

250.366 Definitions for KRS 250.361 to 250.451.

As used in KRS 250.361 to 250.451, unless the context otherwise requires:

- (1) "Fertilizer" means any substance containing one (1) or more recognized plant nutrients which is used for its plant nutrient content and which is designed for use or claimed to have value in promoting plant growth, except unmanipulated animal and vegetable manures, marl, lime, limestone, wood ashes and other products exempted by regulation by the director.
- (2) "Fertilizer material" means a fertilizer which either:
 - (a) Contains important quantities of no more than one (1) of the primary plant nutrients: nitrogen (N), phosphorus (P) and potassium (K); or
 - (b) Has eighty-five percent (85%) or more of its plant nutrient content present in the form of a single chemical compound; or
 - (c) Is derived from a plant or animal residue or by-product or natural material deposit which has been processed in such a way that its content of plant nutrients has not been materially changed except by purification and concentration.
- (3) "Mixed fertilizer" means a fertilizer containing any combination or mixture of fertilizer materials.
- (4) "Specialty fertilizer" means a fertilizer distributed for nonfarm use.
- (5) "Bulk fertilizer" means a fertilizer distributed in a nonpackaged form.
- (6) "Brand" means a term, design, or trademark used in connection with one (1) or several grades of fertilizer but shall not include any numeral that is misleading or confusing.
- (7) "Guaranteed analysis" means, until the director prescribes the alternative form of "guaranteed analysis" in accordance with the provisions of this subsection, the minimum percentage of plant nutrients claimed in the following order and form:

Total nitrogen (N)	----- percent
Available phosphate (P2O5)	----- percent
Soluble potash (K2O)	----- percent

For unacidulated mineral phosphatic material and basic slag, bone, tankage and other organic phosphatic materials, the total phosphate or degree of fineness may also be guaranteed. Guarantees for plant nutrients other than nitrogen, phosphorus and potassium may be permitted or required by regulation by the director. The guarantees for such other nutrients shall be expressed in the form of the element. The source, e.g. oxides, salts, chelates, etc. of such other nutrients may be required to be stated on the application for registration and may be included on the label. Other beneficial substances or compounds, determinable by laboratory methods, also may be guaranteed by permission and advice of the director. When any plant nutrients or other substances or compounds are guaranteed, they shall be subject to inspection and analysis in accord with the methods and regulations prescribed by the director. When the director finds, after public hearing following due notice, that the requirement for expressing the guaranteed analysis of phosphorus and potassium in elemental form would not impose an economic hardship on distributors and users

of fertilizer by reason of conflicting labeling requirements among the states, he may require by regulation thereafter that the "guaranteed analysis" shall be in the following form:

Total nitrogen (N)	----- percent
Available phosphorus (P)	----- percent
Soluble potassium (K)	----- percent

The effective date of the regulation shall be not less than six (6) months following the issuance thereof, except that the equivalent of phosphorus and potassium may also be shown in the form of available phosphate and soluble potash for a period of two (2) years following the effective date of the regulation. After the effective date of the regulation total nitrogen, available phosphorus, and soluble potassium shall constitute the grade.

- (8) "Grade" means the percentage of total nitrogen, available phosphorus or phosphate, and soluble potassium or potash stated in whole numbers in the same terms, order, and percentages as in the guaranteed analysis; except specialty fertilizers may be guaranteed in fractional units of less than one percent (1%) of total nitrogen, available phosphorus or phosphate, and soluble potassium or potash and fertilizer materials, bone meal, manures, and similar materials may be guaranteed in fractional units.
- (9) "Official sample" means any sample of fertilizer taken by the director and designated as "official" by the director.
- (10) "Ton" means a net weight of two thousand (2,000) pounds avoirdupois.
- (11) "Primary nutrient" means total nitrogen, available phosphate or phosphorus, and soluble potash or potassium.
- (12) "Percent" or "percentage" means the percentage by weight.
- (13) "Person" means individual, partnership, association, firm, or corporation.
- (14) "Distribute" means to import, consign, manufacture, produce, compound, mix, or blend fertilizer, or to offer for sale, sell, barter, or otherwise supply fertilizer in this state.
- (15) "Distributor" means any person who distributes fertilizer in this Commonwealth.
- (16) "Registrant" means the person who registers fertilizer under the provisions of KRS 250.361 to 250.451.
- (17) "Label" means the display of all written, printed, or graphic matter, upon the immediate container, or a statement accompanying a fertilizer.
- (18) "Labeling" means all written, printed, or graphic matter, upon or accompanying any fertilizer, or verbal statements, advertisements, brochures, posters, television or radio announcements used in promoting the sale of the fertilizer.
- (19) "Investigational allowance" means an allowance for variations inherent in the taking, preparation and analysis of an official sample of fertilizer.
- (20) "Manufacturer" means any person engaged in the business of preparing, mixing, or manufacturing fertilizers or the person whose name appears on the label as being responsible for the guarantee.

- (21) "Manufacturing" means preparing, mixing, or combining fertilizer materials chemically or physically, including the mixing through the simultaneous application of two (2) or more fertilizer materials, by a manufacturer or contract applicator.
- (22) "Lot" means an identifiable quantity of fertilizer that can be sampled according to AOAC International procedures, such as, the amount contained in a single vehicle, or the amount delivered under a single invoice, and, in the case of bagged fertilizer, not more than twenty-five (25) tons.
- (23) "Blending" means physically mixing or combining two (2) or more fertilizer materials including the mixing through the simultaneous application of two (2) or more fertilizer materials by a blender or another person.
- (24) "Blender" means any person who is engaged in the business of blending fertilizers.
- (25) "Custom-mixed fertilizer" means a fertilizer blended according to specifications that are furnished to a blender by the consumer prior to blending.
- (26) "Licensee" means the person who is licensed to distribute fertilizer.

Effective: July 15, 1994

History: Amended 1994 Ky. Acts ch. 331, sec. 1, effective July 15, 1994. -- Created 1984 Ky. Acts ch. 191, sec. 2, effective July 13, 1984.