

## MEMORANDUM

**TO: DISTRIBUTORS AND POTENTIAL DISTRIBUTORS OF FERTILIZER IN KENTUCKY**

**FROM: D. L. TERRY, COORDINATOR  
FERTILIZER REGULATORY PROGRAM**

**DATE: March 14, 2007**

**SUBJECT: LICENSING AND REGISTRATION OF FERTILIZERS FOR 2007**

**Current Distributors:** If you are a current fertilizer registrant or licensee and want to continue, we have enclosed a copy of your current registration and/or license and the proper application forms. You will find specific information enclosed that will assist you in continuing for the year 2007. Please follow the instructions below.

**Potential Distributors:** If you are not currently a fertilizer registrant or licensee in Kentucky, the information enclosed with this memo will assist you in complying with the law.

### **PLEASE READ AND FOLLOW INSTRUCTIONS CAREFULLY**

Select the instruction applicable to your situation from the following list:

You plan to sell:

1. FARM FERTILIZER ONLY (Not Custom Mixes):  
**USE SECTION I (Page 2)**
2. CUSTOM MIX FARM FERTILIZER ONLY:  
**USE SECTION II (Page 3)**
3. CUSTOM MIX SPECIALTY FERTILIZER:  
**Use SECTION III (Page 4)**
4. BULK SPECIALTY FERTILIZER (LAWN SERVICE COMPANIES):  
**USE SECTION IV (Page 5)**
5. BAGGED SPECIALTY FERTILIZER ONLY:  
**USE SECTION V (Pages 6-8)**
6. FARM FERTILIZER AND SPECIALTY FERTILIZER:  
**USE SECTION VI (Page 8)**
7. LAWN SERVICE COMPANIES (BULK SPECIALTY FERTILIZER):  
**SEE SECTION IV (Page 5) and VII (Page 9)**
8. HELP - - - -  
**SECTION VII (Page 9)**

There is supplemental information on pages 9 and 10 that provides a more detailed explanation of some specific parts of our Fertilizer Regulatory Program.

**SECTION I**  
**FARM FERTILIZER ONLY (NOT CUSTOM MIXES)**

**Use the form, “APPLICATION FOR REGISTRATION OF FARM FERTILIZERS IN KENTUCKY”, and the following instructions.**

**NOTE:** In order to receive an approved copy of your application you must return **BOTH** copies of the application.

**NOTE:** Potential (new) registrants use only “B.1” and “B.2” below.

- A. Check the enclosed copy of your current registration list and then select one or more of the following:
- B. **NEW** -- If this is your initial application or if you want to add a **NEW** fertilizer to your list, check (✓) this selection, and then
  1. Complete the entire application listing each NEW fertilizer on the appropriate line,
  2. **ATTACH A COPY OF THE LABEL FOR EACH NEW GRADE**, and
  3. Attach the copy of your current list to the application and return.
- C. **RENEWAL WITH NO CHANGES** -- If the list of fertilizers is correct and you have no changes, check (✓) this selection, and then
  1. Complete the top portion of the application down through the signature line, and
  2. Attach the copy of your registration list to the application and return.
- D. **RENEWAL WITH CORRECTIONS**-- If the list is complete but there is an error you wish to correct, check (✓) this selection, and then
  1. Complete the top portion of the application down through the signature line,
  2. Make corrections directly on the enclosed registration list, and
  3. Attach the copy of your registration list to the application and return.
- E. **RENEWAL WITH DELETIONS**--If the list contains some grades that you no longer sell, check (✓) this selection, and then
  1. Complete the top portion of the application down through the signature line,
  2. Mark through the obsolete fertilizers directly on the enclosed list, and
  3. Attach the list to the application and return.
- F. **YOU MAY USE MORE THAN ONE OF THE ABOVE SITUATIONS IF APPLICABLE.**

**SECTION II  
CUSTOM MIX FARM FERTILIZERS ONLY**

Use the form, “**APPLICATION FOR CUSTOM MIX FERTILIZER LICENSE**”, Check (✓) the box “Farm Fertilizer (\$0)” and use the following instructions:

**NOTE:** In order to receive an approved copy of your license application you must return **BOTH** copies of the application.

**NOTE:** Potential (new) Custom Mixers use only “B.1.” below:

- A. Check the enclosed copy of your current license status and then select one or more of the following:
- B. **NEW**--If this is your initial application or you want to add a **NEW** custom mix location(s), check (✓) this box, and then
  1. Complete the entire application listing **ONLY** the new location(s) in the section “Application For”, and
  2. Attach the copy of your license list to the application and return.
- C. **RENEWAL WITH NO CHANGES**--If the license list shows the correct listing of each of your licensees and there are no changes, check (✓) this selection, and then
  1. Complete the bottom portion of the application beginning with “Application By”, and
  2. Attach the copy of your list to the application and return.
- D. **RENEWAL WITH CORRECTIONS**--If the licensee list shows the correct listing of each of your custom mix locations, **BUT** there are address changes or other corrections, check (✓) this selection, and then
  1. Complete the bottom portion of the application beginning with “APPLICATION BY”,
  2. Make corrections directly on the license list, and
  3. Attach the copy of your list to the application and return.
- E. **RENEWAL WITH DELETION**-- If the licensee list shows a custom-mix location you no longer operate, check (✓) this selection, and then
  1. Complete the bottom portion of the application beginning with “Application By”,
  2. Mark through the name and address of the obsolete location directly on your licensee list, and
  3. Attach the copy of your list to the application and return.
- F. **YOU MAY USE MORE THAN ONE OF THE ABOVE SITUATIONS IF APPLICABLE.**

**NOTE:** IF YOU PURCHASE MATERIALS FROM MORE THAN ONE SUPPLIER THEN YOU MUST REGISTER EACH OF THE MATERIALS USED IN YOUR CUSTOM MIX OPERATION (USE SECTION I).

**SECTION III  
CUSTOM MIX SPECIALTY FERTILIZER**

**STOP:** Please read item #4 in Supplemental Information on Page 9 before proceeding.

Use the form “**APPLICATION FOR CUSTOM-MIX FERTILIZER LICENSE**”, check (✓) the selection “Specialty Fertilizer (\$100/blender)”; indicate whether bag or bulk by checking the appropriate boxes; and, use the following instructions:

**NOTE:** In order to receive an approved copy of your license application you must return **BOTH** copies of each application.

**NOTE:** Potential (new) applicants use only section B.1. below.

- A. Check the enclosed copy of your current license status and then select one or more of the following:
- B. **New**-- If this is your initial application or you want to add a NEW custom mix location(s) check (✓) this selection, and then
1. Complete the entire application listing **ONLY** the new location(s) in the section “Application For”, and
  2. Attach the copy of your list to the application and return.
- C. **RENEWAL WITH NO CHANGES**-- If the license list shows the correct listing of each of your licensees and there are no changes, check (✓) this selection, and then
1. Complete the bottom portion of the application beginning with “Application By”, and
  2. Attach the copy of your list to the application and return.
- D. **RENEWAL WITH CORRECTIONS**-- If the licensee list shows the correct listing of each of your custom mix locations, **BUT** there are address changes or other corrections, check (✓) this selection, and then
1. Complete the bottom portion of the application beginning with “Application By”,
  2. Make corrections directly on the licensee list, and
  3. Attach the copy of your list to the application and return.
- E. **RENEWAL WITH DELETIONS**-- If the licensee list shows a custom mix location(s) you no longer operate, check (✓) this selection, and then
1. Complete the bottom portion of the application beginning with “Application By”,
  2. Mark through the name and address of the obsolete location(s) directly on the list, and
  3. Attach the copy of the list to the application and return.
- F. **YOU MAY USE MORE THAN ONE OF THE ABOVE SITUATIONS IF APPLICABLE.**
- G. **License fees are \$100.00 per year for each location that distributes **custom mix specialty fertilizer**. Please enclose the license fees with your application.**

**SECTION IV  
BULK SPECIALTY FERTILIZER (LAWN SERVICE COMPANIES)**

**STOP:** Please read item #3 in Supplemental Information on Page 9 before proceeding. Use the form **“APPLICATION FOR BULK SPECIALTY FERTILIZER LICENSE,”** and the following instructions:

**NOTE:** If you distribute **bulk specialty fertilizers**, such as diluted liquids for home lawns, golf courses and other ornamental turf areas you should use these instructions.

**NOTE:** In order to receive an approved copy of your application you must return **ALL** copies of the application form.

**NOTE:** Potential (new) applicants use only section “B.1” below.

- A. Check the enclosed copy of your current licensees list and then select one or more of the following:
- B. **NEW**-- If this is your initial application or you want to add a **NEW** location(s), check (✓) this selection (**on enclosed application form**), and then
1. Complete the entire application form listing **ONLY** the new location(s) in the section “Application For”, and
  2. Attach the copy of your list and return.
- C. **RENEWAL WITH NO CHANGES** -- If the copy of your licensee list shows the correct listing of each of your locations and there are no changes, check (✓) this selection and then
1. Complete the bottom portion of the application beginning with “Application By”, and
  2. Attach the copy of your list to the form and return.
- D. **RENEWAL WITH CORRECTIONS**-- If the licensee list is correct, BUT, there are address changes or other corrections, check (✓) this selection, and then
1. Complete the top portion of the application beginning with “Application BY”,
  2. Make corrections directly on the copy, and
  3. Attach the copy of your list to the application and return.
- E. **RENEWAL WITH DELETIONS**-- If the licensee list shows a location you no longer operate, check (✓) this selection, and then
1. Complete the bottom portion of the application beginning with “Application By”,
  2. Mark through the name and address of the obsolete location **directly on the copy**, and
  3. Attach the copy of your list to the application and return.
- F. **YOU MAY USE MORE THAN ONE OF THE ABOVE SITUATIONS IF APPLICABLE.**
- H. **License fees are \$100.00 per year for each location distributing bulk specialty fertilizers. Please enclose the license fees with your application.**

**SECTION V**  
**BAGGED SPECIALTY FERTILIZER ONLY**

**NOTE:** Potential (New) registrants use only “A.1” below.

**NOTE:** In order to receive an approved copy of your registration application you must return **ALL** copies of the application.

Please check your computer printout for the headings “**SPECIALTY FERTILIZER IN PACKAGES OF 10 POUNDS OR LESS**” or “**SPECIALTY FERTILIZER IN PACKAGES GREATER THAN 10 POUNDS**”.

- A. **Specialty Fertilizers in packages of 10 pounds or less**-- Use the application: “**FOR SPECIALTY FERTILIZER IN PACKAGES OF 10 POUNDS OR LESS**” (blue print), check the enclosed copy of your current registration, and then select one or more of the following:
1. **NEW**-- If this is your initial application or if there are NEW products you wish to register, check(✓) this selection and then
    - a. Complete the entire application listing each NEW fertilizer on the appropriate line,
    - b. **ATTACH A COPY OF THE LABEL FOR EACH PRODUCT TO BE REGISTERED**, (the label must show a net weight of 10 pounds or less), and
    - c. Attach the copy of your current list to the application and return. Upon approval you will be billed \$100.00 per brand and grade, (\$50.00 registration fee plus \$50.00 annual inspection fee). Potential registrants simply attach your labels to the application and return.

**NOTE:** **Be sure to complete the “S/M” and “ID/LABEL #” on the application form. See page 10.**

2. **RENEWAL WITH NO CHANGES**--If ALL your products are listed correctly on your list and there are no additions or deletions, check (✓) this selection, and then
  - a. Complete the top portion of the application form down through the signature line, and
  - b. Attach the copy of your list to the application form and return. Upon approval you will be billed \$100.00 per brand and grade, (\$50.00 registration fee plus \$50.00 annual inspection fee).
3. **RENEWAL WITH CORRECTIONS**--If there are errors on your registration list in your address, product names, etc., check (✓) this selection and then
  - a. Complete the top portion of the application down through the signature line,
  - b. Make corrections directly on the list, and
  - c. Attach the copy of the corrected list to the application and return. Upon approval you will be billed \$100.00 per brand and grade, (\$50.00 registration fee plus \$50.00 annual inspection fee).

4. **RENEWAL WITH DELETIONS**--If there are products on your registration list that you no longer want to register, check (✓) this selection, and then
- Complete the top portion of the application down through the signature line,
  - Mark through the obsolete items directly on your registration list, and
  - Attach the copy of your list to the application and return. Upon approval you will be billed \$100.00 per brand and grade, (\$50.00 registration fee plus \$50.00 annual inspection fee).

5. **Please read items 1 and 2 under “Supplemental Information” on page 5.**

- B. **Specialty Products in packages greater than 10 pounds**--Use the application: **“FOR SPECIALTY FERTILIZERS IN PACKAGES GREATER THAN 10 POUNDS”** (green print), check the enclosed copy of your current registration list and then select one more of the following:

**NOTE:** Potential (New) registrants use only “B.1.” below.

1. **NEW**--If this is your initial application or if there are NEW products you wish to register check (✓) this selection (on the enclosed application), and then
- Complete the entire application listing each NEW grade on the appropriate line, (Be sure to complete the “S/M” and “ID/LABEL #” columns), and
  - ATTACH A COPY OF THE LABEL (with its ID # marked on it – see page 10) FOR EACH PRODUCT TO BE REGISTERED**, the label must show a net weight of more than 10 pounds.

**NOTE:** **IF THE PRODUCT COMES IN SIZES BELOW AND ABOVE 10 POUNDS, REGISTER ONCE USING THE FORM “FOR...10 POUNDS OR LESS” (blue print)**

- Attach the copy of your registration list to the application and return. Upon approval you will be billed \$50.00 per brand and grade. Potential registrants simply attach your labels to your application form and return.
2. **RENEWAL WITH NO CHANGES**--If ALL your products are listed correctly on your enclosed list and there are no additions or deletions, check (✓) this selection, and then
- Complete the top portion of the application down through the signature line, and
  - Attach the copy of your registration list to the application and return. Upon approval you will be billed \$50.00 per brand and grade.
3. **RENEWAL WITH CORRECTIONS**--If there are errors on your registration list in your address, product names, etc. check (✓) this selection, and then
- Complete the top portion of the application down through the signature line,
  - Make corrections directly on the registration list, and
  - Attach the copy of your list to the application and return. Upon approval you will be billed \$50.00 per brand and grade.
4. **RENEWAL WITH DELETIONS**--If there are products on your registration list that you no longer want to register, check (✓) this selection and then
- Complete the top portion of the application down through the signature line,
  - Mark through the obsolete items directly on your registration list, and
  - Attach the copy of your list to the application and return. Upon approval you will be billed \$50.00 per brand and grade.

- C. **DO NOT SEND ANY MONEY WITH YOUR REGISTRATION APPLICATION; YOU WILL BE BILLED AFTER APPROVAL**

**SECTION VI  
FARM FERTILIZER AND SPECIALTY FERTILIZER**

If you sell farm fertilizers and specialty fertilizers, use the appropriate instructions in Section I & V. There will be a registration fee of \$50.00 for each bagged specialty brand and grade approved for application. **DO NOT SEND ANY MONEY WITH YOUR REGISTRATION APPLICATION; YOU WILL BE BILLED AFTER APPROVAL.**

When you receive your copy of your approved bagged specialty application, the amount of your registration fees will be shown. **FINAL APPROVAL OF YOUR SPECIALTY REGISTRATION APPLICATION WILL BE GIVEN UPON RECEIPT OF YOUR REGISTRATION FEES.**

The specialty Custom Mix License fee and the Bulk Specialty License fee are each \$100.00 per year and you may enclose your license fees with your application.



**SECTION VII  
HELP**

**SUPPLEMENTAL INFORMATION**

**1. Registration Fees for Bagged Specialty Fertilizers.**

KRS 250.371 (1) requires that a registration fee of fifty dollars (\$50.00) per each grade of each brand of specialty fertilizers be paid when registered. KRS 250.366 (4) defines “specialty fertilizer” as any fertilizer distributed for non-farm use. This is interpreted as being any fertilizer whose labeling recommends the product for home lawns, gardens, house plants, golf courses, highways, shrubs, trees, etc. The fertilizers applied by Lawn Service Companies are considered to be bulk specialty fertilizers. See the discussion below on Lawn Service Companies.

**2. Annual Inspection Fee of \$50.00 for Specialty Fertilizers in Packages of 10 pounds or less.** KRS 250.381(4) requires that an annual inspection fee of fifty dollars (\$50.00) be assessed for each grade of each brand of products sold in packages of 10 pounds or less.

This annual inspection fee is in lieu of the \$0.50 per ton fee assessed on all other fertilizers. This is the reason we have a special form for all specialty products sold in packages of 10 pounds or less. The annual inspection fee will be billed to each registrant at the time the products are registered.

**3. Lawn Service Companies and Bulk Specialty Fertilizers**

Lawn service companies are considered to be distributors of “*bulk specialty fertilizers*”; and the Kentucky fertilizer law as amended in 1994 requires a license to distribute “*bulk specialty fertilizers*”. The license fee is \$100.00 per year. Lawn Service Companies primarily handle liquid fertilizers and dilute a base with water before application. The actions of mixing the fertilizer with water or the mixing of two or more fertilizer materials before mixing with water by definition make the Lawn Service Company a fertilizer distributor and subjects the company to the licensing and labeling requirements of the fertilizer law. A company who does not change the form of a fertilizer (that is, does **not** mix two or more fertilizer materials or does **not** mix with water) and simply spreads another company’s fertilizer **is not** regulated by the fertilizer law. For example, a company that buys a fertilizer from “Y” company and spreads that fertilizer as received is not defined as a distributor and is not regulated by the Kentucky Fertilizer Law. However; “Y” Company would be required to register its product(s).

If you are a Lawn Service Company and distribute “*bulk specialty fertilizers*”, then you should apply for a *bulk specialty fertilizer* license.

The label for these bulk specialty fertilizers **MUST** be the standard label required on bagged specialty fertilizers. The Instructions are in Section IV Bulk Specialty Fertilizers (page 5).

**4. Custom Mix Specialty Fertilizers.**

The Kentucky Fertilizer Law was amended in 1994 to allow licensing of persons who distribute **custom mix specialty fertilizers**. The license fee is \$100.00 per year.

Custom Mix Specialty Fertilizers are fertilizers blended on the specific order of a consumer of specialty fertilizer. For examples, a golf course superintendent who orders a different specific fertilizer blend for each of 3 fairways would be considered a consumer of specialty fertilizers and the 3 specific fertilizer mixes would be considered custom mixed specialty fertilizers.

If you distribute custom mix specialty fertilizers, then you should apply for a specialty fertilizer custom mix license. The instructions are in Section III Custom Mix Specialty Fertilizer (page 4). **The label for these fertilizers must be the standard label not just the list of materials.** You may put both, but the standard label **MUST** be provided.

**5. Application Forms - (Special Help)**

**“S/M”** - If your fertilizer has guarantees for secondary (S) or micronutrients (M), please check (✓) this column. We will use your label to record your S/M guarantees. The order in which they must appear in your Guaranteed Analysis statement and the minimum acceptable for registration are:

<b>ELEMENT</b>	<b>PERCENT</b>
Calcium (Ca)	1.0000
Magnesium (Mg)	0.5000
Sulfur (S)	1.0000
Boron (B)	0.0200
Chlorine (Cl)*	0.1000
Cobalt (Co)	0.0005
Copper (Cu)	0.0500
Iron (Fe)	0.1000
Manganese (Mn)	0.0500
Molybdenum (Mo)	0.0005
Sodium (Na)	0.1000
Zinc (Zn)	0.0500

\*Minimum guarantee. A maximum chlorine guarantee may be placed below the Guaranteed Analysis statement.

**“ID/LABEL#”** - Each new label **must** be identified (ID) with a number (#). You can use your own product number, UPC code or a number you mark on the label (such as, 1,2,3,...). We then use the number to match the label with the application.