

Michigan Office of Administrative Hearings and Rules

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**AGENCY REPORT TO THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)**

1. Agency Information

Agency name:

Agriculture and Rural Development

Division/Bureau/Office:

Pesticide and Plant Pest Management Division

Name of person completing this form:

Jamie Guardiola

Phone number of person completing this form:

517-284-5730

E-mail of person completing this form:

GuardiolaJ1@michigan.gov

Name of Department Regulatory Affairs Officer reviewing this form:

Brad Deacon

2. Rule Set Information

MOAHR assigned rule set number:

2021-69 AC

Title of proposed rule set:

Regulation no. 634. Commercial fertilizers

3. Purpose for the proposed rules and background:

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The rules provide for details on the sale of commercial fertilizers, both protecting consumers through requirements on guaranteed nutrients and labeling standards, as well as providing for standards on slow-release fertilizers. The rules also include a provision on reporting requirements for amounts sold. Proposed updates:

Rule 1 & Rule 2 Update the element percentage solubility guarantee.

- Align the minimum nutrient guarantee figures with specific and actual plant uptake, in addition to improved and more accurate laboratory testing technology. Meaning, plants can only utilize a given amount of each nutrient. Allowing a minimum guarantee that is smaller and more in line with plant uptake allows farmers to apply less fertilizer, which protects the environment from non-utilized nutrients being lost to soils, groundwater, and surface water.

- Adopt the current nationally used standards, set by the American Association of Plant Food Control Officials (AAPFCO).

- Remove redundant language.

Rule 7 Update report due dates to annually.

- Streamlines reporting for industry.

- Eases administrative burdens.

4. Summary of proposed rules:

The rules will allow the State of Michigan to align with current standards set by AAPFCO. The subsequent decrease in fertilizer usage and cost of tonnage reporting as a result of the proposed rule change benefits the public's health, farmers, and the environment. The proposed rule change will benefit farmers and the industry by reducing the cost of tonnage reporting and decreasing the amount of fertilizer used. Both the public and environment will also see substantial benefits due to that decrease in fertilizer usage.

5. List names of newspapers in which the notice of public hearing was published and publication dates:

The Escanaba Daily Press on November 5, 2021

The Muskegon Chronicle and The Bay City Times on November 7, 2021

6. Date of publication of rules and notice of public hearing in Michigan Register:

12/1/2021

7. Date, time, and location of public hearing:

12/7/2021 01:00 PM at Constitution Hall, 525 W Allegan Street, Lansing, MI 48933, Room: CH-ATN-
-THEODORE-BROWN , Virtual Room: Microsoft Teams +1 248-509-0316,,659194761#
United States, Pontiac Phone Conference ID: 659 194 761#

8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:

<https://ARS.apps.lara.state.mi.us/Transaction/RFRTransaction?TransactionID=1327>

9. List of the name and title of agency representative(s) attending public hearing:

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Brad Deacon, Regulatory Affairs Officer
Jamie Guardiola, Office of Legal Affairs & Emergency Management
Mike Phillip, Director, Pesticide & Plant Pest Management Division
Tim Lyons, Feed Safety & Fertilizer Program Manager
Jarrod Fletcher, Fertilizer Program
Bradley Varner, Legal Affairs Extern

10. Persons submitting comments of support:

Chuck Lippstreu, Michigan Agri-Business Association

11. Persons submitting comments of opposition:

None.

12. Identify any changes made to the proposed rules based on comments received during the public comment period:

	Name & Organization	Comments made at public hearing	Written Comments	Agency Rationale for change	Rule number & citation changed
1	Chuck Lippstreu		Strongly support proposed changes	No change	No change

13. Date report completed:

12/15/2021