [commercial] fertilizers are in  
259 compliance with the provisions of this chapter or any regulation  
260 adopted by the commissioner pursuant to section 22-111j, as amended  
261 by this act. The commissioner, individually or through [his] the  
262 commissioner's duly authorized agent, is authorized to enter upon any  
263 public or private premises or carriers [during regular business hours]  
264 in order to have access to [commercial] fertilizers subject to the  
265 provisions of this chapter and [the rules and regulations pertaining  
266 thereto] any regulations adopted by the commissioner pursuant to  
267 section 22-111j, as amended by this act. The director or [his] the  
268 director's agent shall analyze samples designated official by the  
269 commissioner.

270 (c) The methods of analysis and sampling shall be those adopted by  
271 the [director and commissioner from recognized authorities such as  
272 the Journal of the] Association of Official Analytical Chemists  
273 International.

274 (d) The commissioner, in determining for administrative purposes  
275 whether any [commercial] fertilizer is deficient in plant food, shall be  
276 guided solely by the official sample obtained and analyzed as  
277 provided for in this section.

278 (e) The results of official analysis shall be forwarded by the director  
279 to the commissioner, registrant and distributor. Upon request, the  
280 director shall furnish to the registrant a portion of any sample found  
281 subject to penalty or other legal action. Official samples for which  
282 penalties are assessed for nutritional deficiencies shall be retained by  
283 the director for not less than ninety days following the issuance of a  
284 deficiency report.

285 [(f) If the analysis provided for in this section shows that any  
286 commercial fertilizer falls short of the guaranteed analysis in any one  
287 or more ingredients, a penalty shall be assessed in accordance with the  
288 following provisions: (1) For less than the minimum of total nitrogen,  
289 available phosphoric acid, soluble potash, three times the value of the  
290 deficiency of any one or more of said ingredients should such  
291 deficiency exceed the official investigational allowances as provided in  
292 regulations adopted by the commissioner and (2) for less than the  
293 minimum in any other constituent covered under subdivision (1) of  
294 subsection (e) of section 22-111b, which the registrant is required to or  
295 may guarantee, three times the value of the deficiency of such  
296 constituent should such deficiency exceed the official investigational  
297 allowance as provided in regulations adopted by the commissioner.

298 (g) All penalties assessed under this section shall be paid to the  
299 consumer of the lot of commercial fertilizer represented by the sample  
300 analyzed within three months after the date of notice from the  
301 commissioner to the registrant. Receipts shall be taken therefor and  
302 promptly forwarded to the commissioner. If such consumers cannot be  
303 found, the amount of the penalty shall be paid to the commissioner  
304 who shall remit the money to the State Treasurer for deposit in the  
305 General Fund. The provisions of this section shall apply only to

306 purchases of one ton or more of fertilizer.

307 (h) For the purpose of determining the commercial value of any  
308 commercial fertilizer to be applied under the provisions of this section  
309 the commissioner shall determine and publish annually the values per  
310 unit of nitrogen, available phosphoric acid and soluble potash in  
311 commercial fertilizers in this state. If guarantees are as provided in  
312 subdivision (2) of subsection (e) of section 22-111b, the value shall be  
313 per unit of nitrogen, phosphorus and potassium. The values so  
314 determined and published shall be used in determining and assessing  
315 penalties.]

316 Sec. 9. (NEW) (*Effective July 1, 2009*) (a) For unacidulated mineral  
317 phosphatic material and basic slag, bone, tankage and other organic  
318 phosphatic materials, the total phosphate and degree of fineness may  
319 be guaranteed. Guarantees for plant nutrients other than nitrogen,  
320 phosphorus and potassium shall comply with the provisions of this act  
321 and with regulations adopted by the commissioner pursuant to section  
322 22-111j of the general statutes, as amended by this act. Guarantees for  
323 other nutrients shall be expressed in the form of the primary element  
324 of such other nutrient. The commissioner may require the source of  
325 other nutrients, including, but not limited to, oxides, salts and chelates,  
326 to be stated on the product label and application for registration. Other  
327 beneficial substances or compounds, determinable by laboratory  
328 methods, may be guaranteed by permission of the commissioner and  
329 with the advice of the director. Any guaranteed plant nutrients or  
330 other substances or compounds shall be subject to inspection and  
331 analysis in accordance with regulations adopted by the commissioner  
332 pursuant to section 22-111j of the general statutes, as amended by this  
333 act. Specialty fertilizers may be guaranteed in fractional units of not  
334 greater than one per cent of total nitrogen, available phosphate, soluble  
335 potash, fertilizer materials, bone meal and manures and similar  
336 materials may be guaranteed in fractional units.

337 (b) If analysis shows a fertilizer is deficient in one or more of its

338 guaranteed primary plant nutrients beyond the investigational  
339 allowances and compensations as established by this act or by any  
340 regulation adopted by the commissioner pursuant to section 22-111j of  
341 the general statutes, as amended by this act, a penalty payment of  
342 three times the value of such deficiency shall be assessed by the  
343 commissioner against the violator.

344 (c) All penalties assessed by the commissioner pursuant to this  
345 section shall be paid by the registrant to the consumer of the lot of  
346 fertilizer represented by the sample analyzed not later than three  
347 months after the date of notice from the commissioner to the registrant.  
348 If the commissioner is unable to locate or identify such consumer, such  
349 penalty payments shall be paid to the commissioner, who shall deposit  
350 the same into the General Fund. If the commissioner finds upon  
351 satisfactory evidence that a person has altered the content of fertilizer  
352 supplied to him or her by a registrant, or to have mixed or  
353 commingled fertilizer from two or more suppliers such that the result  
354 of either alteration changes the analysis of the fertilizer as originally  
355 guaranteed, the commissioner shall require such person to obtain a  
356 registration and such person shall be held liable for all applicable  
357 penalty payments and be subject to any other applicable provisions of  
358 this act or any regulation adopted by the commissioner pursuant to  
359 section 22-111j of the general statutes, as amended by this act,  
360 including, but not limited to, seizure, condemnation and a stop sale  
361 order by the commissioner.

362 (d) A deficiency in an official sample of mixed fertilizer resulting  
363 from non uniformity shall not be distinguishable from a deficiency due  
364 to actual plant nutrient shortage and shall be subject to action by the  
365 commissioner pursuant to sections 1 to 23, inclusive, of this act.

366 (e) Nothing contained in this section shall prevent any person from  
367 commencing an action in Superior Court for damages or penalty  
368 payments relating to fertilizer or fertilizer material.

369 Sec. 10. (NEW) (*Effective July 1, 2009*) The commissioner shall

370 determine and publish annually the values per unit of nitrogen,  
371 available phosphate and soluble potash in fertilizers in this state, for  
372 purposes of determining the commercial value to be applied pursuant  
373 to sections 1 to 23, inclusive, of this act. Such determined and  
374 published values shall be used by the commissioner in determining  
375 and assessing penalty payments pursuant to sections 1 to 23, inclusive,  
376 of this act.

377 Sec. 11. Section 22-111g of the general statutes is repealed and the  
378 following is substituted in lieu thereof (*Effective July 1, 2009*):

379 [A commercial fertilizer is misbranded if it carries a false or  
380 misleading statement on the container or on the label attached to the  
381 container, or if false or misleading statements concerning the fertilizer  
382 are disseminated in any manner or by any means. No person shall  
383 distribute a misbranded fertilizer.] No person shall distribute  
384 misbranded fertilizer. A fertilizer shall be misbranded if: (1) The  
385 labeling for such fertilizer is false or misleading, (2) the fertilizer is  
386 distributed under the name of another fertilizer product, (3) the  
387 fertilizer is not labeled pursuant to section 22-111d, as amended by this  
388 act, and in accordance with regulations adopted by the commissioner  
389 pursuant to section 22-111j, as amended by this act, or (4) such  
390 fertilizer is represented as a fertilizer or is represented as containing a  
391 plant nutrient or fertilizer, unless such plant nutrient or fertilizer  
392 conforms to the definition of identity, if any, prescribed by regulations  
393 adopted by the commissioner pursuant to section 22-111j, as amended  
394 by this act.

395 Sec. 12. Section 22-111h of the general statutes is repealed and the  
396 following is substituted in lieu thereof (*Effective July 1, 2009*):

397 [(a) Each person registering commercial fertilizers under this  
398 chapter shall furnish the commissioner with a confidential written  
399 statement of the tonnage of each grade of commercial fertilizer sold by  
400 him in this state for the annual period ending June thirtieth. No  
401 information furnished under this section shall be disclosed in such a

402 way as to divulge the operation of any person.

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

409 (a) Any person who distributes or sells fertilizer to a non registrant  
410 shall furnish the commissioner with a written report detailing: (1) The  
411 county of the consignee of such fertilizer, (2) the amount, in tons or  
412 fractions thereof, of each grade of such fertilizer, and (3) the form in  
413 which such fertilizer was distributed, including, but not limited to,  
414 bags, bulk or liquid. Such written report shall be submitted to the  
415 commissioner not later than the thirtieth day of July for distributions  
416 or sales made by such person during the preceding twelve months.

417 (b) The commissioner shall not disclose to a third party any  
418 individual identifying information concerning a person who has  
419 submitted a report pursuant to subsection (a) of this section.

420 Sec. 13. (NEW) (*Effective July 1, 2009*) No person shall distribute an  
421 adulterated fertilizer. A fertilizer shall be considered adulterated if the  
422 commissioner determines: (1) Such fertilizer contains any deleterious  
423 or harmful substance in sufficient amounts to render it injurious to  
424 beneficial plant life, animals, humans, aquatic life, soil or water when  
425 applied in accordance with directions for use on the label for such  
426 fertilizer, (2) the label for such fertilizer does not contain adequate  
427 warning statements or directions for use necessary to protect plant life,  
428 animals, humans, aquatic life, soil or water, (3) the composition of such  
429 fertilizer falls below or differs from that displayed on the label for such  
430 fertilizer, or (4) such fertilizer contains unwanted crop or weed seed.

431 Sec. 14. Section 22-111i of the general statutes is repealed and the  
432 following is substituted in lieu thereof (*Effective July 1, 2009*):

433 The director shall publish at least annually and in such forms as he  
434 or she may deem proper: (a) Information concerning the distribution of  
435 [commercial] fertilizers and (b) results of analyses based on official  
436 samples of [commercial] fertilizers distributed within the state as  
437 compared with the analyses guaranteed under sections 22-111c, as  
438 amended by this act, and 22-111d, as amended by this act.

439 Sec. 15. (NEW) (*Effective July 1, 2009*) (a) Bulk fertilizers shall be  
440 stored in a manner that minimizes the release of such fertilizers and  
441 protects the environment.

442 (b) Fertilizer use and application shall comply with best  
443 management practices and with regulations adopted by the  
444 commissioner pursuant to section 22-111j of the general statutes, as  
445 amended by this act.

446 Sec. 16. Section 22-111j of the general statutes is repealed and the  
447 following is substituted in lieu thereof (*Effective July 1, 2009*):

448 [For the enforcement of this chapter, the commissioner is authorized  
449 to prescribe and, after public hearing following due public notice, to  
450 enforce such regulations relating to the distribution of commercial  
451 fertilizers as he may find] The commissioner shall adopt regulations  
452 regarding fertilizer, in accordance with the provisions of chapter 54, as  
453 the commissioner finds necessary to carry into effect the full intent and  
454 meaning of this chapter.

455 Sec. 17. Section 22-111l of the general statutes is repealed and the  
456 following is substituted in lieu thereof (*Effective July 1, 2009*):

457 The commissioner may cancel the registration of any brand of  
458 [commercial] fertilizer or refuse to register any brand of [commercial]  
459 fertilizer as herein provided, upon satisfactory evidence that the  
460 registrant or applicant for registration has used fraudulent or  
461 deceptive practices in the evasion or attempted evasion of the  
462 provisions of this chapter or any regulations [promulgated] adopted

463 thereunder; provided no registration shall be revoked or refused until  
464 the registrant has been given the opportunity to appear for a hearing  
465 by the commissioner.

466 Sec. 18. Section 22-111m of the general statutes is repealed and the  
467 following is substituted in lieu thereof (*Effective July 1, 2009*):

468 The commissioner may issue and enforce a written or printed "stop  
469 sale, use or removal" order to the owner or custodian of any lot of  
470 [commercial] fertilizer to hold such fertilizer at a designated place  
471 when the commissioner finds such [commercial] fertilizer is being  
472 offered or exposed for sale in violation of any provision of this chapter  
473 or any regulation adopted by the commissioner pursuant to section 22-  
474 111j, as amended by this act, until the [law has] provisions of this act or  
475 any such regulation have been complied with and such [commercial]  
476 fertilizer is released in writing by the commissioner or such violation  
477 has been otherwise legally disposed. The commissioner shall release  
478 the [commercial] fertilizer so withdrawn when the requirements of the  
479 provisions of this chapter or any regulation adopted by the  
480 commissioner pursuant to section 22-111j, as amended by this act, have  
481 been complied with and all costs and expenses incurred in connection  
482 with the withdrawal have been paid.

483 Sec. 19. Section 22-111n of the general statutes is repealed and the  
484 following is substituted in lieu thereof (*Effective July 1, 2009*):

485 Any lot of [commercial] fertilizer not in compliance with the  
486 provisions of this chapter or any regulation adopted pursuant to  
487 section 22-111j, as amended by this act, shall be subject to seizure [on  
488 complaint of] by the commissioner, [to a court of competent  
489 jurisdiction in the area in which such commercial fertilizer is located.]  
490 If the [court] commissioner finds such [commercial] fertilizer to be in  
491 violation of this chapter or any regulation adopted pursuant to section  
492 22-111j, as amended by this act, and orders the condemnation of such  
493 [commercial] fertilizer, it shall be disposed of in any manner consistent  
494 with the quality of the [commercial] fertilizer and the laws of the state;

495 provided in no instance shall the disposition of such [commercial]  
496 fertilizer be ordered by the [court] commissioner without first giving  
497 the claimant an opportunity to apply to the [court] commissioner for  
498 release of such [commercial] fertilizer or for permission to process or  
499 relabel such [commercial] fertilizer to bring it into compliance with this  
500 chapter or any regulation adopted pursuant to section 22-111j, as  
501 amended by this act.

502 Sec. 20. Section 22-111o of the general statutes is repealed and the  
503 following is substituted in lieu thereof (*Effective July 1, 2009*):

504 (a) If it appears from the examination of any [commercial] fertilizer  
505 that any provision of this chapter or [the regulations issued  
506 thereunder] any regulation adopted pursuant to section 22-111j, as  
507 amended by this act, has been violated, the commissioner shall cause  
508 notice of the violation to be given to the registrant, distributor or  
509 possessor from whom the sample was taken. Any person so notified  
510 shall be given opportunity to be heard [under such regulations as may  
511 be prescribed] by the commissioner. If it appears after such hearing,  
512 either in the presence or absence of the person so notified, that any [of  
513 the provisions] provision of this chapter or [rules and regulations  
514 issued thereunder have] any regulation adopted pursuant to section  
515 22-111j, as amended by this act, has been violated, [the commissioner  
516 may certify the facts to the prosecuting officer having jurisdiction]  
517 such person shall be fined not more than five hundred dollars for each  
518 such violation.

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

522 [(c)] (b) Nothing in this chapter shall be construed as requiring the  
523 commissioner or [his] the commissioner's representative to [report for  
524 prosecution or for the institution of] cause notice of a violation to be  
525 given to a registrant, distributor or possessor or to institute seizure  
526 proceedings for minor violations of this chapter when [he] the

527 commissioner believes that the public interests will be best served by a  
528 suitable notice of warning in writing.

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

532 [(e)] (c) The commissioner may apply for and any court of  
533 competent jurisdiction may grant a temporary or permanent injunction  
534 restraining any person from violating or continuing to violate any  
535 provision of this chapter or any regulation [promulgated thereunder]  
536 adopted pursuant to section 22-111j, as amended by this act,  
537 notwithstanding the existence of other remedies at law. Such  
538 injunction shall be issued without bond.

539 Sec. 21. Section 22-111p of the general statutes is repealed and the  
540 following is substituted in lieu thereof (*Effective July 1, 2009*):

541 Nothing in this chapter shall be construed to restrict or avoid sales  
542 or exchanges of [commercial] fertilizers between importers,  
543 manufacturers or manipulators who mix fertilizer materials for sale or  
544 to prevent the free and unrestricted shipments of [commercial]  
545 fertilizer to manufacturers or manipulators who have registered their  
546 brands as required by the provisions of this chapter or any regulation  
547 adopted pursuant to section 22-111j, as amended by this act.

548 Sec. 22. (NEW) (*Effective July 1, 2009*) The commissioner may  
549 cooperate with and enter into agreement with governmental agencies  
550 of this state, other states and agencies of the federal government in  
551 order to carry out the purpose and provisions of sections 1 to 23,  
552 inclusive, of this act, or any regulation adopted pursuant to section 22-  
553 111j of the general statutes, as amended by this act.

554 Sec. 23. Section 22-111q of the general statutes is repealed and the  
555 following is substituted in lieu thereof (*Effective July 1, 2009*):

556 Any person aggrieved by any action of the commissioner under the

557 provisions of this chapter or any regulation adopted pursuant to  
 558 section 22-111j, as amended by this act, may appeal therefrom in  
 559 accordance with the provisions of section 4-183.

560 Sec. 24. Section 22-111k of the general statutes is repealed. (*Effective*  
 561 *July 1, 2009*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	22-111a
Sec. 2	<i>July 1, 2009</i>	New section
Sec. 3	<i>July 1, 2009</i>	New section
Sec. 4	<i>July 1, 2009</i>	22-111b
Sec. 5	<i>July 1, 2009</i>	22-111c
Sec. 6	<i>July 1, 2009</i>	22-111d
Sec. 7	<i>July 1, 2009</i>	22-111e
Sec. 8	<i>July 1, 2009</i>	22-111f
Sec. 9	<i>July 1, 2009</i>	New section
Sec. 10	<i>July 1, 2009</i>	New section
Sec. 11	<i>July 1, 2009</i>	22-111g
Sec. 12	<i>July 1, 2009</i>	22-111h
Sec. 13	<i>July 1, 2009</i>	New section
Sec. 14	<i>July 1, 2009</i>	22-111i
Sec. 15	<i>July 1, 2009</i>	New section
Sec. 16	<i>July 1, 2009</i>	22-111j
Sec. 17	<i>July 1, 2009</i>	22-111l
Sec. 18	<i>July 1, 2009</i>	22-111m
Sec. 19	<i>July 1, 2009</i>	22-111n
Sec. 20	<i>July 1, 2009</i>	22-111o
Sec. 21	<i>July 1, 2009</i>	22-111p
Sec. 22	<i>July 1, 2009</i>	New section
Sec. 23	<i>July 1, 2009</i>	22-111q
Sec. 24	<i>July 1, 2009</i>	Repealer section

**Statement of Purpose:**

To modernize Connecticut fertilizer law.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*