

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	03/25/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 4/18/2014

2. COMAR Codification

Title Subtitle Chapter Regulation

15 18 03 06

3. Name of Promulgating Authority

Department of Agriculture

4. Name of Regulations Coordinator

Tonia C Martin

Telephone Number

410-841-5829

Mailing Address

50 Harry S. Truman Parkway

City State Zip Code
Annapolis MD 21401

Email

5. Name of Person to Call About this Document

Warren Bontoyan

Telephone No.

410-841-2740

Email Address

warren.bontoyan@maryland.gov

6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: 9/18/13.

- Repeal of Existing Regulations
- Recodification
- Incorporation by Reference of Documents Requiring DSD Approval
- Reproposal of Substantively Different Text:

41: 3 Md. R 254-255 2/7/14
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: 14-068-P.

7. Is there emergency text which is identical to this proposal:

Yes No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Craig Nielsen, Assistant Attorney General, (telephone #410-841-5883) on March 25, 2014. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Mary Ellen Setting

Title

Deputy Secretary of Agriculture

Telephone No.

410-841-5881

Date

March 25, 2014

Title 15

DEPARTMENT OF AGRICULTURE

Subtitle 18 STATE CHEMIST

15.18.03 Commercial Fertilizer and Soil Conditioner

Authority: Agriculture Article, §6-203, Annotated Code of Maryland and Chapters 484, 485, Section 8 (Uncodified), Laws of Maryland, 2011

Notice of Proposed Action

□

The Secretary of Agriculture proposes to amend Regulation .06 under COMAR 15.18.03 Commercial Fertilizer and Soil Conditioner. Because substantive changes have been made to the original proposal as published in the 41:3 Md. R. 254—255 (February 7, 2014), this action is being repropounded at this time.

Statement of Purpose

The purpose of this action is to explain the annual reporting requirements for fertilizer registrants for the retail sale of specialty fertilizer. Under this action, registrants of specialty fertilizer (not used for agricultural purposes) are required to provide to the Department the amount of non-farm fertilizer by grade and analysis sold or distributed each fiscal year. The specialty fertilizer is to be reported in tons, by specific categories: (a) lawn and turf; (b) golf course and athletic fields; (c) gardening; and (d) greenhouse and nurseries.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Warren Bontoyan, State Chemist, Maryland Department of Agriculture, State Chemist Section, 50 Harry S. Truman Parkway, Annapolis, MD 21401, or call 410-841-2740, or email to Warren.Bontoyan@maryland.gov, or fax to 410-841-2721. Comments will be accepted through May 19, 2014. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2014

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

No costs will be incurred.

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

This action will merely implement Chapters 484, 485, and Section 8 (Uncodified), Laws of Maryland 2011, therefore there is no economic impact.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

Same as E. above.

G. Small Business Worksheet:

Attached Document:

9/18/13

Title 15 DEPARTMENT OF AGRICULTURE

Subtitle 18 STATE CHEMIST

Chapter 03 Commercial Fertilizer and Soil Conditioner

Authority: Agriculture Article, §6-203, Annotated Code of Maryland and Chapters 484, 485, Section 8 (Uncodified), Laws of Maryland, 2011

.06 Tonnage and Sales Information Reporting.

D. Reporting.

(1) The registrant of each commercial fertilizer and specialty fertilizer shall report to the Department [for the period of January 1st through December 31st of each year within 31 days after the end of the annual reporting period]] on the amount of fertilizer sold and distributed each fiscal year beginning July 1st of a calendar year and ending on June 30th of the next calendar

year, within 31 days after the end of this reporting period, for non-farm use by grades and analysis to the following identified [[[sections]]] sectors:

(a) — (d) (originally proposed text unchanged)

(2) — (3) (originally proposed text unchanged)