**R68. Agriculture and Food, Plant Industry.**

**R68-3. Utah Plant Food Rule.**

**R68-3-1. Authority.**

Subsection 4-2-103(1)(i) and Section 4-13-110 authorize the department to adopt rules to enforce Title 4, Chapter 13, the Utah Plant Food Act and to adopt the official terms, tables, definitions, and statements adopted by the Association of American Plant Food Control officials (AAPFCO) and published in the Official Publication No. 78.

**R68-3-2. Purpose.**

This rule establishes the process of registration and labeling of products, defines ingredient deficiencies, and defines unlawful acts that violate Title 4, Chapter 13, the Utah Plant Food Act.

**R68-3-3. Product Registration.**

(1) A registrant shall register any plant food distributed in Utah with the department, unless labeling shows that the product does not claim to contain any plant nutrients or beneficial plant growth properties.

(2) The department may exempt the following from registration in Utah:

(a) biochar;

(b) compost;

(c) coir;

(d) garden soil;

(e) gypsum;

(f) hay;

(g) landscape soil or topsoil;

(h) leaf mold;

(i) mulch or wood products;

(j) nitrogen stabilizers;

(k) peat;

(l) perlite;

(m) plant inoculant;

(n) planting mix;

(o) potting mix;

(p) sand;

(q) seed inoculant;

(r) soilless growing media;

(s) straw;

(t) vermicompost; and

(u) vermiculite.

(3)(a) The department may require submission of the complete formula of any plant food for administration of Title 4, Chapter 13, the Utah Plant Food Act, and this rule.

(b) If it appears to the department that the composition of the product warrants the proposed claims for it, and if the product and its labeling and any other information that may be required to be submitted complies with the requirements of the Act, the product shall be registered.

(4)(a) Before registering any plant food, the department may require evidence to substantiate the claims made for the plant food and proof of the value and usefulness of the plant food.

(b) For evidence of proof, the department may rely on experimental data, evaluation, or advice from a source that understands the conditions for which the product is intended.

(c) The applicant shall be responsible for the cost for research.

(d) The department shall make the final decision concerning registration of a plant food following evaluation of evidence presented.

(5) The registrant is responsible for the accuracy and completeness of information submitted concerning application for registration of a plant food.

(6) At the department's determination, it shall assess an additional fee if the renewal of a plant food registration is not received on or before December 31, pursuant to Subsection 4-2-103(2), and shall be;

(a) assessed per product;

(b) added to the original registration fee; and

(c) shall be paid by the applicant before the registration renewal for that plant food shall be issued.

(7)(a) The department requires a new registration when the name of the plant food product is changed or there are changes in the product ingredients or guaranteed analysis.

(b) The department does not require re-registration for other labeling changes, but the registrant shall submit copies of changes to the department as soon as they are effective.

(c) The department may permit a reasonable time to dispose of properly labeled stocks of the old product.

**R68-3-4. Product Labeling.**

(1) The label shall list when any reference is made on the label, labeling, or graphic material of a plant food to "trace elements," "minor elements," "secondary elements," "plant foods," or similar generalized terms, each individual plant food to which the term refers.

(2) Other plant nutrients, when mentioned in any form or manner, shall be registered and shall be guaranteed.

(a) Each guarantee shall be made on the elemental basis.

(b) Sources of the elements guaranteed, and proof of availability shall be provided to the department upon request.

(c) Except for 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, garden and lawn soils, the minimum percentages which will be accepted for registration are in the AAPFCO Minimum Concentration Table, Official Publication No. 78.

(3) A fertilizer label may not bear a statement that implies that certain plant nutrients contained in a fertilizer are released slowly over a period, unless each slow release component is identified and guaranteed at a level of at least 15% of the total guarantee for that nutrient.

(4) The department may require evidence and an acceptable testing procedure to substantiate each claim.

(5) Pesticide may be added to registered plant food, if:

(a) the pesticide is registered; and

(b) each plant food and pesticide mixture has a label showing the information required in Sections 4-13-104, and 4-14-104.

**R68-3-5. Deficiencies of Ingredients.**

The department considers a fertilizer deficient if the analysis of any nutrient is below the guarantee by an amount exceeding the values in the AAPFCO, Official Publication No. 78 Investigational Allowance Tables, or if the overall index value of the fertilizer is below 98%.

**R68-3-6. Unlawful Acts.**

(1) Any person who violates Title 4, Chapter 13, the Utah Plant Food Act, or rules promulgated thereunder, is subject to penalties provided for in Subsection 4-2-304(1)(a).

(2) A person commits an unlawful act when the person:

(a) neglects or, after notice, refuses to comply with Title 4, Chapter 13, the Utah Plant Food Act, this rule, or any lawful order of the department;

(b) distributes any waste-derived fertilizer that was not identified in the registration application; or

(c) did not store plant food in a manner that minimizes the release of plant food and protects the environment.

**KEY: plant food, product registration, labeling, unlawful acts**

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**Authorizing, and Implemented or Interpreted Law: 4-2-103(1)(i); 4-13-110**