

DEPARTMENT OF FOOD AND AGRICULTURE

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A.G. KAWAMURA, Secretary



December 14, 2005

Notice to Fertilizer Industry**New Law for Ammonium Nitrate Fertilizer Distribution
Takes Effect January 1, 2006**

Ammonium Nitrate is most commonly used in agriculture as a plant nutrient. However, it has also served as an explosive in terrorist activities. Recently, Governor Schwarzenegger signed into law Assembly Bill 924 (AB 924), allowing enforcement agencies to monitor the sales of ammonium nitrate. Effective January 1, 2006, AB 924 amends the Food and Agricultural Code through the addition of Sections 14502.1, 14512.5, 14591(b), and 14612.5.

Section 14512.5 defines ammonium nitrate:

Ammonium Nitrate means solid ammonium nitrate that is chiefly the ammonium salt of nitric acid, contains not less than 33 percent of nitrogen, one-half of which is in the nitrate form, and is produced, imported, stored, offered for sale, sold, offered for distribution, received, or intended for use as a plant nutrient.

Section 14591(b) requires:

Every person who manufactures or distributes or intends to manufacture or distribute ammonium nitrate, as defined in Section 14512.5, in this state, shall inform the secretary of that activity or intent when applying for a license. The license obtained by that person shall identify him or her as a manufacturer or distributor of ammonium nitrate.

Section 14612.5 requires:

(a) Every licensee that manufactures, distributes, or sells ammonium nitrate, as defined in Section 14512.5, shall maintain in this state, or with the secretary's permission, at another location, all of the following information with respect to sales of ammonium nitrate:

1. The names, addresses, and driver's license and telephone numbers of purchasers.
The name and address of each purchaser must be verified against a valid California driver's license, unless the fertilizer is shipped to a wholesale purchaser outside of the state.
2. The date of each sale.
3. The total amount of material sold.

(b) The information collected by licensees pursuant to subdivision (a) shall be kept for a period of at least three years and made available only to the secretary or law enforcement officials upon request

Complying with AB 924 will ensure that ammonium nitrate will be used for agricultural purposes only and help safeguard our state against the destructive use of ammonium nitrate fertilizer.

New Regulation for Elemental Sulfur Use Takes Effect January 1, 2006

Section 2311(b)(6) of the California Code of Regulations goes into effect January 1, 2006, and requires that label claims for elemental sulfur, as a nutrient, shall be for soil applications only. Claims for alternative applications will be considered if substantiated by efficacy data demonstrating elemental sulfur is sufficiently available to the plant, relative to an accepted source of sulfur.

Currently registered labels with claims or directions for use contrary to Section 2311(b)(6) shall be in compliance prior to approval for renewal.

Any questions regarding this notice should be directed to Maryam Khosravifard, Senior Environmental Research Scientist or Kent Kitade, Program Supervisor, at 916-445-0444.

Sincerely,

Asif A. Maan, Ph.D., Branch Chief
Feed, Fertilizer, and Livestock Drugs Regulatory Services
Inspection Services

MK/ds

Enclosure