



## **Distributing a Fertilizer or Soil Conditioner in Iowa**

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## **If you would like to distribute a fertilizer or soil conditioner in Iowa**

This article is intended as a quick guide to licensing and distributing a fertilizer or soil conditioner in the State of Iowa. For further definition the proper Codes and Rules are listed within the document and contact information is at the end of the document.

For our current regulations for fertilizers and soil conditioners, our code is covered in:

Iowa Fertilizer Code Chapter 200 <https://www.legis.iowa.gov/docs/ico/chapter/200.pdf>

The code would be amended with our administrative rules:

Chapter 43 <https://www.legis.iowa.gov/docs/iac/chapter/10-11-2017.21.43.pdf>

Secondary containment requirements are in our administrative rules:

Chapter 44 <https://www.legis.iowa.gov/docs/iac/chapter/03-14-2018.21.44.pdf>

### **Licensing for the distribution of a Fertilizer or Soil Conditioner**

Each place of manufacture or distribution from which fertilizer or soil conditioner products are sold or distributed in Iowa must obtain a Fertilizer License and register your products. Application for licensing for fertilizers and soil conditioners in Iowa can be done using the forms at: <http://www.iowaagriculture.gov/departmentForms.asp>. If mailings or license fees are to be directed to a central location, indicate on the initial application or renewal.

Beginning June 1, 2018, fertilizer licenses are \$20 paid biennially on July 1 of even years. There is no reduction in fee for an initial license if applied for during the 2 year cycle.

### **Registration of a Fertilizer or Soil Conditioner**

Each brand and grade of commercial fertilizer and each soil conditioner shall be registered before being offered for sale, sold or otherwise distributed in this state. Application for registering fertilizers and soil conditioners in Iowa can be done using the forms at: <http://www.iowaagriculture.gov/departmentForms.asp>.

Each product registration must be accompanied with a proper label for that product. If specifics are not dealt with in the code or rules of our State for a product and proper label we refer any concerns to the most current AAPFCO Official Publication.

Iowa requires registration of the product in 2 classes:

- 1.) On individual packages of specialty fertilizer containing twenty-five pounds or less, there shall be paid an annual registration and inspection fee of \$100 for each brand and grade sold or distributed in the state not later than the last day of July of each year.
- 2.) Large package, (over 25 pounds), or bulk products require no registration fee but do require a semi-annual inspection (tonnage) fee be submitted not later than the last day of January and July of each year.

We reserve the right to ask for 2 years of efficacy data using the product in like soils and the Iowa crops that the product is intended for. A current analysis of all heavy metal levels in the product may also be requested.

If specifics are not dealt with in the code or rules of our State we refer any concerns to the most current AAPFCO Official Publication. This publication contains a listing of heavy metal levels that must be met before a by-product or waste product can be registered as a fertilizer or soil conditioner.

There are some Phosphoric Acid, Nitrogen, and Potash commercial fertilizer requirements unique to Iowa. A person shall not sell, offer for sale, or distribute any of the following:

Phosphatic fertilizer containing less than 18% available phosphoric acid (P<sub>2</sub>O<sub>5</sub>)

Nitrogen fertilizer containing less than 15% total nitrogen (N)

Potash fertilizer containing less than 15% soluble potash (K<sub>2</sub>O)

Mixed fertilizer in which the sum of the guaranteed analysis of total nitrogen (N), available phosphoric acid (P<sub>2</sub>O<sub>5</sub>), and soluble potash (K<sub>2</sub>O) totals less than 20%

The above requirements are exempted for a specialty fertilizer, a foliar fertilizer, and a fertilizer that meets the guarantee requirement for a recognized micronutrient.

#### **Inspection Fees for a Fertilizer or Soil Conditioner**

Inspections (tonnage) fees shall be paid for all fertilizers and soil conditioner sold or distributed in Iowa on the distribution forms furnished by the Department. The current rate for the inspection fee is \$0.17 per ton. Sales for manufacturing purposes are exempted from fees but must still be reported showing the manufacturer that purchased the product.

On individual packages of specialty fertilizer containing twenty-five pounds or less, there shall be paid an annual registration and inspection fee of \$100 for each brand and grade sold or distributed in the state not later than the last day of July of each year.

Any person other than a manufacturer who annually offers for sale, sells, or distributes specialty fertilizer in the amount of four thousand pounds or more or applies specialty fertilizer for compensation shall pay an annual inspection fee of thirty dollars in lieu of the semiannual inspection fee.

Inspection (tonnage) fees for the number of net tons of commercial fertilizer or soil conditioners distributed in this state by grade during the preceding six months' period shall be paid not later than the last day of January and July of each year. If the tonnage distribution report is not filed or the payment of inspection fees, or both, is not made within ten days after the last day of January and July of each year, a penalty amounting to ten percent of the amount due, if any, shall be assessed against the licensee with the penalty no less than fifty dollars. A report must still be submitted if zero tons of fertilizer or soil conditioners were distributed during the specified time period and will be subject to the late fee if not submitted in the time frame indicated above.

In addition to the fees described above, a **groundwater protection fee** shall be imposed upon nitrogen-based fertilizer. The fee shall be based upon the percentage of actual nitrogen contained in the product. An eighty-two percent nitrogen solution shall be taxed at a rate of seventy-five cents per ton. Other nitrogen-based product formulations shall be taxed on the percentage of actual nitrogen contained in the formulations with the eighty-two percent nitrogen solution serving as the base.

Explaining further; Inspection or tonnage fees are paid every 6 months. The rate for the bulk material is \$0.17 per ton. The additional groundwater protection fee is based upon the percentage of nitrogen in the product. An 82% nitrogen solution is taxed at the rate of \$0.75 per ton. So the actual rate would be  $.75/.82$  or \$0.9145 per pound. It should be rounded to 2 decimals. For Urea:  $46 \times .75/82 = \$0.42$  per pound. A tool you can use for different analyses is on our website: <http://www.iowaagriculture.gov/feedAndFertilizer/fertilizeInspectionFee.asp>. This form or spreadsheet is very similar to the paper we send out for each licensee to submit their semi-annual tonnage.

When it comes to what we call "small package" fertilizer, 25 lbs or less, the tonnage is part of the yearly registration fee. However if the product has nitrogen, the additional groundwater protection fees applies. We have the right to exempt the groundwater fee if it is really small, \$ 1.00 or less. Each product that you sell in packages 25 lbs or less requires a \$100 registration (small package) annual registration fee instead of the semiannual inspection fees plus the groundwater protection fee if a renewal.

If you are just a Specialty Fertilizer (lawn and garden) distributor only, and distribute more than 4000 lbs/year, you would pay an additional \$30 instead of the semiannual inspection fees for a total of \$40. If less than 4000 lbs is sold, just \$10.

### **Secondary Containment**

Any dry or liquid fertilizer or soil conditioner must be stored properly to protect the waters of the State. Secondary containment is required for any storage location where non-mobile containers are used for fertilizer and soil conditioner storage in total quantities of 5,000 gallons or more. One container or a combination of containers with a volume of 5,000 gallons or less is exempt.

Design plans and specifications for facilities required under these rules shall be submitted to the Iowa Department of Agriculture and Land Stewardship prior to starting construction, along with certification from a registered engineer that the designed facilities will comply with all requirements of the rules; <https://www.legis.iowa.gov/docs/iac/chapter/02-28-2018.21.44.pdf>. The application form for secondary containment is at; <http://www.iowaagriculture.gov/departmentForms.asp>.

An application is required for any proposed secondary containment designed to be built in Iowa. The application must be signed by a representative of the firm or owner of the firm that is having the containment constructed. The owner of the firm, unless it is a farm operation, must be an Iowa licensed Fertilizer dealer. The application will not be accepted if it is only signed by the designing engineering firm or the construction company doing the construction.

The application must accompany a stamped engineered drawing of the containment to be constructed. It must be sent to the address of the IDALS Fertilizer Department listed on the form. Construction of the containment is not to begin until the application is approved and notice is sent back to the owner's or licensee's address along with the blank construction affidavit to be returned to IDALS when construction is complete.

The site owner receives the construction affidavit from IDALS once the application is approved. The affidavit is sent only to the farmer or licensed fertilizer firm that is having the containment constructed. Once it is received construction of the project can begin.

Once construction is completed the affidavit may be signed on the left by the engineer or construction firm doing the construction. The farmer or licensed firm that sent the application in must also sign the affidavit, (right side). The affidavit may also be singly signed by the farmer or licensed firm.

The reason for the farmer or licensed fertilizer dealer being the final signee of the affidavit is that most often there are safety requirements that need to bring the new construction into compliance that the construction or engineering firm may not be responsible for. One example would be proper labeling of the storage within the containment. By the farmer or licensed dealer being the final signee it signifies that they are now responsible for the site being compliant with Iowa Code and Rules and that construction was done according to the submitted application.

All liquid fertilizer and soil conditioner storage facilities, except anhydrous ammonia storage facilities, shall be located within a secondary containment structure. The secondary containment structure shall have a volume 20 percent greater than the volume of the largest storage tank within the area, plus the space occupied by the other tanks in the area.

Nonliquid fertilizer and soil conditioner stored in a totally enclosed building are exempt from the requirements of this rule. Unless stored in a totally enclosed building, all nonliquid fertilizer and soil conditioner materials shall be stored within an area which drains into a secondary containment structure. The secondary containment structure shall have a volume sufficient to retain the equivalent of 12 inches of runoff from the area drained into the containment structure.

All loading, unloading, and mixing of liquid fertilizer or liquid soil conditioners, unless performed in the field of application, shall be done within a containment area. The containment area shall be large enough to prevent spillage onto unprotected areas and paved with asphalt, concrete, or other impervious material.

All loading or mixing of nonliquid fertilizers or nonliquid soil conditioners at permanent storage sites shall be done in an area paved with asphalt, concrete or other impervious materials. The area shall also be so constructed, using curbs or other means to prevent runoff of storm water generated by a four-inch rain.

All washing of fertilizer and soil conditioner handling and application equipment at permanent storage sites shall be conducted within an area which drains into a containment structure. Field washing of fertilizer or soil conditioner equipment is permissible and encouraged if performed at the site of final fertilizer or soil conditioner application for a given day and no runoff from the wash site occurs.

### **Bulk Dry Animal Nutrient-Chapter 200A**

The purpose of this code is to regulate certain bulk dry animal manure for use as a fertilizer or soil conditioner, which is unmanipulated and therefore not subject to the regulation under chapter 200.

Bulk Dry Animal Nutrient Product is unmanipulated animal manure composed primarily of animal excreta. BDAN Manure does not flow perceptibly under pressure and is not capable of being transported through a mechanical pumping device designed to move a liquid.

Any person who distributes bulk dry animal nutrients in Iowa must first obtain a license from the department and shall pay a \$10 license fee, (\$20 for a biennial fee after June 1, 2018), for each place from which bulk dry animal nutrients are distributed. Such license fee shall be paid on July 1 of each even year. Application for license shall be made on forms furnished by the department found at: <http://www.iowaagriculture.gov/departmentForms.asp>.

Each bulk dry animal nutrient shall be registered before being distributed in this state. The application for registration shall be submitted to the department on forms furnished by the department and shall be accompanied by a label. The registration form is combined with the license application.

The producer is the entity who owns the flock and responsible for removal of manure from the barns and is required to obtain a Dry Bulk Animal Nutrient fertilizer license from IDALS and to register the product with IDALS along with submitting a nutrient analysis report received from a lab. The producer is required to submit semiannual distribution reports exempting manure tonnage to a licensed distributor. The producer must relinquish ALL control of the manure exempted to the distributor. Licensing with IDALS ONLY exempts you from filing a MMP with IDNR on the product exempted to a distributor.

A distributor purchases/obtains bulk dry animal nutrient products from the producer and distributes/sells the product and is also required to obtain a BDAN fertilizer Distributor license.

The distributor must be a separate entity from the producer, cannot have any financial ties with the producer and must complete semiannual distribution reports completely listing tons distributed and location. Distributer licensing with IDALS, reporting all tons distributed to IDALS, exempts you from a MMP with IDNR only on product registered with IDALS.

All BDAN licensed persons, producers and distributors are required to submit distribution (tonnage) reports semiannually to IDALS. The licensed distributor is required to pay the distribution fee on total tons distributed and must report tonnage from all producers product is received from and must complete page 2 of the distribution report identifying location of product distribution.

Stockpiling of Product Rules- shall not store product in a manner which pollutes the waters of the state.

Bulk dry animal nutrients shall not be stored in a grassed waterway, shall not be stored on ground with a slope of greater than class "B" as defined in the county soil survey, and shall not be stored within 200 feet of a shallow private water supply well, or 100 feet of a deep water supply well. Bulk dry animal nutrients shall not be stored within 500 feet of a surface intake, wellhead, or cistern of agricultural drainage wells, known sink holes or major water sources or within 200 feet of watercourses other than major water sources, excluding farm ponds, privately owned lakes, or when a secondary containment barrier is provided.

For our current regulations for Bulk Dry Animal Nutrient (200A), our code is covered in:  
Iowa Fertilizer Code Chapter 200A <https://www.legis.iowa.gov/docs/ico/chapter/200A.pdf>.  
The code would be amended with our administrative rules:  
Chapter 49 <https://www.legis.iowa.gov/docs/iac/chapter/02-28-2018.21.49.pdf>.

### **Aglime**

Agricultural liming material shall not be distributed in this Iowa unless the manufacturer of the agricultural liming material obtains a license for each facility owned by the manufacturer for distribution in Iowa. The manufacturer shall obtain the license prior to the facility's manufacture of the agricultural liming material. The license shall expire on January 1 of each year, and may be renewed for a period expiring on January 1 of the following year. The manufacturer shall apply for the license on forms prescribed and according to procedures required by the department. An application for a license, including a license renewal, must be accompanied by a \$25 license fee for each site aglime is manufactured. The license application form is at: <http://www.iowaagriculture.gov/departmentForms.asp>.

The Iowa Code for Aglime is at:

<https://www.legis.iowa.gov/DOCS/ACO/IC/LINC/Chapter.201A.pdf>.

IDALS shall certify the effective calcium carbonate equivalent, ECCE, for all agricultural liming material, as provided by rules adopted by the department, Chapter 43 <https://www.legis.iowa.gov/docs/iac/chapter/10-11-2017.21.43.pdf>.

The pile or aglime source loses its certification if not (re)tested within three years. The fee for analyzing samples of agricultural liming material is \$25. The department posts a report every three months which lists the agricultural liming material certified on the IDALS website, [www.iowaagriculture.gov](http://www.iowaagriculture.gov) under the Feed and Fertilizer Bureau. The report lists the manufacturers of the agricultural liming material, the locations of facilities used to manufacture the agricultural liming material, and the identification of the type of the agricultural liming material produced by the manufacturer.

All agricultural liming material or specialty limestone offered for sale, sold or otherwise distributed shall be offered for sale, sold or distributed by the pound of ECCE. Any person who offers for sale, sells or distributes agricultural liming material or specialty limestone shall affix or cause to be affixed to every bill of lading, scale ticket, delivery receipt or other instrument of sale or package the current certification of the secretary of agriculture of the number of pounds of ECCE per ton in the agricultural liming material or specialty limestone.

### **Anhydrous Ammonia**

Discussion of the Code and Rules for the storage and distribution of Anhydrous Ammonia for agricultural use are included in several documents posted on the Feed and Fertilizer Bureau website at:

<http://www.iowaagriculture.gov/feedandfertilizer.asp>.

### **Questions**

Any and all questions on the material contained in this document can be addressed to the Fertilizer Administrator, or the Feed and Fertilizer staff listed on the Feed and Fertilizer Bureau website at:

<http://www.iowaagriculture.gov/feedandfertilizer.asp> or to the Feed and Fertilizer bureau email at:

[FeedandFertilizer@iowaagriculture.gov](mailto:FeedandFertilizer@iowaagriculture.gov).

A listing of all fertilizer and soil conditioner licensees can be found at: <http://idalsdata.org/iowaData/fertilizer.cfm>.

Our Address:

Feed and Fertilizer Bureau, Wallace Building  
Iowa Department of Agriculture and Land Stewardship  
502 E 9<sup>th</sup> Street  
Des Moines, IA 50319