

NOTICE OF PROPOSED RULE

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

DIVISION OF AGRICULTURAL ENVIRONMENTAL SERVICES

BUREAU OF COMPLIANCE MONITORING

RULE TITLE:

RULE NO.:

Commercial Values for Penalty Assessments

5E-1.016

PURPOSE AND EFFECT: The purpose of this rule is to provide the most recent market prices of fertilizer components to be used for penalty assessments of deficient fertilizer.

SUMMARY: Rule 5E-1.016 updates the most recent market prices of fertilizer components to be used for penalty assessments of deficient fertilizers.

SUMMARY OF ESTIMATED REGULATORY COST: No SOERC has been prepared. Any person who wishes to provide information regarding the SOERC, or to provide for a lower cost regulatory alternative, must do so within 21 days of this notice.

SPECIFIC AUTHORITY: 576.181 (2), 570.07 (23) F.S.

LAW IMPLEMENTED: 576.051(2) (2) (7), 576.061, 576.071, 576.181F.S.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A RULE HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

DATE AND TIME: June 16, 2006, at 9:00 a.m.

PLACE: Agricultural Environmental Services Conference Room, 3125 Conner Blvd., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Dale W. Dubberly, Chief, Bureau of Compliance Monitoring, Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Building # 8, Tallahassee, Florida 32399-1650 (850) 488-8731.

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-1.016 Commercial Values for Penalty Assessments.

The commercial values used in assessing penalties for plant nutrient deficiencies are determined by the annualized average market prices published by the Green Markets Publication (effective 3/27/06), ~~Chemical Market Reporter Publication (effective 8-13-01)~~ which is hereby incorporated by reference. Commercial Values not provided in Industry Publications will be established thru survey approved by the Fertilizer Technical Council. Copies may be obtained from the Green Markets, 1010 Wayne Avenue, Suite 1400, Silver Spring, MD 20910 USA. ~~Chemical Market Reporter, 307 Southgate Court, Brentwood, TN 37027.~~ This rule shall be reviewed annually.

(1) PRIMARY PLANT NUTRIENTS.

	Guaranteed	Commercial Values	
	as	(Per unit*)	
Total Nitrogen	N	<u>\$ 8.14</u>	\$ 5.49
Nitrate Nitrogen	N	<u>7.80</u>	5.39
Ammoniacal Nitrogen	N	<u>6.32</u>	4.60
Water Soluble or			
Urea Nitrogen	N	<u>5.17</u>	4.81
Slow Release Nitrogen			
(from other SRN sources)	N	<u>13.48</u>	14.48
Water Insoluble Nitrogen	N	<u>13.29</u>	12.32
Available Phosphorus	P ₂ O ₅	<u>4.90</u>	3.55
Slow Release Phosphate	P ₂ O ₅	19.10	19.10
Potassium (from Muriate)	K ₂ O	<u>3.00</u>	2.21
Slow Release Potassium	K ₂ O	<u>14.78</u>	15.04
Potassium (from any			
source other than Muriate or a			
combination of sources)	K ₂ O	<u>6.74</u>	4.31

(2) SECONDARY PLANT NUTRIENTS.

	Guaranteed	Commercial Values	
	as	(per unit*)	
Total and water Soluble			
Magnesium (from any source)	Mg	\$6.53	\$6.53
Manganese (from sulfate)	Mn	<u>19.78</u>	15.89
Manganese (from Sucrate)	Mn	<u>16.44</u>	11.25
Manganese (from chloride)	Mn	6.10	6.10
Manganese (from oxide)	Mn	<u>9.35</u>	6.27
Manganese (from chelate in group 1**)	Mn	215.50	215.50
Manganese (from chelate in group 2**)	Mn	70.90	70.90
Copper (from sulfate)	Cu	<u>62.03</u>	36.52
Copper (from chloride)	Cu	22.15	22.15
Copper (from oxide)	Cu	19.25	19.25
Copper (from chelate in group 1**)	Cu	156.00	156.00
Copper (from chelate in group 2**)	Cu	113.20	113.20
Zinc (from sulfate)	Zn	<u>21.68</u>	17.94
Zinc (from sucrate)	Zn	14.20	14.20
Zinc (from chloride)	Zn	18.45	18.45
Zinc (from oxide)	Zn	<u>12.98</u>	9.92
Zinc (from chelate in group 1**) Zn		188.00	188.00
Zinc (from chelate in group 2**) Zn		65.00	65.00
Iron (from sulfate)	Fe	<u>14.51</u>	12.88

Iron (from sucrate)	Fe	<u>8.67</u>	6.18
Iron (from humate)	Fe	16.11	16.11
Iron (from oxide)	Fe	<u>4.94</u>	3.88
Iron (from chelate in group 1**) Fe		<u>248.67</u>	244.96
Iron (from chelate in group 2**) Fe		82.00	82.00
Aluminum	Al	14.42	14.42
Sulfur (free)	S	<u>3.50</u>	2.55
Sulfur (combined)	S	<u>2.27</u>	2.21
Boron	B	<u>38.95</u>	33.74
Molybdenum	Mo	<u>222.22</u>	198.80
Cobalt	Co	89.90	89.90
Calcium (from any source)	Ca	<u>.79</u>	.71
(3) DOLOMITE and LIMESTONE (when sold as material).			
Magnesium	MgCO ₃	.18	.18
Calcium	CaCO ₃	.09	.09

(4) CALCIUM SULFATE (land plaster, gypsum) (when sold as material).

Calcium	CaSO ₄	.30	.30
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*A "Unit" of plant nutrient is one percent (by weight) of a ton or 20 pounds.

**Chelates in "group 1" have aminopolycarboxylic acids, such as EDTA, HEDTA, DTPA and NTA, or related compounds as chelating agents. Chelates in "group 2" have chelating agents other than those in group 1.

Specific Authority 576.181(2), 570.07(23) FS.

Law Implemented 576.051(2), (3), (7), 576.061, 576.071, 576.181 FS.

History New 1-23-67, Amended 10-22-68, 11-20-69, 10-22-70, 3-9-74, 6-28-74, 10-25-74, 7-6-76, 7-26-77, 7-22-79, 4-23-80, 10-27-80, 10-18-81, 2-16-84, 12-2-85, Formerly 5E-1.16, Amended 11-16-86, 10-8-87, 9-26-88, 11-19-89, 3-28-91, 2-25-92, 8-3-93, 7-12-94, 10-25-98, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Dubberly, Chief, Bureau of Compliance Monitoring, Division of Agricultural Environmental Services.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:
Anderson Rackley, Director, Division of Agricultural Environmental Services.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 31, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2006.

STATEMENT OF JUSTIFICATION

The department is required by statute to determine and review annually commercial values used in assessing penalties.

SUMMARY OF THE RULE

Rule 5E-1.016 establishes commercial values used in assessing penalties for plant nutrient deficiencies based on the most recent survey of market prices conducted by the department.

FEDERAL STANDARDS STATEMENT

A federal rule on the same subject as this rule does not exist.

RESULT OF HEARING