



**Rules of
Department of Higher Education
Division 250—University of Missouri
Chapter 11—Administration of
Missouri Fertilizer Law**

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**Title 6—DEPARTMENT OF
HIGHER EDUCATION
Division 250—University
of Missouri
Chapter 11—Administration of
Missouri Fertilizer Law**

6 CSR 250-11.010 Deficiency Penalties

PURPOSE: This rule delineates procedures to be followed in the assessment of penalties and in the disposition of deficient fertilizers.

(1) The market value of fertilizer and fertilizer materials shall be expressed as a dollar value per unit and/or per pound of each primary plant nutrient for the purpose of determining the amount of penalty due when the official analysis shows an excessive deficiency from the guaranteed analysis and these established values shall be reviewed and distributed at least annually. In event the actual retail price is substantially higher than the value as calculated at the established rates, the penalty shall be based on the retail price.

(2) Penalties shall be assessed on the quantity of fertilizer on hand when the sample is taken. Any lot subject to penalty may be required to be returned to the manufacturer and all costs involved in the return of this fertilizer found subject to penalty shall be deemed misbranded and subject to an order to stop sale.

AUTHORITY: section 266.341.2, RSMo 1986. This rule was previously filed as 2 CSR 15-3.010. Original rule filed Oct. 13, 1976, effective Jan. 13, 1977.*

**Original authority: 266.341, RSMo 1953, amended 1959.*

**6 CSR 250-11.020 Inspection Fee
(Rescinded January 1, 1986)**

AUTHORITY: section 266.341(2), RSMo 1978. Original rule filed Oct. 13, 1976, effective Jan. 13, 1977. Rescinded: Filed Aug. 15, 1985, effective Jan. 1, 1986.

**6 CSR 250-11.030 Labeling Additional
Plant Nutrients**

PURPOSE: This rule prescribes the labeling format for plant nutrients other than nitrogen, phosphorous and potassium.

(1) Essential plant nutrients in addition to nitrogen, phosphorus and potassium, when

mentioned in any form or manner shall be guaranteed.

(A) Guarantees shall be made on the elemental basis.

(B) Sources of elements guaranteed and proof of availability shall be provided to the director of the Missouri Agricultural Experiment Station on request.

(C) The minimum percentages which may be claimed are as follows:

Calcium (Ca)	1.00;
Magnesium (Mg)	.50;
Sulfur (S)	1.00;
Boron (B)	.02;
Chlorine (Cl)	.10;
Cobalt (Co)	.0005;
Copper (Cu)	.05;
Iron (Fe)	.10;
Manganese (Mn)	.05;
Molybdenum (Mo)	.0005
Sodium (Na)	.10
and	
Zinc (Zn)	.05.

(2) Guarantees or claims for the nutrients listed in 6 CSR 250-11.030(1)(C) are the only ones which will be accepted. Proposed labels and directions for use of the fertilizer shall be furnished the director of the Missouri Agricultural Experiment Station upon request. Any of the previously listed elements which are guaranteed shall appear in the order listed, immediately following guarantees for the primary nutrients, nitrogen, phosphorus and potassium.

AUTHORITY: section 266.341.2, RSMo 1986. This rule was previously filed as 2 CSR 15-3.030. Original rule filed Oct. 13, 1976, effective Jan. 13, 1977. Amended: Filed Aug. 15, 1985, effective Jan. 1, 1986.*

**Original authority: 266.341, RSMo 1953, amended 1959, 1985.*

6 CSR 250-11.040 Inspection Fee

PURPOSE: This rule sets forth the inspection fee.

The fee provided to be established by rule under section 266.331, RSMo, shall be fifty cents (50¢) for each ton, two thousand (2000) pounds, of fertilizer reported. The last registered distributor selling fertilizer for use in Missouri shall be responsible for payment to the director of the fee provided by this rule.

AUTHORITY: sections 266.291-266.351, RSMo 1986. Original rule filed Aug. 15, 1985, effective Jan. 1, 1986.*

**Original authority: Please see the Missouri Revised Statutes.*

**6 CSR 250-11.041 Inspection Fee on
Manipulated Animal or Vegetable Manure
Fertilizers**

PURPOSE: This rule establishes the inspection fee on manipulated animal or vegetable manure fertilizers sold in the state.

(1) The fee provided to be established by rule under section 266.331, RSMo, for manipulated animal or vegetable manure fertilizers. Manipulated manure fertilizers shall be guaranteed. The fee is established at two cents (2¢) per ton per percent nitrogen for nitrogen levels less than five percent (5%), or four cents (4¢) per ton per percent nitrogen for nitrogen levels of five percent (5%) but less than ten percent (10%), or six cents (6¢) per ton per percent nitrogen for nitrogen levels of ten percent (10%) or greater.

AUTHORITY: section 266.331, RSMo Supp. 2009. Emergency rule filed Dec. 22, 2009, effective Jan. 1, 2010, expired June 28, 2010. Original rule filed April 15, 2010, effective Nov. 30, 2010.*

**Original authority: 266.331, RSMo 1953, amended 1959, 1985, 2009.*

**6 CSR 250-11.042 Guaranteed Analysis
When Tonnage Inspection Fee is Based on
Product Constituent**

PURPOSE: This rule establishes tolerance for under guaranteeing a nutrient when inspection fee is based on specific nutrient content of a fertilizer product.

(1) When the tonnage inspection fee authorized in section 266.331, RSMo, is based on nutrient constituent component(s) contained in the fertilizer, the guaranteed analysis will accurately represent the nutrient content of the product within one hundred fifty percent (150%) value. Value will be determined by chemical analysis and calculated by dividing the found nutrient level by the guaranteed level. Product analysis that are found to exceed one hundred fifty percent (150%) of the guarantee shall be subject to the prescribed inspection fee multiplied by the factor which the product was under guaranteed.

AUTHORITY: sections 266.291-266.351, RSMo 2000 and RSMo Supp. 2009. Original rule filed April 15, 2010, effective Nov. 30, 2010.*



*Original authority: Please see the Missouri Revised Statutes, 2000 and Supplement 2009.

6 CSR 250-11.050 Semi-Annual Reporting Procedures

PURPOSE: The purpose of this rule is to establish fertilizer tonnage reporting procedures and clarify responsibility for the inspection fee when more than one distributor is involved.

(1) The semi-annual report required by section 266.331, RSMo, shall supply the information specified by either Option A or Option B as follows:

(A) The amount of fertilizer sold for consumption or use in the state during the period covered; and

(B) The amount of fertilizer purchased during the period covered, either for reformulation or for resale.

(2) Option A will be available to all distributors and required for all distributors either located outside of the state or selling fertilizers primarily to dealers for resale. Option B may be used only by distributors located within the state selling fertilizers direct to farmers. All fertilizer purchases by distributors changing from sales to input reporting will be required to submit a beginning inventory record and include this tonnage, with the inspection fee due, in the first semi-annual report.

(3) Each eligible distributor will be required to choose either Option A or Option B and follow it as the exclusive reporting basis until a change to the other option is approved by the director. No change in reporting basis will be approved except at the beginning of a semi-annual reporting period and following a request for change submitted at least thirty (30) days before the end of the then current reporting period.

(4) Under both reporting procedures, sales to other registered distributors are exempt from the inspection fee, but must be reported as a sales transaction fee, but must be reported as a sales transaction monthly. However, under Option B, any credit claimed for sales to distributors will be limited to the amount of fertilizers reported as purchases contained in the products sold.

AUTHORITY: sections 266.290–266.351, RSMo 1986.* Original rule filed Aug. 15, 1985, effective Jan. 1, 1986.

*Original authority: Please see the Missouri Revised Statutes.

6 CSR 250-11.060 Documentation of Tonnage

PURPOSE: The purpose of this rule is to establish the required documentation of fertilizer purchases or sales to be submitted to the director.

(1) The documentation required by section 266.341.2(3), RSMo, shall consist of—

(A) For Option A—Invoice copies of sales or summaries or transcripts (for example, computer printouts) of information including the name and address of the purchaser, the guaranteed analysis and the net weight of each shipment;

(B) For Option B—Invoice copies of shipments received or transcripts (for example, computer printouts) of information including invoice number, the name and address of the supplier, the guaranteed analysis and the net weight of each shipment; and

(C) These documents must be submitted to the director at least monthly and no later than five (5) days after the end of the month covered.

AUTHORITY: sections 266.291–266.351, RSMo 1986.* Original rule filed Aug. 15, 1985, effective Jan. 1, 1986.

*Original authority: Please see the Missouri Revised Statutes.

6 CSR 250-11.070 Annual Permit Fee

PURPOSE: This rule establishes an annual fee for the permit to sell commercial fertilizer in the state.

(1) The director will cause to be mailed each year on or about the fifteenth of April a renewal application form to all distributors currently selling fertilizer in the state to renew their permit required by section 266.301, RSMo for the coming year. The completed application for each location from which commercial fertilizers are distributed shall be returned to the director by June 1, accompanied by a permit fee of one hundred U.S. dollars (\$100). New applications shall also be accompanied by a permit fee of one hundred U.S. dollars (\$100). Permit fees collected will be used to defray administrative costs of distributor registration, with any permit fees collected in excess of administrative costs to be used to support related research proposals.

AUTHORITY: sections 266.291–266.351, RSMo 1994 and Supp. 1997.* Original rule filed Nov. 12, 1998, effective May 30, 1999.

*Original authority: Please see the Missouri Revised Statutes, 1994 and Supplement 1998.

6 CSR 250-11.080 Collection Fee for Delinquent Filing of a Semiannual Report

PURPOSE: This rule establishes a collection fee on distributors who do not file a semiannual report within thirty days after each six-month period.

(1) If the semiannual report described in section 266.331, RSMo is not filed and the payment of inspection fees is not made within thirty (30) days after the end of the specified filing period, a collection fee amounting to ten percent (10%) of the amount due or fifty U.S. dollars (\$50), whichever is greater, shall be assessed against the distributor and added to the amount due.

AUTHORITY: sections 266.291–266.351, RSMo 1994 and Supp. 1997.* Original rule Filed Nov. 12, 1998, effective May 30, 1999.

*Original authority: Please see the Missouri Revised Statutes, 1994 and Supplement 1998.