



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

March 7, 2022

NOTICE OF FILING
ADMINISTRATIVE RULES

To: Secretary of the Senate
Clerk of the House of Representatives
Joint Committee on Administrative Rules
Michigan Office of Administrative Hearings and Rules (Administrative Rule #21-069-AC)
Legislative Service Bureau (Secretary of State Filing #22-03-11)
Department of Agriculture and Rural Development

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2021-069-AC (Secretary of State Filing #22-03-11) on this date at 11:25 A.M. for the Department of Agriculture and Rural Development entitled, "Regulation No. 634. Commercial fertilizers".

These rules take effect 7 days after filing with the Secretary of State.

Sincerely,

Jocelyn Benson
Secretary of State

A handwritten signature in cursive script that reads "Sue Sayer /CK".

Sue Sayer, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

March 7, 2022

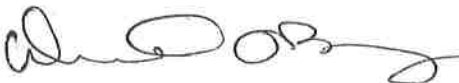
The Honorable Jocelyn Benson
Secretary of State
Office of the Great Seal
Richard H. Austin Building – 1st Floor
430 W. Allegan
Lansing, MI 48909

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2022 MAR -9 PM 2:06
ELECTIONS/GREAT SEAL

Dear Secretary Benson:

Re: Administrative Rules – Michigan Office of Administrative Hearings and Rules
Administrative Rules #: 2021-69 AC

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated October 13, 2021 for the Department of Agriculture and Rural Development “**Regulation No. 634. Commercial fertilizers**”. We are transmitting these rules to you pursuant to the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6.

Sincerely, 

Michigan Office of Administrative Hearings and Rules



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT

GARY MCDOWELL
DIRECTOR

January 7, 2022

CERTIFICATE OF ADOPTION

By authority conferred on the director of the department of agriculture and rural development by section 8516 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.8516. The Michigan Department of Agriculture and Rural Development adopts its revised "Regulation No. 634, Commercial Fertilizer."

R 285.634.1, R 285.634. 3, and R 285.634.7 of the Michigan Administrative Code are amended, and R 285.634.2 is rescinded.

January 7, 2022

Date

A handwritten signature in black ink that reads "Gary McDowell".

Gary McDowell, Director



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

LEGAL CERTIFICATION OF RULES

I certify that I have examined the attached administrative rules, dated October 13, 2021, in which the Department of Agriculture and Rural Development proposes to modify a portion of the Michigan Administrative Code entitled “**Regulation no. 634. Commercial fertilizers**” by:


- ◆ Amending R 285.634.1, R 285.634. 3, and R 285.634.7.
- ◆ Rescinding R 285.634.2.

The Legislative Service Bureau has approved the proposed rules as to form, classification, and arrangement.

I approve the rules as to legality pursuant to the Administrative Procedures Act, MCL 24.201 *et seq.* and Executive Order No. 2019-6. In certifying the rules as to legality, I have determined that they are within the scope of the authority of the agency, do not violate constitutional rights, and are in conformity with the requirements of the Administrative Procedures Act.

Dated: January 5, 2022

Michigan Office of Administrative Hearings and Rules

By: 
Katie Wienczewski,
Attorney



Since 1941

Legal Division

Kevin H. Studebaker, Director

CERTIFICATE OF APPROVAL

On behalf of the Legislative Service Bureau, and as required by section 45 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.245, I have examined the proposed rules of the Department of Agriculture and Rural Development dated October 13, 2021, amending R 285.634.1, R 285.634.3, and R 285.634.7 and rescinding R 285.634.2 of the Department's rules entitled "Regulation No. 634. Commercial Fertilizers." I approve the rules as to form, classification, and arrangement.

Dated: January 3, 2022

LEGISLATIVE SERVICE BUREAU

By 

Rachel M. Hughart,
Legal Counsel

DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

PESTICIDE AND PLANT PEST MANAGEMENT DIVISION

REGULATION NO. 634. COMMERCIAL FERTILIZERS

Filed with the secretary of state on March 7, 2022

These rules take effect 7 days after filing with the secretary of state.

By authority conferred on the director of the department of agriculture and rural development by section 8516 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.8516)

R 285.634.1, R 285.634. 3, and R 285.634.7 of the Michigan Administrative Code are amended, and R 285.634.2 is rescinded, as follows:

R 285.634.1 Fertilizers for agricultural crop production; specialty fertilizers.
micronutrient content.

Rule 1. Plant nutrients in addition to nitrogen, phosphorus, and potassium when mentioned in any form or manner must be guaranteed. Guarantees must be made on the elemental basis. Sources of the elements guaranteed, and proof of availability must be provided to the director upon request. Except guarantees for those water-soluble nutrients labeled for hydroponic or continuous liquid feed programs, and guarantees for potting soils and lawn soils, the minimum percentages that will be accepted for registration or licensing, or both, are as follows:

Element	Percent
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

R 285.634.2 Rescinded.

R 285.634.3 Placement of micronutrient guarantees on label.

Rule 3. Only the guarantees or claims for the plant nutrients listed in R 285.634.1 will be accepted. Proposed labels and directions for the use of the fertilizer must be furnished with the application for license or registration, or both, upon request. Any of the elements listed in R 285.634.1 that are guaranteed must appear in the order listed and must immediately follow guarantees for the primary nutrients of nitrogen, phosphorus, and potassium, if present.

R 285.634.7 Tonnage reporting.

Rule 7. Tonnage reports and fee payment must be on a form provided by the director of the department must be for the annual period of January 1 to December 31. The reports must cover all fertilizers, soil conditioners, and peat products sold for application in this state.

FILED WITH SECRETARY OF STATE

ON 3-17-22 AT 11:25 A.M.