

**New York State
Department of Agriculture and Markets
Division of Plant Industry
Albany, New York 12235**

CIRCULAR 910

**ARTICLE 10
OF THE
AGRICULTURE AND MARKETS LAW
relating to
SALE AND ANALYSIS OF
COMMERCIAL FERTILIZER
with
RULES AND REGULATIONS FOR
SALE AND ANALYSIS OF COMMERCIAL FERTILIZER
Revised 2017**

ARTICLE 10
SALE AND ANALYSIS OF COMMERCIAL FERTILIZER

Section

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Sec. 143. Definitions.

When used in this article, unless otherwise expressly stated:

a. The term “commercial fertilizer” shall mean any substances containing one or more recognized plant nutrients which is used for its plant nutrient content, and which is designed for use or claimed to have value in promoting plant growth, except unmanipulated animal and vegetable manures, agricultural liming material, wood ashes, gypsum and other products exempted by regulation of the commissioner.

b. The term “specialty fertilizer” shall mean a commercial fertilizer distributed primarily for non-farm use, such as home gardens, lawns, shrubbery, flowers, golf courses, municipal parks, cemeteries, greenhouses and nurseries, and such other use as the commissioner may define by regulation.

c. The term “bulk fertilizer” shall mean a commercial fertilizer distributed in a non-packaged form.

d. The term “brand” shall mean a term, name, design, or trademark used in connection with one or several grades of commercial fertilizer.

e. The term “guaranteed analysis” shall mean a statement of the minimum percentage of plant nutrients claimed expressed in the order and form provided in section one hundred forty-four hereof.

f. The term “custom mix” means a mixture of fertilizer ingredients blended or manufactured to a particular customer’s specifications and for his personal use and not offered for resale.

g. The term “grade” shall mean the percentages of total nitrogen, available phosphoric acid and soluble potash stated in whole numbers in the order and form required in the guaranteed analysis.

h. The term “official sample” means any sample of commercial fertilizer taken by the commissioner or his agent in accordance with section one hundred forty-six-a hereof and designated as “official” by the commissioner.

i. The term “ton” means a net weight of two thousand pounds avoirdupois.

j. The term “per cent” or “percentage” means the percentage by weight.

k. The term “distribute” means to offer for sale, sell, barter, exchange or otherwise supply commercial fertilizers. The term “distributor” means any person who distributes and includes, but is not limited to, manufacturing plants, blending plants and bulk storage facilities.

l. The term “person” includes individual, partnership, association, firm or corporation.

m. The term “licensee” shall mean a person whose license, pursuant to section one hundred forty-six hereof, has been issued by the commissioner and is still in effect.

n. Words importing the singular number may extend and be applied to several persons or things and words importing the plural number may include the singular.

o. The term “fertilizer material” is a commercial fertilizer which either:

1. Contains important quantities of no more than one of the primary plant nutrients (nitrogen, phosphoric acid & potash), or
2. Has approximately eighty-five percent of its plant nutrient content present in the form of a single chemical compound, or
3. Is derived from a plant or animal residue or by-product or a natural material deposit which has been processed in such a way that its content of primary plant nutrients has not been materially changed except by purification and concentration.

p. The term “mixed fertilizer” is a commercial fertilizer containing any combination of mixture of fertilizer materials.

q. The term “label” means the display of all written, printed or graphic matter upon the immediate container or statement accompanying a commercial fertilizer.

r. The term “labelling” means all written, printed or graphic matter, upon or accompanying any commercial fertilizer, or advertisements, brochures, posters, television and radio announcements used in promoting the sale of such commercial fertilizers.

s. The term “commissioner” means the commissioner of agriculture and markets.

144. Guaranteed analysis.

Guaranteed analysis shall contain a statement of chemical composition in the following form:

a. A statement of the minimum percentage of claimed plant nutrients shall be expressed in whole numbers or as decimal fractions for specialty fertilizers and in whole numbers for all other commercial fertilizers, as follows:

Total nitrogen (N)percent

Available phosphoric acid (P₂O₅) or available phosphate (P₂O₅).....percent

Soluble potash (K₂O)percent

b. For unacidulated mineral phosphatic materials and basic slag, bone, tankage and other organic phosphate materials, the total phosphoric acid and/or degree of fineness may also be guaranteed if expressed in whole numbers.

c. Guarantees for plant nutrients except phosphoric acid and potash shall be expressed in the form of the element in a manner prescribed by the commissioner. The sources of such other nutrients (oxides, salt, chelates, etc.) may be included as a parenthetical statement on the label. Other beneficial substances or compounds, determinable by laboratory methods, also may be guaranteed if approved in regulations promulgated by the commissioner.

d. A statement of the potential basicity or acidity expressed in terms of calcium carbonate equivalent in multiples of one hundred pounds per ton, if required by regulation of the commissioner.

145. Labelling.

a. No commercial fertilizer shall be distributed in this state in containers unless there shall be placed on or affixed to the container a label setting forth in clearly legible form a statement which shall certify as follows:

- (1) Net weight of the contents of the package.
- (2) The brand and grade under which it is to be sold.
- (3) The name, street or post-office address of the principal office of the licensee, distributor or person responsible for placing the commodity on the market.
- (4) The guaranteed analysis as provided in section one hundred forty-four above.

b. If distributed in bulk, a written or printed statement of the information required in subdivision a. of this section above shall accompany delivery and be supplied to the purchaser at the time of delivery.

c. The labelling of specialty fertilizers shall contain all the information required by the foregoing paragraphs of this section and such other information as shall be required by rule or regulation issued by the commissioner.

146. Licensing.

(a) No person shall distribute in this state any type of fertilizer until a license to distribute the same has been obtained from the commissioner by the person whose labelling is applied to such fertilizer upon payment of a one hundred fifty dollar fee. The initial license issued hereunder shall expire on December thirty-first of the next even numbered year following the year in which it was issued and each renewal of that license shall be for a two year period, ending on December thirty-first. Application for a renewal of such license shall be made biennially, upon a form prescribed by the commissioner and be submitted no later than thirty days prior to the expiration of the existing license.

(b) The application shall include: (1) The name and address of licensee; (2) Name and address of each manufacturing plant, blending plant and bulk storage facility within New York state which distributes commercial fertilizer, and (3) A list of the brand and product name of all commercial fertilizer distributed in this state.

(c) The licensee shall inform the director in writing of additional distribution points established during the period of the license.

(d) The commissioner is authorized and empowered to revoke the license of any distributor of commercial fertilizer, or to refuse to grant or to renew the license of any distributor as herein provided, upon satisfactory evidence that the licensee or applicant has used fraudulent or deceptive practices in the evasion or attempted evasion of the provisions of this article, or of any rules or regulations promulgated hereunder or if the license application or the information furnished upon the sale of the commercial fertilizer is misleading or deceptive or tends to mislead or deceive as to its quality or the constituents or materials of which it is composed. No license shall be revoked or refused until the distributor shall have been given an opportunity to appear for a hearing before the commissioner.

146-a. Inspection, sampling, analysis.

a. It shall be the duty of the commissioner, who may act through his authorized agent, to sample, inspect, and analyze commercial fertilizers distributed within this state at such time and place and to the extent he may deem necessary to determine whether such commercial fertilizers are

in compliance with the provisions of this act. A sample to be designated an official sample shall be divided into two representative samples, each sealed, and one of such sealed samples shall be tendered, and if accepted, delivered to the custodian of the product; the other sample the commissioner shall analyze or cause to be analyzed. The methods of sampling and analysis shall be those the commissioner may require by regulation and which may be based on methods recommended in publications such as that of the association of official analytical chemists.

b. The results of the analysis of such sample shall be reported to the licensee within ninety days of the date of sampling and the commissioner shall publish or cause to be published at least annually a summary of all analyses made, together with such additional information as circumstances advise.

146-b. Misbranded or adulterated fertilizer.

No commercial fertilizer shall be distributed in this state if it is deemed to be misbranded or adulterated.

(a) A commercial fertilizer shall be deemed to be misbranded:

(1) if its labelling is false or misleading in any particular; or

(2) if it purports to be or is represented as a commercial fertilizer, or is represented as containing a plant nutrient or commercial fertilizer unless such plant nutrient or commercial fertilizer conforms to the definition of identity, if any, prescribed by regulation of the commissioner; in the adopting of such regulations the commissioner shall give due regard to commonly accepted definitions and official fertilizer terms such as those employed by the association of American plant food control officials.

(b) A commercial fertilizer shall be deemed to be adulterated:

(1) if it contains any deleterious or harmful ingredient in sufficient amount to render it injurious to beneficial plant life when applied in accordance with directions for use on the label, or if adequate warning statements or directions for use, which may be necessary to protect plant life are not shown upon the label;

(2) if its composition falls below or differs from that which it is purported to possess by its labelling; or

(3) if it contains unwanted crop seed or weed seed.

146-c. Reports and fees.

Each licensee who distributes commercial fertilizers in this state shall furnish the commissioner with a written statement of the tonnage of each grade of commercial fertilizer, including zero tonnage if applicable, sold by him or her in this state during the calendar year to persons not required to be licensed under this article. The tonnage of grades of which less than fifty tons were sold shall be reported, either individually or combined under the heading of miscellaneous sales. This report shall be submitted in the form and with such frequency as the commissioner shall require by regulation. The licensee shall pay to the commissioner a sum equal to ten cents for each ton or portion thereof of commercial fertilizer distributed in this state to persons not required to be licensed under this article provided that such annual tonnage fee shall not be less than fifty dollars. This fee shall be remitted on or before February first and calculated based on the calendar year immediately preceding.

No information furnished under this section shall be disclosed in such a way as to divulge the method or scope of the operation of any person.

The commissioner shall publish at least annually a summary of the tonnage reports submitted pursuant to this section.

The licensee shall make such other reports as the commissioner may require.

Failure to make such reports or to pay such fee shall be grounds for revocation of the license hereunder.

146-d. Rules and regulations.

The commissioner is hereby authorized, after public hearing, to adopt, promulgate and issue such rules and regulations as he may deem necessary to supplement, carry out and give full force and effect to the provisions of this article.

146-e. Stop sales orders.

The commissioner may issue and enforce a written or printed “stop sale, use or removal” order to the owner or custodian of any lot of commercial fertilizer and to hold at a designated place when the commissioner finds said commercial fertilizer is being offered or exposed for sale in violation of any of the provisions of this act until the law has been complied with and said commercial fertilizer is released in writing by the commissioner, or said violation has been otherwise legally disposed of by written authority. The commissioner shall release the commercial fertilizer so withdrawn when the requirements of the provisions of this act have been complied with.

146-f. Ammonium nitrate security.

- (a) Ammonium nitrate retailers shall be registered with the department, and such registration shall be based on criteria set forth by the commissioner in consultation with or upon the recommendation of the director of the office of homeland security. Registration shall be required to sell or offer for sale ammonium nitrate or regulated ammonium nitrate materials. The commissioner shall charge an annual registration fee of no more than fifty dollars to ammonium nitrate retailers, provided, however, that retailers who pay fees under this article shall be exempt from such fee.
- (b) Ammonium nitrate and regulated ammonium nitrate materials, while at all registered facilities, shall be secured to provide reasonable protection against vandalism, theft or other unauthorized access. Reasonable protection may include, but not be limited to ensuring that storage facilities are fenced and locked when unattended, and inspected daily for signs of attempted entry, vandalism and structural integrity. The commissioner in consultation with or upon the recommendation of the director of the office of homeland security, may suggest other security measures. The commissioner shall work in consultation with or upon the recommendation of the director of the state office of homeland security to provide information to ammonium nitrate retailers on appropriate security measures.
- (c) (1) Ammonium nitrate retailers shall record the date of sale and quantity purchased along with a valid state or federal driver license number, or other picture identification card number approved for purchaser identification by the commissioner in consultation with or upon the recommendation of the director of state office of homeland security, as well as the name, current physical address, and telephone number for the purchaser of ammonium nitrate or regulated ammonium nitrate materials.

(2) Such information and any additional records as set forth by the commissioner in consultation with or upon the recommendation of the director of the office of homeland security must be maintained by the ammonium nitrate retailer for a minimum of two years on a form or using a format developed by the commissioner in consultation with or upon the recommendation of the director of the office of homeland security.

(3) Ammonium nitrate retailers shall, in compliance with any federal and state requirements regarding the dissemination of such information, provide the commissioner and the director of the office of homeland security access to such records.

(d) For the purposes of this section, the following terms shall mean:

(1) "Ammonium nitrate" means chiefly the ammonium salt of nitric acid. It shall not contain less than thirty-three percent nitrogen, one-half of which is the ammonium form and one-half of which is the nitrate form.

(2) "Regulated Ammonium nitrate materials" means regulated ammonium nitrate materials fertilizer products which have been determined by the commissioner in consultation with or upon the recommendation of the director of the office of homeland security to warrant regulation based on the potential explosive capacity of its ammonium nitrate content.

(3) "Ammonium nitrate retailer" means any person or entity in this state that sells, offers for sale, or otherwise makes available, ammonium nitrate or regulated ammonium nitrate materials.

146-g. Retail sale.

Any retailer who sells or offers for sale to consumers specialty fertilizer in which the available phosphate (P205) content is greater than 0.67 percent, shall:

(a) display such phosphorus-containing specialty fertilizer separately from non-phosphorus specialty fertilizer; and

(b) post in the location where phosphorus-containing specialty fertilizer is displayed a clearly visible sign which is at least eight and one-half inches by eleven inches in size and states that:

"Phosphorus runoff poses a threat to water quality. Therefore, under New York law, phosphorus-containing fertilizer may only be applied to lawn or non-agricultural turf when:

(1) A soil test indicates that additional phosphorus is needed for growth of that lawn or non-agricultural turf; or

(2) The fertilizer is used for newly established lawn or non-agricultural turf during the first growing season."

**REGULATIONS FOR SALE AND
ANALYSIS OF COMMERCIAL FERTILIZER
PART 153
SALE AND ANALYSIS OF COMMERCIAL FERTILIZER
(Statutory Authority: Agriculture and Markets Law
Subsection 18, 146-d)**

Section

153.1. Definitions and terms; exemptions.

153.2. Plant nutrients in addition to nitrogen, phosphate and potash.

153.3. Specialty fertilizer label requirements.

153.4. Licensing period.

153.5. Method of sampling and analysis.

153.6. Analytical tolerances.

153.7. Tonnage reports.

Sec. 153.1. Definitions and terms; exemptions.

As used in relation to the sale and analysis of commercial fertilizer and as used in this Part:

(a) Definitions, terms and names shall be those set forth in article 10 of the Agriculture and Markets Law (hereinafter referred to as the "law"). Where no such definitions, terms or names are set forth in the law, such definitions, terms and names shall be those adopted by the Association of American Plant Food Control Officials (hereinafter referred to as "AAPFCO"), except as the commissioner prescribes otherwise in this Part.

(b) The following commodities are hereby exempt from the definition of "commercial fertilizer" as set forth in the law: unmanipulated animal and vegetable manures, agricultural liming material, wood ashes and gypsum.

(c) Compost consisting entirely of animal (other than human) manure, vegetative matter and animal bedding, for which plant nutrient claims are made, shall be exempt from the definition of commercial fertilizer for purposes of the fee requirements of Agriculture and Markets Law sections 146 and 146-c and the guaranteed analysis requirements of sections 144 and 145(4) of said law and this Part. Any such compost, for which plant nutrient claims are made, which is distributed in this State in containers shall have placed on or affixed to the containers a clearly legible label setting forth total nitrogen (N), total phosphorous (P) and total potassium (K). Other compost characteristics may also be set forth. Any other compost characteristics stated for such compost shall appear in the format set forth in subdivision (d) of this section. If distributed in bulk, a statement, in such format, setting forth any compost characteristics stated for such compost shall accompany the compost and be supplied to the purchaser at the time of delivery.

(d) The format for setting forth compost characteristics stated for composted animal manure, composted vegetable manure and composted animal bedding, for which plant nutrient claims are made, shall be as follows:

- (1) general characteristics
 - (i) feedstock
 - (ii) maturity
 - (iii) organic matter
 - (iv) weed seeds/liter

- (v) density
- (vi) solids
- (vii) CN ratio
- (viii) pH; and
- (ix) conductivity
- (2) nutrients
 - (i) total nitrogen (N)
 - (ii) total phosphorous (P)
 - (iii) total potassium (K)
 - (iv) total Calcium (Ca)
 - (v) total magnesium (Mg)
- (3) metals
 - (i) copper
 - (ii) iron
 - (iii) zinc
 - (iv) arsenic; and
 - (v) cadmium
- (e) Analytical test results supporting compost characteristics stated for composted animal manure, composted vegetable manure and composted animal bedding, for which plant nutrient claims are made, shall be filed with the department with any license application and prior to the distribution of such products. The values of such compost characteristics may be stated as average values based upon such analytical test results. Analytical tests shall be conducted using the methods in Test Methods for the Examination of Composting and Compost, edited by Wayne H. Thompson and published August 12, 2001 by the United States Department of Agriculture, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 and the Composting Council Research and Education Foundation, 4250 Veterans Memorial Highway, Suite 275, Holbrook, NY 11741 or equivalent methods. Copies of Test Methods for Examination of Composting and Compost are maintained at the Department of Agriculture and Markets, Division of Plant Industry, 10B Airline Drive, Albany, NY 12235, and at the New York State Department of State, 41 State Street, Albany, NY 12231 and are available for public inspection and copying during regular business hours.

153.2. Plant nutrients in addition to nitrogen, phosphate and potash.

(a) Other plant nutrients when mentioned in any form or manner shall be guaranteed. Guarantees shall be made on the elemental basis. Sources of the elements guaranteed and proof of availability shall be provided to the department upon request. Except guarantees for those water soluble nutrients labeled for ready to use foliar fertilizers, ready to use specialty liquid fertilizers, hydroponic or continuous liquid feed programs and guarantees for potting soils, the minimum percentages which may be guaranteed are as follows:

<u>Element</u>	<u>Percentage</u>
Calcium (Ca).....	1.00
Magnesium (Mg).....	0.50
Sulfur (S).....	1.00

Boron (B)	0.02
Chlorine (Cl)	0.10
Cobalt (Co).....	0.0005
Copper (Cu)	0.05
Iron (Fe)	0.10
Manganese (Mn)	0.05
Molybdenum (Mo).....	0.0005
Nickel (Ni).....	0.0010
Sodium (Na).....	0.10
Zinc (Zn)	0.05

Guarantees or claims for the above listed plant nutrients are the only ones which will be accepted. Labels and directions for the use of the fertilizer shall be furnished with the application for license and upon request. Any of the above listed elements which are guaranteed shall appear in the order listed immediately following guarantees for the primary nutrients of nitrogen, phosphate and potash. Warning or caution statements are required on the label for any product which contains 0.03 percent or more of boron in a water soluble form or 0.001 percent or more of molybdenum. In the case of such boron content, the warning or caution statement shall be conspicuously displayed, shall state the crop or crops for which the fertilizer is to be used, and state that the use of the fertilizer on any other than those recommended may result in serious injury to said crop; in the case of such molybdenum content, the warning or caution statement shall be conspicuously displayed, shall state the crop or crops for which the fertilizer is to be used, shall state that the use of the fertilizer on any other than those recommended may result in serious injury to said crop and further state that the application of fertilizers containing molybdenum may result in forage crops containing levels of molybdenum which are toxic to ruminant animals. No claims or guarantees shall be made for any commercial fertilizer except for the elements set forth above.

(b) When any plant nutrient guaranteed is broken down into the component forms, the percentage for each component shall be shown before the name of the form, for example, “4% Nitrate Nitrogen”.

153.3. Specialty fertilizer label requirements.

In addition to the label requirements of section 145 of the law, the label of any specialty fertilizer shall conform to the following:

(a) No specialty fertilizer bearing a label which indicates or implies the presence of a long lasting or slowly available plant nutrient shall be distributed in this state unless the nutrient source or sources are identified.

(b) No specialty fertilizer bearing a label which indicates or implies that the nitrogen contained therein is long lasting or slowly available shall be distributed in this State unless the percentage of water insoluble nitrogen contained therein is expressed and guaranteed, and is not less than 15 percent of the total nitrogen guaranteed.

(c) No specialty fertilizer bearing a label which indicates or implies organic nitrogen content shall be distributed in this State unless at least 60 percent of the guaranteed organic nitrogen contained therein is water insoluble nitrogen.

153.4 Licensing period.

The annual licensing period as provided for by section 146 of the law shall be the calendar year. All licenses issued during each license period shall expire on December 31 of that year.

153.5. Method of sampling and analysis.

Any sampling and analysis as provided for by the law shall be in accordance with methods of sampling and analysis generally accepted in the scientific community. The methods of sampling and analysis set forth in the Official Method of Analysis of the Association of Official Analytical Chemists, 11th Edition, 1970, and as such methods may hereafter be revised, shall be prima facie evidence of such generally accepted standards.

153.6. Analytical tolerances.

(a) Any commercial fertilizer shall be deemed deficient if the analysis of any primary nutrient is below the guarantee by an amount exceeding the values in the following schedule:

Guarantee Percent	Nitrogen Percent	Available Phosphoric Acid Percent	Potash Percent
4 or less	0.49	0.67	0.41
5	0.51	0.67	0.43
6	0.52	0.67	0.47
7	0.54	0.68	0.53
8	0.55	0.68	0.60
9	0.57	0.68	0.65
10	0.58	0.69	0.70
12	0.61	0.69	0.79
14	0.63	0.70	0.87
16	0.67	0.70	0.94
18	0.70	0.71	1.01
20	0.73	0.72	1.08
22	0.75	0.72	1.15
24	0.78	0.73	1.21
26	0.81	0.73	1.27
28	0.83	0.74	1.33
30	0.86	0.75	1.39
32 or more	0.88	0.76	1.44

For guarantees not listed, the appropriate values shall be calculated by interpolation.

(b) Any commercial fertilizer shall be deemed deficient if the analysis of any secondary or minor elements is below the guarantee by an amount exceeding the values in the following schedule:

Element		Allowable Deficiency
Calcium	0.2	unit + 5% of guarantee
Magnesium	0.2	“ + 5% “ “
Sulfur	0.2	“ + 5% “ “
Boron	0.003	“ + 15% “ “
Cobalt	0.0001	“ + 30% “ “
Molybdenum	0.0001	“ + 30% “ “
Chlorine	0.005	“ + 10% “ “
Copper	0.005	“ + 10% “ “
Iron	0.005	“ + 10% “ “
Manganese	0.005	“ + 10% “ “
Sodium	0.005	“ + 10% “ “
Zinc	0.005	“ + 10% “ “

The maximum allowance when calculated in accordance with the above values shall be one unit (1%).

153.7. Tonnage reports.

In accord with section 146-c of the law, each licensee who distributes commercial fertilizer in this State shall furnish the commissioner with a written report for the period January 1st through December 31st of each year indicating the tonnage distributed during that period on forms or in a format prescribed by the commissioner. Said report shall be filed within 30 days of the end of the reporting period.

PART 154

AMMONIUM NITRATE SECURITY

Section

154.1. Definitions

154.2. Registration

154.3. Security Measures

154.4. Records

Sec. 154.1. Definitions.

For the purposes of this Part the following terms shall have the following meanings:

- (a) *Ammonium nitrate* means chiefly the ammonium salt of nitric acid. It shall not contain less than 33 percent nitrogen, one-half of which is the ammonium form and one-half of which is the nitrate form.
- (b) *Regulated ammonium nitrate materials* shall mean fertilizer product in solid form, comprising a mixture of components, one of which is ammonium nitrate, in circumstances where the nitrogen content derived from ammonium nitrate is more than 28 percent of the material by weight.
- (c) *Ammonium nitrate retailer* means any person or entity in this state that sells, offers for sale, or otherwise makes available, ammonium nitrate or regulated ammonium nitrate materials.

154.2. Registration.

- (a) No person or entity in this State shall sell, offer for sale or otherwise make available ammonium nitrate or ammonium nitrate materials unless registered annually with the commissioner. Application for registration shall be made by completing and submitting the following form to the commissioner, together with an annual registration fee of \$50, provided, however, that retailers who pay fees under this article shall be exempt from such fee.
- (b) Every person or entity selling, offering for sale or otherwise making available ammonium nitrate or ammonium nitrate materials shall post and display at all times their registration certificate in a conspicuous place in the room where such business is carried on so that all persons visiting such place may readily see the same.

154.3. Security measures.

Ammonium nitrate and regulated ammonium nitrate materials, while at all facilities whose owners and/or operators are required to be registered, shall be secured to provide reasonable protection against vandalism, theft or other unauthorized access. Such measures shall include, but not be limited to, ensuring that storage facilities are fenced or otherwise enclosed and locked when unattended and are inspected daily for signs of attempted entry, vandalism and structural integrity. An ongoing process of inventory control for ammonium nitrate and regulated ammonium nitrate materials stored at the facility shall be established and maintained.

154.4. Records.

- (a) Persons and entities required to be registered shall make and maintain, for a minimum of two years, a record in the following format for every sale of ammonium nitrate and regulated ammonium nitrate materials:

**RECORD OF THE SALE OF AMMONIUM NITRATE
AND REGULATED AMMONIUM NITRATE MATERIALS
REQUIRED PURSUANT TO AGRICULTURE AND MARKETS LAW
SECTION 146-f and 1 NYCRR PART 154**

Date of Sale: _____

Seller Information

Registration No.: _____

Name of Seller: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____

Name of Person Making Sale: _____

Purchaser Information

Name of Purchaser: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ Date of Birth: _____

Name of Person Making Purchase: _____

Identification Presented and Examined

Valid Driver's License

Non-driver Identification Card

License Number: _____

Card Number: _____

License or Card Issued by:

New York State Commissioner of Motor Vehicles

Federal Government. Specify agency: _____

State Government, Commonwealth, Possession or Territory of the United States.

Specify: _____

Provincial Government of Canada. Specify: _____

Other Forms of Identification:

Valid U.S. Passport Number: _____

U.S. Military Identification Number: _____

Ammonium Nitrate and Regulated Ammonium Nitrate Material Sold

Brand Name: _____

Quantity Purchased (in pounds): _____

Form: Bulk Packaged: Number and Individual Weight: _____

Describe Intended Use: _____

Important: New York State Agriculture and Markets Law section 146-f and the regulations promulgated pursuant thereto, 1 NYCRR Part 154, require that this record be made for every sale of ammonium nitrate and regulated ammonium nitrate materials. This record must be made by the person or entity making the sale and must be maintained for a minimum of two years. Access to this record must be provided to officers and employees of the New York State Department of Agriculture and Markets and the New York State Office of Homeland Security.

- (b) Forms of identification. Acceptable forms of identification are a valid driver's license or non-driver identification card issued by the New York State Commissioner of Motor Vehicles, the Federal government, a state government, commonwealth, possession or territory of the United States or a provincial government of Canada; a valid passport of the United States or any other country; or valid United States military identification.
- (c) Access to records. Persons and entities selling ammonium nitrate and regulated ammonium nitrate materials shall provide officers and employees of the New York State Department of Agriculture and Markets and the New York State Office of Homeland Security with access to records of such sales.