

STATUTORY INSTRUMENT

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THE NATIONAL FERTILIZER REGULATIONS, 2020.

ARRANGEMENT OF REGULATIONS

Regulations.

PART I - PRELIMINARY

1. Definitions.
2. Object.
3. Application.

PART II - FERTILIZER REGULATORY SYSTEM

4. Units of Agency.
5. Methods of inspection, sampling and analysis of fertilizer.
6. Inspection procedure.
7. Stop sale order, stop removal order, etc.
8. Analysis report and certificate.
9. fertilizer quality control.
10. Import and export regimes.
11. Application for licence to manufacture or import fertilizer.
12. Application for licence to distribute or retail fertilizer.
13. Grant of licence.
14. Refusal of licence.
15. Validity and renewal of licence.
16. Suspension or revocation of licence.
17. Appeal.

ii

PART III - FERTILIZER REGISTER, TRANSPORTATION, STORAGE, ETC

18. fertilizer register.
19. Transportation of fertilizer.
20. Warehousing and storage of fertilizer.
21. Labelling.

PART IV - HARMFUL SUBSTANCES

22. Information for harmful substances.
23. Minimum percentage of nutrients claimable.
24. Plant nutrient guarantee.
25. Maximum allowable heavy metal limits.
26. Maximum allowable variation of primary nutrient content.
27. Maximum allowable variation of secondary and micro nutrient content.

PART IV - OFFENCES AND PENALTIES

28. Tonnage reports.
29. Plant nutrient deficiency.
30. Adulteration.
31. Misbranding.
32. Short weight.
33. Obstructing or misleading inspectors.
34. Corporate penalties.
35. Appeal.

PART V - MISCELLANEOUS

36. Fees.

PART V- MISCELLANEOUS

- Fees. 36. The Agency shall prescribe the fees for -
- (a) renewal of licensing of fertilizer manufacturers, importers and distributors;
 - (b) late application for renewal of licences;
 - (c) late submission for tonnage reporting;
 - (d) inspection of fertilizer; and
 - (e) analysis of fertilizer samples.

MADE this *day of January, 2020.*

DENNIS K. VANDI

Minister of Agriculture and Forestry

FREETOWN,
SIERRA LEONE.

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**The National Fertilizer Regulatory Agency Act, 2018
(Act No. 4 of 2018)**

THE NATIONAL FERTILIZER REGULATIONS, 2020

Short title.

In exercise of the powers conferred on the Minister by Section 28 of the National Fertilizer Regulatory Agency Act, 2018, the Minister hereby makes the following Regulations.

PART I- PRELIMINARY

1. In these Regulations, unless the context otherwise requires Definitions

"Agency" means the National Fertilizer Regulatory Agency established under section 2 of the National Fertilizer Regulatory Agency Act, 2018 (Act No. 4 of 2018);

"analysis" means the percentage composition of a fertilizer product expressed in terms required and permitted in the Economic Community of West African States region;

"bio solid" means any fertilizer resulting from the treatment of domestic sewage;

"Board" means the National Fertilizer Regulatory Agency Board established under section 2 of the National Fertilizer Regulatory Agency Act, 2018;

"brand" means any term, design, or trademark used in connection with one or several grades of fertilizer ;

"bulk" refers to any fertilizer delivered to a purchaser either in solid or liquid state in a non-package form to which a label cannot be pasted;

"Commission" means the Commission of Economic Community of West African States;

"competent authority" means the National fertilizer Regulatory Agency;

"complex fertilizer" means any fertilizer having at least 2 primary plant nutrients such as di-ammonium phosphate (DAP) and nitrogen phosphorus potassium (NPK) obtained by chemical reaction;

"dealer or agro-dealer or distributor" means any person who is authorised to carry on the business of selling fertilizers to the farmers in wholesale or retail, including a manufacturer, blender and an importer;

"Economic Community of West African States" means the regional political and economic union of 15 countries created by the Treaty of Lagos on May 28, 1975, to promote cooperation and integration in order to promote economic growth and development in West Africa;

"fertilizer" means any substance which is intended to be used as a nutrient source to crops for increasing agricultural productivity and production;

"Fertilizer Analysis Manual" means the compendium of provisions describing the modalities and procedures for carrying out the analysis of fertilizers under these Regulations;

"fertilizer blend" means any fertilizer derived from dry mixing of granule, perils or chips, without chemical reaction, to produce a multi-nutrient fertilizer of a required nutrient analysis;

"fertilizer inspector" means a person appointed or designated and notified under these Regulations to draw official samples of fertilizers, to get their quality tested in a laboratory identified for this purpose, to inspect the fertilizer records being maintained by

manufacturers, blenders, importers and distributors, and to launch prosecution against the violators of any of these Regulations;

"Fertilizer Inspection Manual" means the compendium of provisions describing the modalities and procedures for carrying out the inspection and quality control of fertilizers under these Regulations;

"grade of fertilizer" means any combination of nutrients specified in a fertilizer in whole numbers and in the same terms, order, and percentages as in the guaranteed analysis such as NPK 15-15-15 or NPK 20-20-0;

"guaranteed analysis" means the minimum percentage of all plant nutrients stated on the label;

"importer" means a person or body duly authorised to import fertilizer into Sierra Leone;

"inspection manual" or "fertilizer inspection manual" means the compendium of provisions describing the modalities and procedures for carrying out the inspection and quality control of fertilizer under these Regulations;

"label" means -

- (a) a legend, word, mark, symbol, or design applied or attached to, included in, belonging to, or accompanying any fertilizer, supplement, or container;
- (b) an advertisement, brochure, poster; or
- (c) a television, radio, internet announcement,

used in promoting the sale of fertilizer ;

"laboratory" means a fertilizer analysis facility identified or established in Sierra Leone and specified under these Regulations for carrying out fertilizer analysis in accordance with the methods specified in the Fertilizer Analysis Manual;

"licence" means a licence granted under Regulation 13 authorising a person to retail or distribute fertilizer;

"licensee" means a person who has obtained a licence under these Regulations authorising him to retail or distribute fertilizer;

"licensing authority" means the appropriate authority in a member state designated for granting a licence for selling fertilizer;

"liquid fertilizer" means a fluid in which the plant nutrients are in true solution;

"manufacturer" means a person or body duly authorised to produce or blend fertilizer in accordance with these Regulations;

"member state" means a country in West Africa that is a member of the Economic Community of West African States;

"micronutrient" means any of the following nutrients that is essential for the normal growth of plants and that may need to be added to the growth medium: boron, chlorine, cobalt, copper, iron, manganese, molybdenum, sodium and zinc;

"Minister" means Minister responsible for agriculture and Ministry shall be construed accordingly;

"National Fertilizer Regulatory Agency" means the National Fertilizer Regulatory Agency established under section 2 of the National Fertilizer Regulatory Agency Act, 2018;

"natural organic fertilizer" means a fertilizer derived from non-synthetic organic material including sewage sludge, animal manures, plant residues, household refuse, and agro- industrial waste which are produced through the process of drying, cooking, composting, chopping, grinding, fermenting, or other methods and makes a declaration of nutrient value on the label. Such fertilizer shall not be mixed for retail or distribution with synthetic material or changed in any physical or chemical manner;

"nutrient content" means the percentage of a plant food in fertilizer that is recognised as essential for plant growth and as determined by laboratory analysis;

"official sample" means a sample of fertilizer taken by a fertilizer inspector;

"person" means an individual, partnership, association, firm, or corporation;

"primary nutrient" means any plant foods such as nitrogen (N); available phosphoric acid (P₂O₅) or phosphorus (P); and soluble potash (K₂O) or potassium (K);

"secondary nutrient" means any of the following nutrients that is essential for the normal growth of plants and that may need to be added to the growth medium: calcium, magnesium, and sulfur;

"single nutrient fertilizer" means any fertilizer having one primary plant nutrient such as urea, ammonium sulfate, superphosphate, muriate of potash and sulfate of potash;

"tolerance" means the permitted deviation of the measured values of a nutrient content or the bag weight below the values claimed on the label, or the maximum allowable heavy metal limits in a fertilizer ;

"trade" means to sell, possess in order to sell, offer for sale or any other disposal, supply or transfer of fertilizer for commercial purpose, be it for a fee or not;

"West African Committee for Fertilizer Control" means the Committee established by Article 9 of Regulation C/REG.13/12/12 relating to fertilizer quality control in the Economic Community of West African States.

Object.

2. The object of these Regulations is to -
- (a) safeguard the interests of the farmers against nutrient deficiencies, adulteration, misleading claims, and short weight;
 - (b) safeguard the interests of fertilizer enterprises and contribute to the creation of an enabling environment for private sector investment in the fertilizer industry;
 - (c) protect the people, animals, plants and the environment of Sierra Leone against the potential dangers associated with inappropriate fertilizer use; and
 - (d) facilitate national and regional trade in fertilizers, through implementation of principles and rules mutually agreed in the Economic Community of West African States region to dismantle trade barriers.

3. These Regulations shall apply to all fertilizer-related Application. activities, including -

- (a) registration and licensing of dealers in fertilizer ; and
- (b) storage and sale of fertilizer locally manufactured, blended, or imported into Sierra Leone.

PART II - FERTILIZER REGULATORY SYSTEM

4. There shall be such units or departments within the Agency Units of Agency. as may be necessary for the performance of its functions including -

- (a) Administrative Service Unit;
- (b) Inspection Service Unit; and
- (c) Analytical Service Unit.

5. (1) The methods of inspection, sampling, sample preparation and analysis of fertilizer employed by the Agency shall be as specified in the Fertilizer Analysis Manual and the Fertilizer Inspection Manual and approved by the Minister. Methods of inspection, sampling and analysis of fertilizer.

(2) Notwithstanding sub-regulation (1), the Minister may, by statutory instrument, adopt other methods of inspection, sampling, sample preparation and analysis of fertilizer in respect of which improved applicability has been demonstrated.

(3) Where other methods of inspection, sampling, sample preparation and analysis of fertilizer is adopted by the Minister under sub-regulation (1), the Chairman of the Board of Agency shall inform the West African Committee for Fertilizer Control of such appropriate additional methods adopted by the Minister under sub-regulation (1), for harmonisation purposes.

(4) The Minister shall designate and authorise laboratories that may perform official analysis on fertilizer samples.

(5) The analysis of fertilizer samples under sub-regulation (4) shall be conducted within 30 working days from the date the fertilizer samples were taken and the registrant issued a laboratory report.

(6) The Agency shall retain all officially analysed laboratory samples for a maximum of 90 days from the date of the issuance of the laboratory report.

Inspection procedure.

6. (1) An inspector shall take samples of fertilizer for the purpose of analysis under Regulation 5 and he shall -

- (a) inform the owner of the fertilizer of the purpose for taking the samples;
- (b) divide the sample into 3 parts and indicate on the samples as follows -
 - (i) the owner's sample;
 - (ii) the main sample;
 - (iii) the reference sample; and
- (c) seal each sample in a manner that it cannot be opened without breaking the seal;
- (d) deliver -
 - (i) the owner's sample to the owner;
 - (ii) the main sample to the designated laboratory; and
 - (iii) deliver the reference sample to the Executive-Director of the Agency.

(2) An inspector shall, together with the owner of fertilizer sign each of the sealed samples.

(3) The Agency shall, where the inspection reveals after analysis that the fertilizer sample -

- (a) meets the requirements specified in these Regulations, immediately release the fertilizer to the owner;
- (b) does not meet the requirements specified in these Regulations, -
 - (i) hold the fertilizer until the owner of the fertilizer complies with the requirements of these Regulations; or
 - (ii) issue an order for the disposal of the fertilizer in such manner as may be determined by the Minister.

(4) Where an inspection after analysis under sub-regulation (3) reveals that a fertilizer sample does not meet the requirements specified in these Regulations, the owner of the fertilizer may appeal to the Agency in writing within 15 days after receipt of the notice of the results of the analysis.

(5) The Agency shall, within 14 days after the receipt of the appeal under sub-regulation (4), forward the reference sample of the fertilizer to a referral laboratory and the cost of the analysis shall be borne by the appellant.

(6) A person who is not satisfied with the result of an analysis of a referral laboratory may within 30 days after being informed of the decision, apply to the High Court for a review.

(7) A manufacturer, importer or distributor of fertilizer shall pay inspection fees to the Agency at the point of entry for every ton of fertilizer distributed in Sierra Leone.

(8) A person who imports raw materials into Sierra Leone to produce finished fertilizer products shall not pay inspection fees but shall pay inspection fees on the finished fertilizer products from imported raw materials.

(9) A manufacturer, importer or distributor of fertilizer who fails to pay the inspection fees commits an offence and is liable on conviction to a fine of not less than Le 7, 000, 000. 00 or to a term of imprisonment of not less than 5 years or to both such fine and imprisonment.

Stop sale order, stop removal order, etc.

7. (1) Where an inspector finds a fertilizer lot offered for sale to be in violation of these Regulations, he shall immediately issue a stop sale order, stop use order or stop removal order to the owner or custodian of that fertilizer and seize the fertilizer .

(2) An inspector may affix to the lot a warning tag that states how the lot is held.

(3) A seized fertilizer under sub-regulation (1) shall be kept by the inspector having custody of it and shall not be moved or used except under the specific directions of the Agency pending a final disposition.

(4) Sub regulation (3) does not prevent a person having custody of the fertilizer from performing his duty.

(5) Where a sample is taken from the seized fertilizer, it shall be divided into 3 parts, one part given to the owner, other part lodged at the Agency and the other part kept for analysis.

(6) The Agency shall release the seized fertilizer and remove the hold order-

- (a) if the report of the analysis by a designated laboratory proved not to be in violation of the provisions of these Regulations; or

- (b) after the owner of the fertilizer has complied with requirements in these Regulations or specific directions from the Agency and has paid all the costs and expenses incurred in connection with the stop sale order, stop use order or stop removal order.

(7) Where the seized fertilizer is found to be in violation of these Regulations, the Agency shall-

- (a) continue to seize it until the requirements of these Regulations have been complied with; or
- (b) issue orders for the disposal of the seized fertilizer in a manner specified by the Minister.

(8) A person who has interest over the seized fertilizer may appeal to the Agency in writing against the outcome of the analysis within 15 days after receiving the report of the designated laboratory.

(9) On receipt of the appeal, the Agency shall submit the reference sample of the fertilizer for analysis at a reference laboratory chosen by the appellant.

(10) The cost of the sampling and analysis shall be borne by the appellant.

(11) The results of the analysis shall be submitted to the Agency within 60 days after receipt of the sample and the Agency shall within 72 hours notify the appellant of the acceptance or rejection of the appeal.

8. (1) Where a sample of fertilizer is taken for the purpose of analysis report and under Regulation 5, the Agency shall issue a laboratory analysis a certificate of analysis to an applicant, within 30 days. Analysis report and certificate.

(2) A certificate issued under sub-regulation (1) shall be signed by the supervisor of the laboratory and shall state that the results of the analysis is prima facie evidence that the sample was -

- (a) taken from the lot described in the inspection report;
- (b) taken according to the methods described; and
- (c) analysed by the methods prescribed.

(3) A laboratory analysis report and a certificate of analysis under sub-regulation (1), shall be subject to such fees as may be prescribed by the Agency.

Fertilizer
quality
control.

9. (1) The modalities and procedures for fertilizer inspection shall be as specified in the Fertilizer Inspection Manual including -

- (a) fertilizer sampling methods; and
- (b) the prescribed forms to be used in fertilizer business and inspection.

(2) The modalities and procedures for fertilizer analysis shall be as specified in the fertilizer Analysis Manual including -

- (a) the receipt and preparation of fertilizer samples;
- (b) the analysis of fertilizer samples;
- (c) the types of laboratory analysis required for fertilizer samples; and
- (d) the prescribed forms to be used in fertilizer analysis.

10. (1) A person who imports or exports fertilizer shall provide to the Agency all information on the appropriate form including - Import and export regimes.

- (a) name and address of the importer or exporter;
- (b) name and address of the consignee;
- (c) type of fertilizer ;
- (d) quantity of fertilizer;
- (e) country of origin;
- (f) materials safety data sheet;
- (g) declared point of exit;
- (h) country of destination; and
- (i) any other information that the Agency may require.

(2) A person may import fertilizer of any type for local use if at the time of importation, that person makes a declaration to the Minister or a person authorised by the Minister for that purpose, that the fertilizer is for -

- (a) personal use; or
- (b) experimental purposes only.

(3) A fertilizer manufactured locally may be exported.

11. (1) A person who intends to manufacture or import fertilizer into to Sierra Leone shall apply to the Agency for a licence for that purpose. Application for licence to manufacture or import Fertilizer.

(2) An application for a licence under sub-regulation (1) shall be accompanied by an application fee and shall be in such form as may be prescribed by the Agency including details of -

- (a) the name, telephone number, email address and address of the applicant;
- (b) the name, telephone number, email address and address of each of the applicant's distribution points in Sierra Leone;
- (c) the description of the business premises of the applicant;
- (d) the evidence of registration of business; and
- (e) any other information that the Agency may require.

(3) The Agency shall, on receipt of an application under sub-regulation (1), notify the applicant, within 14 days from the date of receipt of the application.

Application for licence to distribute or retail fertilizer.

12. (1) A person who intends to carry on the business of distributing or retailing fertilizer shall apply to the Agency for a licence for that purpose.

(2) An application for a licence under sub-regulation (1) shall be accompanied by an application fee and shall be in such form as may be prescribed by the Agency including details of -

- (a) the name, telephone number, email address and address of the applicant;
- (b) the name, telephone number, email address and address of the distribution points of the applicant;
- (c) the description of the business premises of the applicant;
- (d) the evidence of registration of business; and
- (e) any other information that the Agency may require.

(3) The Agency shall, on receipt of an application under sub-regulation (1), notify the applicant within 14 days from the date of receipt of the application.

13. (1) The Agency may grant a licence to an applicant to manufacture or import fertilizer in accordance with Regulation 11 or to carry on the business of distributing or retailing fertilizer in accordance with Regulation 12 within 30 days from the date of receipt of the application. Grant of licence.

(2) A licence granted under sub-regulation (1) is not transferable.

(3) A person to whom a licence is granted under sub-regulation (1) shall -

- (a) notify the Agency, in writing, of any additional distribution points established after the granting of a licence; and
- (b) display the licence in a conspicuous place, at his business premises.

4) A manufacturer, importer or distributor of fertilizer who manufactures, imports or distributes fertilizer without a valid licence commits an offence and is liable on conviction to a fine not exceeding Le20, 000, 000. 00 or to a term of imprisonment not exceeding 12 months or to both such fine and imprisonment.

14. (1) The Agency may refuse an application for a licence to manufacture or import fertilizer made in accordance with Regulation 11 or to carry on the business of distributing or retailing fertilizer in accordance with Regulation 12 where it is satisfied that the- Refusal of licence.

- (a) applicant has been convicted of an offence under the Act or these Regulations within 3 years preceding the date of making the application;

- (b) a business partner of the applicant has been convicted of an offence under the Act or these Regulations;
- (c) applicant has been convicted of an offence under the Act or these Regulations and intends to register a new business with another name;
- (d) the application is not accompanied with the prescribed application fee;
- (e) the application is incomplete; or
- (f) the applicant fails to provide the information required under sub-regulations (2) of Regulations 11 and sub regulation 2 of Regulation 12.

(2) Where the Agency refuses an application under sub-regulation (1) it shall notify the applicant of the reasons for the refusal.

Validity and renewal of licence.

15. (1) A licence granted to an applicant under Regulation 13 shall be-

- (a) valid for 3 years; and
- (b) renewable every 3 years upon the payment of the prescribed renewal fees.

(2) A person who fails to renew his licence under paragraph (b) of sub-regulation (1) but continues to carry on the business for which the licence was granted, commits an offence and is liable on conviction to a fine of not less than Le10,000,000.00 or to a term of imprisonment of not less than 2 years or to both such fine and imprisonment.

16. (1) The Agency may suspend or revoke a licence granted under Regulation 13, where a licensee is convicted of an offence under the Act or these Regulations. Suspension or revocation of licence.

(2) Where the Agency suspends or revokes a licence under sub-regulation (1), it shall notify the licensee, in writing, of the reasons for the suspension or revocation.

(3) A licensee whose licence has been suspended or revoked but continues to carry on the business for which the licence was granted, commits an offence and is liable on conviction to a fine of not less than Le10,000,000.00 or to a term of imprisonment of not less than 2 years or to both such fine and imprisonment.

17. (1) A person aggrieved by a decision of the Agency under Regulations 14 and 16, may appeal to the Minister within 14 days on receipt of the notice. Appeal.

(2) The Minister shall on receipt of an appeal under sub-regulation (1), make a decision and communicate the decision to the aggrieved person within 30 days.

(3) A person who is not satisfied with the decision of the Minister, may within 14 days after being informed of the decision, apply to the High Court for a review of that decision.

PART III - FERTILIZER REGISTER, TRANSPORTATION, STORAGE, ETC

18. (1) The Agency shall maintain a Register of fertilizer manufactured, imported or distributed in Sierra Leone. Fertilizer register.

(2) The Register of fertilizer under sub-regulation (1) shall contain such information as may be prescribed including details of-

- (a) the types of fertilizer manufactured, imported or distributed in Sierra Leone;

- (b) the name, telephone, email address, addresses of principal places of business and other particulars of entities licensed as manufacturers, importers or distributors of fertilizer ; and
- (c) any other information that the Agency considers relevant or necessary.

Transportation of fertilizer.

19. A transporter of fertilizer shall ensure that the fertilizer is appropriately handled in a form that will not result in decline of its quality or damaged.

Warehousing and storage of fertilizer.

20. A person who stores fertilizer for sale or private use in a warehouse shall ensure that the-

- (a) warehouse is -
 - (i) waterproof, neat and tidy and well ventilated;
 - (ii) equipped with functional hygrometers, fire extinguishers and thermometers;
 - (iii) equipped with appropriate scales for weighing bagged fertilizer;
 - (iv) not accessible to children and unauthorised persons;
- (b) fertilizer stacks are stored and organised separately from foodstuffs, grains, kitchen utensils, pesticides, liquids or other chemicals; and
- (c) fertilizer is packed on pallets and kept off the walls in the warehouse to maintain the quality of the fertilizer .

21. (1) A manufacturer, importer or distributor of fertilizer shall affix on the fertilizer container a clearly legible and conspicuous label containing the following information in the English language- Labelling.

- (a) the grade;
- (b) the guaranteed analysis stating the minimum percentage in terms of content of -
 - (i) Total Nitrogen (N) ___%, of which
 - ___ % Ammoniacal Nitrogen
 - ___ % Nitrate Nitrogen
 - ___ % Water- insoluble Nitrogen
 - ___ % Urea Nitrogen
 - ___ % Other recognized and determinable forms of N;
 - (ii) Available Phosphate (P205) ___ %
 - (iii) Soluble Potash (K20) ___ %
 - (iv) Other nutrients on elemental basis ___ %
- (c) the net weight;
- (d) the sources of nutrients;
- (e) the name and address of manufacturer, importer or distributor; and
- (f) the date of manufacture, importation or distribution.

(2) The Agency shall, in determining whether a fertilizer sample contains less plant nutrients than stated on the label, be guided by the limits prescribed in the Economic Community of West African States Tolerance Limits Manual.

(3) Where the sources of nutrients are shown on the label, they shall be listed below the guaranteed analysis.

(4) Where the chemical forms of nitrogen are claimed, the forms shall be guaranteed in the format shown and the percentages of the individual form shall add up to the total nitrogen percentage.

(5) Where the licensee makes a claim with reference to the information that is specified on the label of a fertilizer, other than on the Nutrient Guarantee, the Agency may require that the licensee provides-

- (a) a testing program conducted by an accredited research institution; and
- (b) a laboratory procedure acceptable to the Agency for evaluating the claims.

(6) A packaged fertilizer product shall contain the minimum information required under sub-regulation (1) which shall be-

- (a) on the front or back of the package and shall occupy at least one-third of a side of the package; or
- (b) printed on a tag with a minimum dimension of 8 centimeters by 12 centimeters and attached to the package.

(7) A bulk fertilizer product shall contain the minimum information required under sub-regulation (1) which shall -

- (a) be in written or printed form;
- (b) accompany delivery and be supplied to the purchaser at the time of delivery; and
- (c) be accessible for inspection purposes.

(8) A manufacturer, a blender, an importer or an agro-dealer shall guarantee that label claims on fertilizer packaging is truthful and ensure that specification of the fertilizer product is well-defined.

PART IV - HARMFUL SUBSTANCES

22. (1) When ingredients of some fertilizer that are used on specific crops or in specific applications are deemed to be harmful to the growth of the plant, the maximum content of the potentially harmful substances shall be stated on the label as follows - Information for harmful substances.

- (a) when urea is labeled to be used as a foliar spray the biuret content shall be limited to 1.5 percent; or
- (b) when a fertilizer is labeled to be used on crops that are extremely sensitive to chloride, such as tobacco, that fertilizer shall have a maximum of 2.5 percent of chlorine.

(2) A manufacturer, importer or distributor of fertilizer shall include a caution statement on the label of any product that contains micronutrients -

- (a) when there is evidence that the micronutrients in excess of a particular percentage may be harmful to certain crops or grazing animals; or
- (b) where there is evidence that the micronutrients are in excess of a particular percentage may cause unusual environmental conditions.

(3) When the content of harmful substances exceeds the maximum guarantee stated on the label, the fertilizer shall be deemed adulterated.

Minimum percentage of nutrients claimable.

23. For Nitrogen (N), Phosphorus (P205) or Potassium (K20), the minimum percentage that may be guaranteed shall be one (1.0) of nutrients percent.

Plant nutrient guarantee.

24. (1) A manufacturer, importer or distributor of fertilizer shall guarantee that plant nutrients including nitrogen, phosphorus and potassium is contained in the fertilizer, when stated in any form or manner on the label.

(2) The minimum percentage of nutrients that may be guaranteed shall be 1.0 percent for Nitrogen (N), Phosphorus (P205) or Potassium (K20).

(3) Sources of the elements guaranteed under sub-regulation (1), and proof of availability shall be provided to the Agency on request.

(4) The minimum percentages of nutrients, other than nitrogen, phosphorus and potassium that may be guaranteed shall be as follows -

Order of Declaration	Nutrient	Minimum Percent Claimable
1	Calcium (Ca)	1.0000
2	Sulfur (S)	1.0000
3	Magnesium (Mg)	0.5000
4	Boron (B)	0.0200
5	Chlorine (Cl)	0.1000
6	Cobalt (Co)	0.0005
7	Copper (Cu)	0.0500
8	Iron (Fe)	0.1000
9	Manganese (Mn)	0.0500
10	Molybdenum (Mo)	0.0005
11	Sodium (Na)	0.1000
12	Zinc (Zn)	0.0500

(5) Guarantees or claims for the plant nutrients listed in sub-regulation (4) in addition to nitrogen, phosphorus and potassium or any other nutrient approved by the Agency are the only ones that will be accepted.

(6) When any of the elements listed in sub-regulation (4) are guaranteed, the licensed manufacturer, importer or distributor of fertilizer shall upon request, provide the Agency with a copy of the label and directions for the use of the fertilizer.

(7) The elements listed in sub-regulation (4) that are guaranteed shall appear in the order listed and shall immediately follow guarantees for the primary nutrients of nitrogen, phosphorus and potassium if present.

25. (1) The maximum allowable heavy metal limits in fertilizer products shall be determined based on the following table -

Maximum allowable heavy metal limits.

Heavy Metal	Multiplier ppm per % p ₂ ^o 5	ppm per % micro nutrients	Tolerance milligrams per kilogram of biosolids or compost product-dry- weight basis
Arsenic (As)	13	112	75
Cadmium (Cd)	10	83	85
Cobalt (Co)	136	2,228(a)	-
Copper (Cu)	-	-	4,300
Lead (Pb)	61	463	840
Mercury (Hg)	1	6	57
Molybdenum (Mo)	42	300(a)	75
Nickel (Ni)	250	1,900	420
Selenium (Se)	26	180	100
Zinc (Zn)	420	2,900(a)	7,500

* Shall be used only when the percentage of that particular micronutrient is not specified or guaranteed in the FERTILIZER label.

(2) For a fertilizer product with P205 guarantee and no micronutrient guarantee -

- (a) for each heavy metal, its maximum allowable concentration (ppm) in that product shall be determined by multiplying the percent guaranteed P205 of the product by the appropriate factor of that heavy metal in column 2 in the table in sub-regulation (1).
- (b) where the percent guaranteed P205 of the product is less than 6.0, then the multiplier shall be 6.0.

(3) For a fertilizer product with micronutrients guarantee and noP205 guarantee -

- (a) For each heavy metal, its maximum allowable concentration (ppm) in that product shall be determined by multiplying the sum of the guaranteed percentages of all micronutrients in the product by the appropriate factor of that heavy metal in column 3 in the table in sub-regulation (1).
- (b) where the sum of the guaranteed percentages of all micronutrients in the Product is less than 1.0 then the multiplier shall be 1.0.

(4) For a fertilizer product with both micronutrients and P205 guarantee, for each heavy metal, carry out separately the computation outlined in sub-regulations (2) and (3), and the maximum allowable concentration (ppm) of the heavy metal under consideration shall be the higher of the two resulting values.

(5) For a bio solid or compost product, the maximum allowable concentration of each heavy metal shall be the appropriate value of that heavy metal in column 4 of the table in sub-regulation (1).

26. (1) The maximum acceptable deviation of the measured values of a primary nutrient content below the values claimed on the label shall be the value in the following table-

Maximum allowable variation of primary nutrient content.

Type of fertilizer	Tolerance
(a) Single nutrient fertilizers:	
i) With up to 20% nutrient content	Maximum 0.3 unit.
ii) With more than 20% nutrient content	Maximum 0.5 unit.
(b)Complex fertilizers and NPK blends	Maximum 1.1 units for individual nutrients and maximum 2.5% for all nutrients combined.

(2) The total deviation for all nutrients combined shall be calculated from the addition of deviations for nutrients with contents lower than the label specification; compensation from nutrients with content higher than specified to balance deficiency of another nutrient shall not be allowed.

27. (1) The maximum acceptable deviation of the measured values of a secondary or a micro nutrient content below the values claimed on the label shall be the value in the following table -

Maximum allowable variation of secondary and micro nutrient content.

Secondary Nutrient	Tolerance
Calcium (Ca)	0.2 unit + 5% of guarantee
Sulfur (S)	0.2 unit + 5% of guarantee
Magnesium (Mg)	0.2 unit + 5% of guarantee

Micro Nutrient	Boron (B)	0.003 unit + 15% guarantee
	Cobalt (Co)	0.0001 unit + 30% guarantee
	Molybdenum (Mo)	0.0001 unit + 30% guarantee
	Chlorine (Cl)	0.005 unit + 10% guarantee
	Copper (Cu)	0.005 unit + 10% guarantee
	Iron (Fe)	0.005 unit + 10% guarantee
	Manganese (Mn)	0.005 unit + 10% guarantee
	Sodium (Na)	0.005 unit + 10% guarantee
	Zinc (Zn)	0.05 unit + 10% guarantee

(2) The maximum allowable variation when calculated in accordance with the above shall be one (1) unit (1 percent).

PART IV - OFFENCES AND PENALTIES

Tonnage reports.

28. (1) A manufacturer, importer or distributor of fertilizer shall submit to the Agency in January each year, an annual report stating the number of tons of a manufactured, imported or distributed fertilizer.

(2) A manufacturer, importer or distributor of fertilizer who fails to submit the annual tonnage report under sub-regulation (1), commits an offence and is liable on conviction to a fine not exceeding Le 20, 000, 000. 00 or to a term of imprisonment of not less than 5 years or to both such fine and imprisonment.

Plant nutrient deficiency.

29. (1) A manufacturer, importer or distributor of fertilizer shall not manufacture, import or distribute fertilizer which is plant nutrient deficient.

(2) For the purpose of these regulations a fertilizer is plant nutrient deficient if the analysis by an approved laboratory of an official sample shows that the fertilizer is deficient in one or more of its guaranteed plant nutrients beyond the maximum tolerance limits.

(3) A deficiency in an official sample of fertilizer resulting from non-uniformity is not distinguishable from a deficiency due to actual plant nutrient shortage and shall be properly subjected to official action.

(4) A manufacturer, importer or distributor of fertilizer who manufactures, imports or distributes fertilizer which is plant nutrient deficient, commits an offence and is liable on conviction to a fine not exceeding Le20, 000, 000. 00 or to a term of imprisonment not exceeding 12 months or to both such fine and imprisonment.

30. (1) A manufacturer, importer or distributor of fertilizer shall not distribute adulterated fertilizer. Adulteration.

(2) For the purpose of these Regulations, a fertilizer is adulterated if it contains -

- (a) deleterious or harmful ingredient in sufficient amount to render it injurious to 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 on the label;
- (b) heavy metal in excess of the maximum allowable limits; or
- (c) unwanted crop seed or weed seed or some spurious materials.

(3) A manufacturer, importer or distributor of fertilizer who distributes an adulterated fertilizer product, commits an offence and is liable on conviction to a fine of not exceeding Le20, 000, 000. 00 or to a term of imprisonment of not less than 5 years or to both such fine and imprisonment.

Misbranding. 31. (1) A manufacturer, importer or distributor of fertilizer shall not distribute or offer for sale misbranded fertilizer .

(2) For the purpose of these regulations, a fertilizer is misbranded if -

- (a) its label is false or misleading;
- (b) it is distributed under the name of another fertilizer product; or
- (c) it is not labeled as prescribed by these Regulations.

(3) A manufacturer, importer or distributor of fertilizer who distributes or offers for sale misbranded fertilizer, commits an offence and is liable on conviction to a fine not exceeding Le20,000,000.00 or to a term of imprisonment not exceeding 12 months or to both such fine and imprisonment.

Short weight. 32. (1) (1) A manufacturer, importer or distributor of fertilizer shall not distribute or offer for sale a fertilizer container that is short in weight by more than one percent.

(2) A manufacturer, importer or distributor of fertilizer who distributes or offers for sale a fertilizer container that is short in weight by more than one percent commits an offence and is liable, in the case of -

- (a) 3 violations within a 3 year period, to a suspension of the certificate of registration or licence for 90 days;
- (b) 4 violations within a 3 year period, to permanent cancellation of the certificate of registration or licence.

Obstructing or misleading inspectors.

33. (1) A person shall not -

(a) obstruct or hinder a designated officer in the performance of his duties under the Act or these Regulations;

(b) make a false or misleading statement either orally or in writing to an Inspector or other officer of the Agency,

(2) A person who obstructs or hinders a designated officer or makes a false or misleading statement to an Inspector or other officer of the Agency commits an offence and is liable on conviction to a fine not exceeding Le2,000,000.00.

34. Where an offence under these Regulations is committed by- Corporate penalties.

(a) a body corporate, every Director or officer of that body shall be deemed to have committed the offence;

(b) a firm, every partner of that firm shall be deemed to have committed that offence:

Provided that no such person referred to in paragraphs (a) or (b) shall be deemed to have committed an offence under these Regulations if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

35. A person aggrieved by a decision under these Regulations shall appeal to the Minister. Appeal.