



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5172

by Rep. Joyce Mason

SYNOPSIS AS INTRODUCED:

505 ILCS 80/3

from Ch. 5, par. 55.3

505 ILCS 80/14.5 new

Amends the Illinois Fertilizer Act of 1961. Requires the Department of Agriculture to develop and implement a grower training program for the safe handling of anhydrous ammonia. Provides that a grower must complete the training program before using anhydrous ammonia. Provides that upon completion of the training program, a grower shall be designated a certified competent attendant and provided with documentation attesting to his or her completion of the training program. Allows growers to complete equivalent training programs that have been approved by the Department. Requires anhydrous ammonia training every 3 years. Provides for the adoption of rules. Defines terms. Effective immediately.

LRB101 18487 CMG 67938 b

1 AN ACT concerning agriculture.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Fertilizer Act of 1961 is amended
5 by changing Section 3 and by adding Section 14.5 as follows:

6 (505 ILCS 80/3) (from Ch. 5, par. 55.3)

7 Sec. 3. Definitions of words and terms. When used in this
8 Act unless the context otherwise requires:

9 "AAPFCO" means the Association of American Plant Food
10 Control Officials.

11 "Adulterated" shall apply to any fertilizer:

12 (i) that contains any deleterious or harmful
13 substance, defined under the provisions of this Act or its
14 rules or regulations, in sufficient amount to render it
15 injurious to beneficial plant life, animals, humans,
16 aquatic life, soil, or water when applied in accordance
17 with directions for use on the label;

18 (ii) when its composition falls below or differs from
19 that which it is purported to possess by its labeling;

20 (iii) that contains unwanted crop seed or weed seed.

21 "Anhydrous ammonia" means the compound formed by the
22 combination of 2 gaseous elements, nitrogen and hydrogen, in
23 the proportion of one part of nitrogen to 3 parts of hydrogen

1 (NH₃) by volume. Anhydrous ammonia is a fertilizer of ammonia
2 gas in compressed and liquified form. It is not aqueous ammonia
3 which is a solution of ammonia gas in water and which is
4 considered a low-pressure nitrogen solution.

5 "Blender" means any entity or system engaged in the
6 business of blending fertilizer. This includes both mobile and
7 fixed equipment, excluding application equipment, used to
8 achieve this function.

9 "Blending" means the physical mixing or combining of: one
10 or more fertilizer materials and one or more filler materials;
11 2 or more fertilizer materials; 2 or more fertilizer materials
12 and filler materials, including mixing through the
13 simultaneous or sequential application of any of the outlined
14 combinations listed in this definition, to produce a uniform
15 mixture.

16 "Brand" means a term, design, or trademark used in
17 connection with one or several grades of fertilizers.

18 "Bulk" means any fertilizer distributed in a single
19 container greater than 100 pounds.

20 "Certified competent attendant" means a person who has full
21 knowledge of the characteristics of anhydrous ammonia, its safe
22 handling, and safety rules for transfer and application, based
23 upon successful completion of the anhydrous ammonia training
24 program created under Section 14.5 or an equivalent training
25 program approved by the Department.

26 "Consumer or end user" means the final purchaser prior to

1 application.

2 "Custom blend" means a fertilizer blended according to
3 specifications provided to a blender in a soil test nutrient
4 recommendation or to meet the specific consumer request prior
5 to blending.

6 "Custom blender" means any entity who produces and sells
7 custom blended fertilizers.

8 "Deficiency" means the amount of nutrient found by analysis
9 less than that guaranteed that may result from a lack of
10 nutrient ingredients or from lack of uniformity.

11 "Department" means the Illinois Department of Agriculture.

12 "Department rules or regulations" means any rule or
13 regulation implemented by the Department as authorized under
14 Section 14 of this Act.

15 "Director" means the Director of Agriculture or a duly
16 authorized representative.

17 "Distribute" means to import, consign, manufacture,
18 produce, store, transport, custom blend, compound, or blend
19 fertilizer or to transfer from one container to another for the
20 purpose of selling, giving away, bartering, or otherwise
21 supplying fertilizer in this State.

22 "Distributor" means any entity that distributes
23 fertilizer.

24 "Entity" means any individual, partnership, association,
25 firm, or corporation.

26 "Fertilizer" means any substance containing one or more of

1 the recognized plant nutrient nitrogen, phosphate, potash, or
2 those defined under 8 Ill. Adm. Code 210.20 that is used for
3 its plant nutrient content and that is designed for use or
4 claimed to have value in promoting plant growth, except
5 unmanipulated animal and vegetable manures, sea solids, marl,
6 lime, limestone, wood ashes, and other products exempted by
7 regulation by the Director.

8 "Fertilizer material" means a fertilizer that either:

9 (A) contains important quantities of no more than one
10 of the primary plant nutrients: nitrogen (N), phosphate
11 (P_2O_5), and potash (K_2O);

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

14 (C) is derived from a plant or animal residue or
15 by-product or natural material deposit that has been
16 processed in such a way that its content of plant nutrients
17 has not been materially changed except by purification and
18 concentration.

19 "Grade" means the minimum percentage of total nitrogen,
20 available phosphate (P_2O_5), and soluble potash (K_2O) stated in
21 the whole numbers in the same terms, order, and percentages as
22 in the guaranteed analysis, provided that specialty
23 fertilizers may be guaranteed in fractional units of less than
24 1% of total nitrogen, available phosphate, and soluble potash
25 and that fertilizer materials, bone meal, manures, and similar
26 materials may be guaranteed in fractional units.

1 "Grower" means any individual who produces an agricultural
2 commodity on property the he or she owns or controls.

3 "Guaranteed analysis" means the minimum percentages of
4 plant nutrients claimed in the following order and form:

- 5 A. Total Nitrogen (N) %
- 6 Available Phosphate (P₂O₅) %
- 7 Soluble Potash (K₂O) %

8 B. For unacidulated mineral phosphatic materials and
9 basic slag, both total and available phosphate and the
10 degree of fineness. For bone, tankage, and other organic
11 phosphatic materials, total phosphate.

12 C. Guarantees for plant nutrients other than nitrogen,
13 phosphate, and potash may be permitted or required by
14 regulation by the Director. The guarantees for such other
15 nutrients shall be expressed in the form of the element.

16 "Investigational allowance" means an allowance for
17 variations inherent in the taking, preparation, and analysis of
18 an official sample of fertilizer.

19 "Label" means the display of all written, printed, or
20 graphic matter upon the immediate container or a statement
21 accompanying a fertilizer.

22 "Labeling" means all (i) written, printed, or graphic
23 matter upon or accompanying any fertilizer or (ii)
24 advertisements, Internet, brochures, posters, and television
25 and radio announcements used in promoting the sale of
26 fertilizer.

1 "Lot" means an identifiable quantity of fertilizer that can
2 be sampled according to AOAC International procedures, such as
3 the amount contained in a single vehicle, the amount delivered
4 under a single invoice, or in the case of bagged fertilizer,
5 not more than 25 tons.

6 "Low-pressure nitrogen solution" means a solution
7 containing 2 per cent or more by weight of free ammonia and/or
8 having vapor pressure of 5 pounds or more per square inch gauge
9 at 104 degrees Fahrenheit.

10 "Misbranded" shall apply to any fertilizer:

11 (i) with labeling that is false or misleading in any
12 particular;

13 (ii) that is distributed under the name of another
14 fertilizer product;

15 (iii) that is not labeled as required by this Act or
16 its rules; or

17 (iv) that purports to be or is represented as a
18 fertilizer, or is represented as containing a plant
19 nutrient or fertilizer unless such plant nutrient or
20 fertilizer conforms to the definition of identity, if any,
21 prescribed by regulation.

22 "Mixed fertilizer" means any combination or mixture of
23 fertilizer materials designed for use or claimed to have value
24 in promoting plant growth.

25 "NREC" means the Nutrient Research and Education Council.

26 "Official sample" means any sample of fertilizer taken by

1 the Director or his or her agent and designated as official by
2 the Director.

3 "Per cent" or "percentage" means the percentage by weight.

4 "Registrant" means the entity that registers fertilizer
5 and obtains a license under the provisions of this Act.

6 "Specialty fertilizer" means a fertilizer distributed
7 primarily for nonfarm use, such as home gardens, lawns,
8 shrubbery, flowers, golf courses, municipal parks, cemeteries,
9 green houses and nurseries, and may include fertilizer used for
10 research or experimental purposes.

11 "Ton" means a net weight of 2,000 pounds avoirdupois.

12 "Unit" means 20 pounds or 1% of a ton of plant nutrient.

13 (Source: P.A. 97-960, eff. 8-15-12; 98-756, eff. 7-16-14.)

14 (505 ILCS 80/14.5 new)

15 Sec. 14.5. Anhydrous ammonia training program. The
16 Department shall develop and implement a grower training
17 program for the safe handling of anhydrous ammonia. A grower
18 must complete the training program developed under this Section
19 before using anhydrous ammonia. Upon completion of the training
20 program, a grower shall be designated a certified competent
21 attendant and provided with documentation attesting to his or
22 her completion of the training program for the purposes of
23 using and handling anhydrous ammonia. A grower designated as a
24 certified competent attendant under this Section shall be
25 required to undergo anhydrous ammonia training at least every 3

1 years. A grower may be designated as a certified competent
2 attendant if he or she completes a program equivalent to the
3 program developed under this Section that has been approved by
4 the Department. The Department shall adopt rules necessary for
5 the implementation and administration of the training program
6 developed under this Section.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.