

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Agriculture
(DLS Control No. 14-052)**

Overview and Legal and Fiscal Impact

This regulation modifies the annual reporting period for commercial and specialty fertilizers sold and distributed for non-farm use in the State.

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of Agriculture:

State Chemist: Commercial Fertilizer and Soil Conditioner:
COMAR 15.18.03.06

Legal Analysis

Background

Chapters 484 and 485 of 2011 – the Fertilizer Use Act – expanded the State’s regulation of the content, labeling, and application of fertilizers used on turf. The Act also contained uncodified language (Section 8) requiring the Maryland Department of Agriculture to adopt regulations to require the annual reporting of the sale of commercial fertilizer and specialty fertilizer at retail by specified sectors.

The department proposed a regulation to implement Section 8 of the Act that was published in the *Maryland Register* on February 7, 2014. Under the proposed regulation, a person who registers commercial fertilizer and specialty fertilizer for distribution in the State must report annually on the amount of fertilizer sold and distributed for non-farm use. The amount is to be categorized by grade and analysis for each of the following sectors: lawn and turf, golf course and athletic fields, gardening, and greenhouses and nurseries. In lieu of filing an annual report, a person may file a monthly report of sales information along with the tonnage report, as required by current regulation. After accepting public comment on the original proposal, the department is re-proposing the regulation with a technical change and modifications to the reporting timeline.

Summary of Regulation

The regulation establishes the reporting period for registrants of commercial and specialty fertilizers on a fiscal year basis (July 1 through June 30).

Legal Issue

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The department cites § 6-203 of the Agriculture Article and Chapters 484 and 485, Section 8 (uncodified) of the Laws of Maryland 2011. Section 6-203 authorizes the Secretary of the department to enforce laws and adopt regulations generally relating to commercial fertilizer. Chapters 484 and 485 require the department to adopt regulations to require the annual reporting of the sale of commercial fertilizer and specialty fertilizer at retail by the following sectors: lawn and turf, golf course and athletic fields, gardening, and greenhouse and nurseries.

This authority is correct and complete. The regulation complies with the legislative intent of the law.

Special Notes

The department has been notified that the text of the regulation submitted to this committee must be revised to reflect changes to current regulations, rather than to the previously proposed regulations published in February. The corrected format will be published in the *Maryland Register*.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulation implements Chapters 484 and 485 of 2011 and, therefore, has no impact on State or local governments. The Department of Legislative Services concurs. The fiscal and policy notes for SB 487 and HB 573 of 2011 (enacted as Chapters 484 and 485) indicated that the reporting requirement in the bill, which this regulation implements, was expected to be implemented by the department using existing resources. This regulation should not have any independent fiscal impact.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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