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ENGROSSED HOUSE BILL No. 1361

Proposed Changes to February 10, 2026 printing by AM136105

DIGEST OF PROPOSED AMENDMENT

Fertilizer. Amends provisions that require the dean of agriculture of Purdue University to make a report regarding certification and educational programs.

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-11-2-79.5, AS ADDED BY P.L.189-2011,
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 79.5. "Fertilizer material", for purposes of
4 IC 13-18-4-5, has the meaning set forth in IC 15-16-2-11. <=> [
5 **IC 15-16-1.5-28.**

6 SECTION 2. IC 15-16-1.5 IS ADDED TO THE INDIANA CODE
7 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2026]:

Chapter 1.5. Fertilizer Definitions

10 Sec. 1. The definitions in this chapter apply to this chapter,
11 IC 15-16-2, IC 15-16-2.5, IC 15-16-2.7, IC 15-16-3, IC 15-16-3.3,
12 and IC 15-16-3.5.

13 Sec. 2. "Agricultural crop" means any plant or part of a plant,
14 produced primarily for sale, consumption, propagation, or other
15 use by humans or animals. The term does not include turf, trees, or
16 ornamental plants.

17 Sec. 3. "Agronomic rate" means a rate of application of
18 fertilizer material to the land based on the following:

19 (1) The nutrient content of the fertilizer material to be

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- 1 **applied.**
 2 **(2) The fertility level of the soil.**
 3 **(3) The nutrient needs of the current or planned crops.**
 4 **(4) The nutrient holding capacity of the soil.**
 5 **(5) Additional sources of nutrients, including legume credits,**
 6 **process wastewater, or biosolids.**
 7 **(6) Reasonable nitrogen losses.**
 8 **(7) Reasonable phosphorus levels.**
 9 **Sec. 4. "Ammonium nitrate" means the ammonium salt of**
 10 **nitric acid, which must contain not less than thirty-three percent**
 11 **(33%) nitrogen, fifty percent (50%) of which is in the ammonium**
 12 **form and fifty percent (50%) of which is in the nitrate form.**
 13 **Sec. 4.5. "Animal feeding operation" or "AFO" means a lot or**
 14 **facility, other than an aquatic animal production facility, where all**
 15 **of the following conditions are met:**
 16 **(1) Animals, other than aquatic animals, have been, are, or**
 17 **will be stabled or confined and fed or maintained for a total**
 18 **of forty-five (45) days or more in any twelve (12) month**
 19 **period.**
 20 **(2) Crops, vegetation, forage growth, or post-harvest**
 21 **residues are not sustained in the normal growing season over**
 22 **at least fifty percent (50%) of the lot or facility.**
 23 **Sec. 5. "Appurtenance" means any:**
 24 **(1) valve;**
 25 **(2) pump;**
 26 **(3) fitting;**
 27 **(4) pipe;**
 28 **(5) hose;**
 29 **(6) metering device; or**
 30 **(7) mechanical device;**
 31 **that is connected to a storage container or is used to transfer a**
 32 **material into or out of the storage container.**
 33 **Sec. 6. "Aqua ammonia" means an aqueous solution of**
 34 **anhydrous ammonia generally containing from eighteen percent**
 35 **(18%) to thirty percent (30%) of ammonia (NH₃) by weight and**
 36 **having a vapor pressure usually varying from zero (0) to ten (10)**
 37 **pounds per square inch gauge (psig) at one hundred four (104)**
 38 **degrees Fahrenheit.**
 39 **Sec. 7. (a) "Biosolid" means solid, semisolid, or liquid residue**
 40 **generated during the treatment of domestic sewage (as defined in**
 41 **327 IAC 6.1-2-16) in a treatment works (as defined in 327**
 42 **IAC 6.1-2-57) including the following:**

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- 1 (1) Scum or solids removed in primary, secondary, or
- 2 advanced wastewater treatment processes.
- 3 (2) A material derived from biosolid.
- 4 (3) An industrial waste product that contains domestic
- 5 sewage or material under subdivision (1) or (2).
- 6 (b) The term does not include:
- 7 (1) ash generated during the firing of a biosolid in a biosolid
- 8 incinerator; or
- 9 (2) grit and screenings generated during preliminary
- 10 treatment of domestic sewage in a treatment works.
- 11 Sec. 8. "Blender" means a person or system engaged in the
- 12 business of blending commercial fertilizer.
- 13 Sec. 9. "Blending" means the physical mixing or combining:
- 14 (1) of one (1) or more commercial fertilizers and one (1) or
- 15 more filler materials;
- 16 (2) of two (2) or more commercial fertilizers; or
- 17 (3) of two (2) or more commercial fertilizers and filler
- 18 materials;
- 19 including mixing through the simultaneous or sequential
- 20 application of any of the combinations referred to in subdivision
- 21 (1), (2), or (3) to produce a uniform mixture.
- 22 Sec. 10. "Board" refers to the Indiana fertilizer advisory
- 23 board established by IC 15-16-2-25.
- 24 Sec. 11. "Brand" means a term, design, or trademark used in
- 25 connection with at least one (1) grade of commercial fertilizer or
- 26 manure based fertilizer.
- 27 Sec. 12. "Bulk fertilizer" means a commercial fertilizer
- 28 distributed in nonpackaged form.
- 29 Sec. 13. "Certified applicator" means an individual who has
- 30 been issued a certificate or licensing credential under IC 15-16-2.5
- 31 or IC 15-16-3 to use fertilizer material. The term includes
- 32 commercial applicators and private applicators.
- 33 Sec. 14. "Commercial applicator license" means the licensing
- 34 credential issued annually to a certified applicator who:
- 35 (1) uses; or
- 36 (2) supervises the use of;
- 37 fertilizer material for purposes of producing an agricultural crop
- 38 on the property of another person for hire.
- 39 Sec. 15. "Commercial fertilizer" means mixed fertilizer or
- 40 fertilizer materials. The term does not include nonprocessed
- 41 manure, marl, lime, wood ashes, biosolids, industrial waste
- 42 products, pollutant-bearing water, or plaster.

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1 **Sec. 16. "Confined feeding operation" and "CFO" mean any**
 2 **of the following:**

3 **(1) Any operation that confine feeds at least:**

4 **(A) three hundred (300) cattle;**

5 **(B) six hundred (600) swine or sheep;**

6 **(C) thirty thousand (30,000) fowl; or**

7 **(D) five hundred (500) horses.**

8 **(2) An animal feeding operation electing to be subject to**
 9 **IC 13-18-10.**

10 **(3) An animal feeding operation that causes a violation of:**

11 **(A) water pollution control laws;**

12 **(B) any rules of the water pollution control board; or**

13 **(C) IC 13-18-10.**

14 **(4) An animal feeding operation located outside of Indiana**
 15 **that would be a confined feeding operation if located in**
 16 **Indiana.**

17 **Sec. 17. "Continuing certification hour" and "CCH" mean one**
 18 **(1) hour of fertilizer material related instruction or training for a**
 19 **certified applicator that has been evaluated and approved by the**
 20 **state chemist.**

21 **Sec. 18. "Custom blend" means a commercial fertilizer**
 22 **blended:**

23 **(1) according to specifications provided to a blender in a soil**
 24 **test nutrient recommendation; or**

25 **(2) to meet specific requests of a consumer, who is the end**
 26 **user, before blending.**

27 **Sec. 19. "Discharge" means a release of fluid or dry bulk**
 28 **fertilizer into either a secondary containment or operational**
 29 **containment area at a storage facility.**

30 **Sec. 20. "Distribute" means to:**

31 **(1) offer for sale;**

32 **(2) sell;**

33 **(3) exchange;**

34 **(4) barter;**

35 **(5) supply; or**

36 **(6) offer to supply;**

37 **fertilizer material.**

38 **Sec. 21. "Distributor" means a person that:**

39 **(1) offers for sale;**

40 **(2) sells;**

41 **(3) barter; or**

42 **(4) supplies;**

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1 commercial fertilizers or manure based fertilizers.

2 Sec. 22. "Drainage inlet" means any surficial opening to an
3 underground agricultural tile drainage system that drains surface
4 waters. The term includes water and sediment control basins.

5 Sec. 23. "Dry bulk fertilizer" means nonfluid commercial
6 fertilizer in an undivided quantity exceeding two hundred (200)
7 pounds.

8 Sec. 24. "Elephant ring" means a storage container with an
9 open top serving as a secondary containment vessel into which a
10 smaller primary storage container is placed.

11 Sec. 25. "Facility" means all land, buildings, equipment,
12 structures, and other stationary items that are located on a single
13 site or on contiguous sites and that are owned or operated by the
14 same person or by any person that controls, is controlled by, or is
15 under common control with the person.

16 Sec. 26. "Fertilizer application plan" means a written annual
17 or multi-year plan for nutrient application at agronomic rates for
18 producing an agricultural crop.

19 Sec. 27. "Fertilizer business license" means the licensing
20 credential issued annually to a person that is engaged in
21 distributing or using fertilizer material on the property of another
22 person for hire.

23 Sec. 28. (a) "Fertilizer material" means any substance
24 containing nitrogen, phosphate, potash, or any recognized plant
25 nutrient that:

26 (1) is used for the plant nutrient content; and

27 (2) has nutrient value in promoting plant growth.

28 The term includes unmanipulated manure.

29 (b) The term does not include biosolids, industrial waste
30 products, pollutant-bearing water, or plaster.

31 Sec. 29. "Field operations" means the application of dry bulk
32 fertilizer or fluid bulk fertilizer to soil or plants in the course of
33 normal agricultural or horticultural practice.

34 Sec. 30. "Filter strip" means a vegetative area between a
35 surface water body and an agricultural production field with a
36 minimum width of fifty (50) feet and designed and maintained to
37 intercept surface water runoff.

38 Sec. 31. "Floodway" has the meaning set forth under
39 IC 14-8-2-102.

40 Sec. 32. "Fluid bulk fertilizer" means fluid fertilizer in an
41 undivided quantity exceeding fifty-five (55) gallons.

42 Sec. 33. "Fluid fertilizer" means commercial fertilizer in liquid

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1 form and includes solutions, emulsions, suspensions, and slurries.
 2 The term does not include anhydrous ammonia.

3 Sec. 34. "Grade" means the minimum percentages of the
 4 following elements stated in the following order:

- 5 (1) Total nitrogen (N).
- 6 (2) Available phosphate (P_2O_5).
- 7 (3) Soluble potash (K_2O).

8 Sec. 35. "Gradient barrier" means a structure or feature that
 9 prevents runoff from entering surface waters.

10 Sec. 36. "Guaranteed analysis" means the minimum
 11 percentage of plant nutrients claimed. Recognized plant nutrients
 12 including the following:

- 13 (1) Total nitrogen (N).
- 14 (2) Available phosphate (P_2O_5).
- 15 (3) Soluble potash (K_2O).
- 16 (4) Calcium (Ca).
- 17 (5) Magnesium (Mg).
- 18 (6) Sulfur (S).
- 19 (7) Boron (B).
- 20 (8) Chlorine (Cl).
- 21 (9) Cobalt (Co).
- 22 (10) Copper (Cu).
- 23 (11) Iron (Fe).
- 24 (12) Manganese (Mn).
- 25 (13) Molybdenum (Mo).
- 26 (14) Nickel (Ni).
- 27 (15) Sodium (Na).
- 28 (16) Zinc (Zn).

29 Sec. 37. "Highly erodible land" means soil that has a high
 30 potential to erode based on site-specific characteristics, including:

- 31 (1) slope length and steepness;
- 32 (2) soil erodibility; and
- 33 (3) rainfall;

34 as determined by the United States Department of Agriculture
 35 Natural Resources Conservation Service and Farm Service Agency
 36 maps.

37 Sec. 38. "Incorporation" means the mixing of fertilizer
 38 material with the surface soil using standard agricultural practices,
 39 including tillage.

40 Sec. 39. "Injection" means the placement of liquid fertilizer
 41 material beneath the surface of the soil in the crop root zone using
 42 equipment specifically designed for this purpose.

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- 1 **Sec. 40. "Inorganic fertilizer" means any fertilizer material:**
 2 (1) **manufactured by means of a man made chemical**
 3 **reaction; and**
 4 (2) **that does not contain any plant or animal products,**
 5 **manures or renderings.**

- 6 **The term includes urea.**
 7 **Sec. 41. "Label", for purposes of IC 15-16-3, means:**
 8 (1) **written material;**
 9 (2) **printed material;**
 10 (3) **graphic material; or**
 11 (4) **any other statement;**

- 12 **accompanying a fertilizer.**
 13 **Sec. 42. "Lawn care service" means service provided to**
 14 **private, institutional, or commercial entities for compensation to**
 15 **maintain and nourish:**
 16 (1) **turf;**
 17 (2) **shrubbery;**
 18 (3) **trees; and**
 19 (4) **other plants;**

- 20 **commonly associated with private, institutional, or commercial**
 21 **lawns. The term includes the application of commercial fertilizer**
 22 **individually or in combination with a pesticide (as defined in**
 23 **IC 15-16-4-30).**

- 24 **Sec. 43. "Licensee", for purposes of IC 15-16-3, means a**
 25 **person that has been issued a license under IC 15-16-3.**

- 26 **Sec. 44. "Low pressure nitrogen solutions" means an aqueous**
 27 **solution of ammonium nitrate, urea, or other nitrogen carriers**
 28 **containing various quantities of free ammonia exceeding two**
 29 **percent (2%) by weight. The term does not include aqua ammonia**
 30 **and nonpressure nitrogen solutions, commonly referred to as**
 31 **twenty-eight percent (28%), thirty percent (30%), or thirty-two**
 32 **percent (32%) nitrogen solutions.**

- 33 **Sec. 45. "Manipulated organic fertilizer" means any organic**
 34 **fertilizer that is not manure.**

- 35 **Sec. 46. "Manure" means any of the following:**
 36 (1) **Liquid or solid animal excreta.**
 37 (2) **Used animal bedding, litter, waste liquid, or**
 38 **contaminated runoff.**
 39 (3) **Plant remains or vegetable refuse from processing.**
 40 (4) **Any other materials generated at a livestock or poultry**
 41 **production area commingled with the materials listed in**
 42 **subdivisions (1) through (3).**

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1 (5) Any precipitation or surface water that has come into
2 contact with the materials listed in subdivisions (1) through
3 (3).

4 Sec. 47. "Manure based fertilizer" means processed manure
5 based commercial fertilizer with a manure content of at least
6 seventy-five percent (75%).

7 Sec. 48. "Mixed fertilizer" means any combination or mixture
8 of commercial fertilizers:

- 9 (1) designed for use; or
10 (2) claimed to have nutrient value;
11 in promoting plant growth.

12 Sec. 49. "Official sample" means any sample of commercial
13 fertilizer or manure based fertilizer taken by the state chemist or
14 the state chemist's agent.

15 Sec. 50. "Operational area" means an area or areas at a
16 storage facility where fertilizers are:

- 17 (1) transferred, loaded, unloaded, or mixed; or
18 (2) cleaned or washed from:
19 (A) containers; or
20 (B) application, storage, or transportation equipment.

21 Sec. 51. "Operational area containment" means any structure
22 or system designed and constructed to effectively intercept and
23 contain discharges, including container or equipment wash water
24 and rainwater, and to prevent runoff or leaching from a storage
25 facility.

26 Sec. 52. "Organic fertilizer" means any fertilizer material
27 derived from plant products, animal products, or manures that
28 contain one (1) or more nutrients (other than carbon, hydrogen, or
29 oxygen) that are essential for plant growth. The term does not
30 include biosolids, industrial waste products, pollutant-bearing
31 water, or urea.

32 Sec. 53. "Permit" refers to a permit issued under:

- 33 (1) IC 15-16-2-34 to report the tonnage of commercial
34 fertilizer sold; or
35 (2) IC 15-16-3.5 to report the tonnage of manure based
36 fertilizer sold.

37 Sec. 54. "Percent" or "percentage" means the percentage by
38 weight.

39 Sec. 55. "Person" means:

- 40 (1) an individual;
41 (2) a partnership;
42 (3) an association;

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- 1 (4) a firm;
 2 (5) a limited liability company; or
 3 (6) a corporation.
- 4 Sec. 56. "Primary containment" means the storage of fluid
 5 bulk fertilizer in storage containers at a storage facility.
- 6 Sec. 57. "Private applicator certification" means the licensing
 7 credential issued to a certified applicator who:
 8 (1) uses; or
 9 (2) supervises the use of;
 10 organic fertilizer for purposes of producing any agricultural crop
 11 on property owned, rented, or managed by the employer or the
 12 applicator.
- 13 Sec. 58. "Private applicator recertification program" and
 14 "PARP" mean a private applicator recertification program of
 15 fertilizer material related instruction or training that has been
 16 evaluated and approved by the state chemist.
- 17 Sec. 59. "Processed manure" means manure that has
 18 undergone at least one (1) step of physical or chemical processing
 19 to change the characteristics of the manure, including manure that
 20 is composted, digested, mechanically separated, or pelletized. The
 21 term does not include manure marketed for consideration without
 22 a guaranteed analysis.
- 23 Sec. 59.5. (a) "Production area" means the part of an AFO
 24 that includes the following:
 25 (1) An animal confinement area.
 26 (2) A manure storage area.
 27 (3) A raw materials storage area.
 28 (4) A waste containment area.
 29 (5) An egg washing or egg processing facility.
 30 (6) An area used in the:
 31 (A) storage;
 32 (B) handling;
 33 (C) treatment; or
 34 (D) disposal;
 35 of mortalities.
- 36 (b) For purposes of subsection (a), an animal confinement area
 37 includes the following:
 38 (1) An open lot.
 39 (2) A housed lot.
 40 (3) A feedlot.
 41 (4) A confinement house.
 42 (5) A stall barn.

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- 1 **(6) Free stall barns.**
- 2 **(7) A milkroom.**
- 3 **(8) A milking center.**
- 4 **(9) Cow yards.**
- 5 **(10) Barnyards.**
- 6 **(11) A medication pen.**
- 7 **(12) A walker.**
- 8 **(13) An animal walkway.**
- 9 **(14) A stable.**
- 10 **(c) For purposes of subsection (a), a manure storage area**
- 11 **includes the following:**
- 12 **(1) A lagoon.**
- 13 **(2) A runoff pond.**
- 14 **(3) A storage shed.**
- 15 **(4) A stockpile.**
- 16 **(5) An under-house or pit storage.**
- 17 **(6) A liquid impoundment.**
- 18 **(7) A static pile.**
- 19 **(8) A composting pile.**
- 20 **(d) For purposes of subsection (a), a raw materials storage**
- 21 **area includes the following:**
- 22 **(1) A feed silo.**
- 23 **(2) A silage bunker.**
- 24 **(3) Bedding materials.**
- 25 **(e) For purposes of subsection (a), a waste containment area**
- 26 **includes the following:**
- 27 **(1) A settling basin.**
- 28 **(2) An area within berms and diversions that separates**
- 29 **uncontaminated storm water.**
- 30 **Sec. 60. "Public water supply surface intake structure" means**
- 31 **any structure used for the purpose of providing water through a**
- 32 **public water supply system.**
- 33 **Sec. 61. "Public water supply well" means any well that**
- 34 **provides water to the public through a water distribution system**
- 35 **that:**
- 36 **(1) serves at least twenty-five (25) persons per day for:**
- 37 **(A) drinking;**
- 38 **(B) domestic use; or**
- 39 **(C) other purposes; or**
- 40 **(2) has at least fifteen (15) service connections.**
- 41 **Sec. 62. "Registrant" means a person that registers:**
- 42 **(1) commercial fertilizer under IC 15-16-2; or**

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- 1 (2) manure based fertilizer under IC 15-16-3.5.
 2 Sec. 63. "Saturated ground" means soil soaked with moisture
 3 so that the soil cannot absorb any more liquid.
 4 Sec. 64. "Secondary containment" means any structure,
 5 including a dike, used to contain fertilizer discharges from bulk
 6 storage containers and prevent runoff or leaching.
 7 Sec. 65. "Sell" or "sale" includes exchange.
 8 Sec. 66. "Sinkhole" means a natural depression in the surface
 9 of the land caused by the collapse of the roof of a cavern or
 10 subterranean passage.
 11 Sec. 67. "Specialty fertilizer" means a commercial fertilizer
 12 distributed for nonfarm use.
 13 Sec. 68. "Spill" means any unexpected, unintended, abnormal,
 14 or unapproved liquid or dry dumping, leakage, drainage, seepage,
 15 or other loss of fertilizer. The term does not include releases to
 16 impermeable surfaces when the fertilizer does not migrate off the
 17 surface or penetrate the surface and enter the soil.
 18 Sec. 69. "Staging" means the placement of fertilizer material:
 19 (1) gathered in a pile to be used for field application within
 20 one hundred twenty (120) days; or
 21 (2) at a production area for:
 22 (A) livestock (as defined in IC 15-17-2-47); or
 23 (B) poultry (as defined in IC 15-17-2-87);
 24 ↔ not regulated under IC 13-18-10.
 25 Sec. 70. "State chemist" means the Indiana state chemist or an
 26 agent appointed by the state chemist.
 27 Sec. 71. "Storage" means the storage of bulk fertilizer or
 28 manure based fertilizer by a person that:
 29 (1) manufactures or distributes bulk fertilizer or manure
 30 based fertilizer; or
 31 (2) stores bulk fertilizer or manure based fertilizer for
 32 personal use.
 33 Sec. 72. (a) "Storage container" means the following:
 34 (1) A container used for the storage of fluid bulk fertilizer.
 35 (2) A rail car, nurse tank, or other mobile container used for
 36 the storage of fluid bulk fertilizer.
 37 (b) The term does not include the following:
 38 (1) A mobile container storing fluid bulk fertilizer at a
 39 storage facility for less than fifteen (15) days, if this storage
 40 is incidental to the loading or unloading of a storage
 41 container at the storage facility.
 42 (2) A mobile container located other than on property

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1 owned, operated, or controlled by an owner or operator of a
2 storage facility.

3 (3) A container used solely for emergency storage of leaking
4 fertilizer containers.

5 Sec. 73. "Storage facility" means a location at which:

- 6 (1) fluid bulk fertilizer in undivided quantities in excess of:
 - 7 (A) two thousand five hundred (2,500) gallons; or
 - 8 (B) a total capacity of seven thousand five hundred
 - 9 (7,500) gallons; or
- 10 (2) dry bulk fertilizer in undivided quantities exceeding
- 11 twelve (12) tons;

12 is held in storage.

13 Sec. 74. "Storage facility location registry" means the annual
14 listing of all storage facilities at any location in Indiana by the state
15 chemist that is compiled from the written notification received
16 from the storage facility.

17 Sec. 75. "Surface application" means the placement of
18 fertilizer material by spraying or spreading onto the land surface.

19 Sec. 76. (a) "Surface water" means waters, as defined in
20 IC 13-11-2-265, that are present on the surface of the earth,
21 including the following:

- 22 (1) Streams.
- 23 (2) Lakes.
- 24 (3) Ponds.
- 25 (4) Rivers.
- 26 (5) Swamps.
- 27 (6) Marshes.
- 28 (7) Wetlands.

29 (b) The term does not include the following:

- 30 (1) Temporary ponding in an agricultural crop growing area.
- 31 (2) Temporary puddles.
- 32 (3) Farmed wetlands.
- 33 (4) Private ponds that:
 - 34 (A) are under the care, custody, and control of the
 - 35 person applying or ordering the application of fertilizer
 - 36 material; and
 - 37 (B) do not have an outfall to other surface waters.

38 Sec. 77. "Tank mixed liquid fertilizer" means a fluid mixture
39 of commercial fertilizer and water in which the total nutrient
40 content of the mixture does not exceed the amount determined by
41 the state chemist under IC 15-16-3-21.

42 Sec. 78. "Ton" means a net weight of two thousand (2,000)

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1 pounds avoirdupois.

2 **Sec. 79. "Trained employee" means any individual who:**

3 (1) is operating as an employee, agent, or contractor of a
4 certified applicator; and

5 (2) has received training required under IC 15-16-2.5-5(b) to
6 use fertilizer material under the supervision of the certified
7 applicator.

8 **Sec. 80. (a) "Use", except as provided in subsection (b), means**
9 **the placement or usage of fertilizer materials on a targeted**
10 **growing area.**

11 (b) "Use", for purposes of IC 15-16-2.7, means the:

12 (1) application of fertilizer material on an agricultural crop
13 growing area;

14 (2) handling of fertilizer materials; or

15 (3) transportation of fertilizer materials.

16 SECTION 3. IC 15-16-2-0.5 IS ADDED TO THE INDIANA
17 CODE AS A NEW SECTION TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2026]: **Sec. 0.5. Nothing in this chapter**
19 **impairs any authority granted to the Indiana department of**
20 **environmental management under IC 13-13-5-1(1).**

21 SECTION 4. IC 15-16-2-1.5 IS REPEALED [EFFECTIVE JULY
22 1, 2026]. **Sec. 1.5: (a) As used in this section, "manure based fertilizer"**
23 **means processed manure based commercial fertilizer with a manure**
24 **content of at least seventy-five percent (75%):**

25 (b) Except as provided in subsection (c) and sections 35 and 36 of
26 this chapter, this chapter does not apply to manure based fertilizer.

27 (c) The state chemist shall adopt rules under IC 4-22-2:

28 (1) regulating the distribution of manure based fertilizer; and

29 (2) establishing fees for the distribution of manure based
30 fertilizer.

31 SECTION 5. IC 15-16-2-2.5 IS REPEALED [EFFECTIVE JULY
32 1, 2026]. **Sec. 2.5: As used in this chapter, "ammonium nitrate" means**
33 **the ammonium salt of nitric acid; which must contain not less than**
34 **thirty-three percent (33%) nitrogen; fifty percent (50%) of which is in**
35 **the ammonium form and fifty percent (50%) of which is in the nitrate**
36 **form.**

37 SECTION 6. IC 15-16-2-3 IS REPEALED [EFFECTIVE JULY 1,
38 2026]. **Sec. 3: As used in this chapter, "blender" means a person or**
39 **system engaged in the business of blending commercial fertilizer.**

40 SECTION 7. IC 15-16-2-3.5 IS ADDED TO THE INDIANA
41 CODE AS A NEW SECTION TO READ AS FOLLOWS
42 [EFFECTIVE JULY 1, 2026]: **Sec. 3.5. (a) Except as provided in**

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1 subsection (b), this chapter applies to any person that:
 2 (1) uses fertilizer material for hire on the property of another
 3 person for purposes of producing an agricultural crop;
 4 (2) uses organic fertilizer from a confined feeding operation
 5 for purposes of producing an agricultural crop; or
 6 (3) distributes fertilizer material directly to any person
 7 described in this subsection.
 8 (b) This chapter does not apply to any person that:
 9 (1) uses or distributes less than ten (10) cubic yards or four
 10 thousand (4,000) gallons of organic fertilizer obtained from
 11 a confined feeding operation in a calendar year;
 12 (2) uses biosolids on land in Indiana that complies with 327
 13 IAC 6.1; or
 14 (3) distributes inorganic fertilizer to retail facilities.
 15 SECTION 8. IC 15-16-2-4 IS REPEALED [EFFECTIVE JULY 1,
 16 2026]. Sec. 4: As used in this chapter, "blending" means the physical
 17 mixing or combining:
 18 (1) of one (1) or more commercial fertilizers and one (1) or more
 19 filler materials;
 20 (2) of two (2) or more commercial fertilizers; or
 21 (3) of two (2) or more commercial fertilizers and filler materials;
 22 including mixing through the simultaneous or sequential application of
 23 any of the combinations referred to in subdivision (1); (2); or (3) to
 24 produce a uniform mixture.
 25 SECTION 9. IC 15-16-2-5 IS REPEALED [EFFECTIVE JULY 1,
 26 2026]. Sec. 5: As used in this chapter, "board" refers to the Indiana
 27 fertilizer advisory board established by section 25 of this chapter.
 28 SECTION 10. IC 15-16-2-6 IS REPEALED [EFFECTIVE JULY
 29 1, 2026]. Sec. 6: As used in this chapter, "brand" means a term, design,
 30 or trademark used in connection with at least one (1) grade of
 31 commercial fertilizer.
 32 SECTION 11. IC 15-16-2-7 IS REPEALED [EFFECTIVE JULY
 33 1, 2026]. Sec. 7: As used in this chapter, "bulk fertilizer" means a
 34 commercial fertilizer distributed in nonpackaged form.
 35 SECTION 12. IC 15-16-2-8 IS REPEALED [EFFECTIVE JULY
 36 1, 2026]. Sec. 8: As used in this chapter, "commercial fertilizer" means
 37 mixed fertilizer or fertilizer materials. The term does not include
 38 nonprocessed manure, marl, lime, wood ashes, or plaster.
 39 SECTION 13. IC 15-16-2-9 IS REPEALED [EFFECTIVE JULY
 40 1, 2026]. Sec. 9: As used in this chapter, "custom blend" means a
 41 commercial fertilizer blended:
 42 (1) according to specifications provided to a blender in a soil test

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1 nutrient recommendation; or
 2 (2) to meet specific requests of a consumer (who is the end user)
 3 before blending.
 4 SECTION 14. IC 15-16-2-10 IS REPEALED [EFFECTIVE JULY
 5 1, 2026]. Sec. 10: As used in this chapter, "distributor" means a person
 6 who:
 7 (1) offers for sale;
 8 (2) sells;
 9 (3) barter; or
 10 (4) supplies;
 11 commercial fertilizers:
 12 SECTION 15. IC 15-16-2-11 IS REPEALED [EFFECTIVE JULY
 13 1, 2026]. Sec. 11: As used in this chapter, "fertilizer material" means
 14 any substance containing nitrogen, phosphate, potash, or any
 15 recognized plant nutrient that:
 16 (1) is used for the plant nutrient content; and
 17 (2) has nutrient value in promoting plant growth.
 18 The term includes unmanipulated animal and vegetable manures.
 19 SECTION 16. IC 15-16-2-12 IS REPEALED [EFFECTIVE JULY
 20 1, 2026]. Sec. 12: As used in this chapter, "grade" means the minimum
 21 percentages of the following elements stated in the following order:
 22 (1) Total nitrogen (N);
 23 (2) Available phosphate (P₂O₅);
 24 (3) Soluble potash (K₂O).
 25 SECTION 17. IC 15-16-2-13 IS REPEALED [EFFECTIVE JULY
 26 1, 2026]. Sec. 13: As used in this chapter, "mixed fertilizer" means any
 27 combination or mixture of commercial fertilizers:
 28 (1) designed for use; or
 29 (2) claimed to have nutrient value;
 30 in promoting plant growth.
 31 SECTION 18. IC 15-16-2-14 IS REPEALED [EFFECTIVE JULY
 32 1, 2026]. Sec. 14: As used in this chapter, "official sample" means any
 33 sample of commercial fertilizer taken by the state chemist or the state
 34 chemist's agent.
 35 SECTION 19. IC 15-16-2-15 IS REPEALED [EFFECTIVE JULY
 36 1, 2026]. Sec. 15: As used in this chapter, "permit" refers to a permit
 37 issued under section 34 of this chapter to report the tonnage of
 38 commercial fertilizer sold.
 39 SECTION 20. IC 15-16-2-16 IS REPEALED [EFFECTIVE JULY
 40 1, 2026]. Sec. 16: As used in this chapter, "percent" or "percentage"
 41 means the percentage by weight.
 42 SECTION 21. IC 15-16-2-17 IS REPEALED [EFFECTIVE JULY

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1 1, 2026]. Sec. 17: As used in this chapter, "person" means:
 2 (1) an individual;
 3 (2) a partnership;
 4 (3) an association;
 5 (4) a firm;
 6 (5) a limited liability company; or
 7 (6) a corporation.
 8 SECTION 22. IC 15-16-2-18 IS REPEALED [EFFECTIVE JULY
 9 1, 2026]. Sec. 18: As used in this chapter, "registrant" means a person
 10 who registers commercial fertilizer under this chapter.
 11 SECTION 23. IC 15-16-2-19 IS REPEALED [EFFECTIVE JULY
 12 1, 2026]. Sec. 19: As used in this chapter, "sell" or "sale" includes
 13 exchange.
 14 SECTION 24. IC 15-16-2-20 IS REPEALED [EFFECTIVE JULY
 15 1, 2026]. Sec. 20: As used in this chapter, "specialty fertilizer" means
 16 a commercial fertilizer distributed for nonfarm use.
 17 SECTION 25. IC 15-16-2-21 IS REPEALED [EFFECTIVE JULY
 18 1, 2026]. Sec. 21: As used in this chapter, "storage" means the storage
 19 of bulk fertilizer by a person who:
 20 (1) manufactures or distributes bulk fertilizer; or
 21 (2) stores bulk fertilizer for personal use.
 22 SECTION 26. IC 15-16-2-22 IS REPEALED [EFFECTIVE JULY
 23 1, 2026]. Sec. 22: As used in this chapter, "ton" means a net weight of
 24 two thousand (2,000) pounds avoirdupois.
 25 SECTION 27. IC 15-16-2-23 IS REPEALED [EFFECTIVE JULY
 26 1, 2026]. Sec. 23: As used in this chapter, "use" means the placement
 27 or usage of fertilizer materials on a targeted growing area.
 28 SECTION 28. IC 15-16-2-25, AS AMENDED BY P.L.81-2009,
 29 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2026]: Sec. 25. (a) The Indiana fertilizer advisory board is
 31 established to:
 32 (1) study the regulation of fertilizer material; ~~and~~
 33 (2) **recommend changes to the schedule of civil penalties; and**
 34 (3) advise the state chemist on the administration of this chapter.
 35 (b) The board consists of the following members:
 36 (1) Two (2) representatives of the retail fertilizer industry.
 37 (2) One (1) representative of fertilizer manufacturing,
 38 distributing, or manufacturing and distributing.
 39 (3) Two (2) representatives of producers of agricultural crops.
 40 (4) One (1) representative of the lawn care industry.
 41 (5) One (1) representative of the Purdue School of Agriculture.
 42 (6) One (1) representative of a public conservation organization.

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- 1 (7) One (1) representative of the livestock industry.
- 2 (8) The president of the Indiana Plant Food and Agricultural
- 3 Chemicals Association, who serves as a nonvoting member.
- 4 (9) One (1) representative of the department of environmental
- 5 management, who serves as a nonvoting member.
- 6 (10) The fertilizer administrator for the office of the state
- 7 chemist, who serves as a nonvoting member.
- 8 (11) The engineer specialist for the office of the state chemist,
- 9 who serves as a nonvoting member.
- 10 (12) One (1) representative of the Indiana state department of
- 11 agriculture, who shall serve as a nonvoting member.

12 (c) The state chemist shall appoint the voting members of the
 13 board, who serve for terms of four (4) years.

14 (d) Voting members of the board may be appointed for successive
 15 terms at the discretion of the state chemist.

16 SECTION 29. IC 15-16-2-31.5 IS ADDED TO THE INDIANA
 17 CODE AS A NEW SECTION TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2026]: **Sec. 31.5. (a) Additional plant**
 19 **nutrients besides nitrogen (N), phosphate (P₂O₅), and soluble**
 20 **potash (K₂O), when mentioned or claimed on the:**

- 21 (1) tag or label;
- 22 (2) container; or
- 23 (3) written or printed statement that accompanies delivery;
- 24 **must be registered and guaranteed under section 31 of this chapter.**
- 25 **Guarantees must be made on the elemental basis. The source of**
- 26 **each guaranteed element must be included on the application for**
- 27 **registration.**

28 (b) When a claim for an additional plant nutrient is made on
 29 the label, container, or application for registration, the minimum
 30 percentages that will be accepted for registration are as follows:

31 Element↔	Percentage
32 Calcium (Ca)↔	1.00
33 Magnesium (Mg)↔	0.50
34 Sulfur (S)↔	1.00
35 Boron (B)↔	0.02
36 Chlorine (Cl)↔	0.10
37 Cobalt (Co)↔	0.0005
38 Copper (Cu)↔	0.05
39 Iron (Fe)↔	0.10
40 Manganese (Mn)↔	0.05
41 Molybdenum (Mo)↔	0.0005
42 Nickel (Ni)↔	0.0010

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- 1 Sodium (Na) <-> 0.10
2 Zinc (Zn) <-> 0.05
- 3 (c) Except as provided in subsection (e), the guarantees or
4 claims for the additional plant nutrients listed in subsection (b) are
5 the only ones that will be accepted. Proposed labels and directions
6 for use of the fertilizer must be furnished with the application for
7 registration upon request. Any element listed in subsection (b) that
8 is guaranteed must appear in the order listed, immediately
9 following the guarantees for the primary nutrients, nitrogen,
10 phosphorus, and potassium.
- 11 (d) A warning or caution statement is required on the label for
12 any product that contains at least:
- 13 (1) three-hundredths percent (0.03%) of boron in a water
14 soluble form; or
- 15 (2) one-thousandth percent (0.001%) of molybdenum.
- 16 (e) When any compound of boron is incorporated into a
17 commercial fertilizer, a special warning tag or statement must be
18 furnished to the purchaser and must contain the following:
- 19 (1) The word "WARNING" in letters at least three-fourths
20 (3/4) inch in height.
- 21 (2) A statement describing the crops for which the fertilizer is
22 to be used.
- 23 (3) A statement declaring use of the fertilizer on any other
24 crops or under conditions other than those recommended may
25 result in serious injury to the crops.
- 26 The tag or statement must be attached to or printed on the bag or
27 other container in which the fertilizer is sold. For bulk fertilizers,
28 the statement must be placed on the invoice or other document that
29 must accompany delivery and be supplied to the purchaser at the
30 time of delivery as provided in section 32 of this chapter.
- 31 (f) Except for the additional plant nutrients listed in subsection
32 (b), additional plant food elements or other additives that are
33 determinable by chemical methods may be guaranteed only by
34 permission of the state chemist. The state chemist shall grant
35 permission only if the state chemist determines, with the advice of
36 the dean of agriculture of Purdue University or the dean's
37 designee, that the guarantee would not constitute a
38 misrepresentation and is correct. Additional plant foods that are
39 guaranteed:
- 40 (1) must be included in the guarantee in the form of the
41 element; and
- 42 (2) are subject to inspection and analysis in accordance with

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1 **the methods that the state chemist prescribes.**

2 SECTION 30. IC 15-16-2-31.7 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2026]: **Sec. 31.7. (a) When an insecticide, a
5 herbicide, or any other additive for pest control is added to
6 fertilizer the product must be registered and guaranteed with
7 respect to the kind and percentage of each insecticide, herbicide,
8 and additive and each plant food element.**

9 **(b) The label on the bag or other container of a product
10 described in subsection (a) must prominently state:**

11 **(1) the crops for which the product is to be used; and**

12 **(2) that the use of the product on any other crops or under
13 conditions other than those recommended may result in
14 serious injury to crops.**

15 SECTION 31. IC 15-16-2-32, AS AMENDED BY P.L.81-2009,
16 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2026]: **Sec. 32. (a) The bag or other container in which any
18 commercial fertilizer is offered for sale, sold, or distributed in Indiana
19 must have a written or printed statement of the net weight and the
20 information required by section 31 of this chapter directly on or affixed
21 to the package.**

22 **(b) If the commercial fertilizer is distributed in bulk, the written or
23 printed statement required by section 31 of this chapter must:**

24 **(1) accompany the commercial fertilizer at delivery; and**

25 **(2) be supplied to the purchaser at time of delivery.**

26 **(c) Any additional information, including printed materials or
27 a design, that is attached to, appears on, or is associated with the
28 commercial fertilizer may not conflict with the information
29 required under this section.**

30 SECTION 32. IC 15-16-2-36, AS AMENDED BY P.L.29-2024,
31 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2026]: **Sec. 36. (a) Notwithstanding any other law, all excess
33 funds accumulated from the fees collected by:**

34 **(1) the state chemist, under this chapter, IC 15-15-2, <=> [**
35 **IC 15-16-2.5, <=> [IC 15-16-4, IC 15-16-5, and IC 15-19-7; and**

36 **(2) the state seed commissioner under IC 15-15-1 and
37 IC 15-15-13;**

38 shall be paid to the treasurer of Purdue University. The funds shall be
39 administered by the board of trustees of Purdue University.

40 **(b) On approval of the governor and the budget agency, and upon
41 review of the budget committee, the board of trustees may spend the
42 excess funds for the construction, operation, rehabilitation, and repair**

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1 of buildings, structures, or other facilities used for:

- 2 (1) carrying out the purposes of those chapters referred to in
- 3 subsection (a) under which the fees are collected; or
- 4 (2) the agricultural programs authorized by law and in support of
- 5 the purposes of the chapters referred to in subsection (a).

6 SECTION 33. IC 15-16-2-38, AS AMENDED BY P.L.99-2012,
7 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2026]: Sec. 38. (a) The state chemist shall:

- 9 (1) sample, inspect, make analysis of, and test commercial
- 10 fertilizers distributed within Indiana; and
- 11 (2) inspect the storage of bulk fertilizers in Indiana at a time and
- 12 place and to such an extent as necessary to determine whether the
- 13 bulk fertilizers and their storage are in compliance with this
- 14 chapter.

15 (b) The state chemist may enter upon any public or private premises
16 during regular business hours in order to have access to:

- 17 (1) fertilizer materials; and
- 18 (2) plans and records relating to the transportation, storage, sale,
- 19 and use of fertilizer materials;

20 subject to this chapter and the rules adopted under this chapter.

21 (c) The state chemist shall ~~adopt use the~~ methods of sampling and
22 analysis for commercial fertilizers ~~from sources that may include are~~
23 **adopted by AOAC International**. In cases of dispute, AOAC
24 International's methods prevail if AOAC International's methods are
25 available. **However, in cases not covered by AOAC International's**
26 **methods, or in cases where methods are available in which**
27 **improved applicability has been demonstrated, the state chemist**
28 **may adopt appropriate methods from other sources.**

29 (d) The state chemist shall determine for administrative purposes
30 whether a commercial fertilizer is deficient in plant foods using only
31 the official sample obtained and analyzed as provided in subsection (c).

32 (e) The state chemist may request a court to issue subpoenas to
33 compel:

- 34 (1) the attendance of witnesses; or
- 35 (2) the production of books, documents, and records;

36 as part of an authorized investigation or a hearing located in Indiana
37 affecting the authority or privilege granted by a license, certificate,
38 application, registration, or permit issued under this chapter.

39 SECTION 34. IC 15-16-2-44, AS AMENDED BY P.L.189-2011,
40 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2026]: Sec. 44. (a) The state chemist may adopt rules under
42 IC 4-22-2 concerning the following:

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- 1 (1) The distribution and use of fertilizer material, including
 2 standards to protect waters of the state.
- 3 (2) The distribution and storage of bulk fertilizers, including
 4 standards for the storage of bulk fertilizers to protect the waters
 5 of the state.
- 6 (b) The state chemist shall adopt rules under IC 4-22-2 concerning
 7 the following:
- 8 (1) Subject to subsection (c), the establishment of certification
 9 and educational programs, as determined by the state chemist,
 10 relating to the application of fertilizer material; the transportation
 11 of fertilizer material; or both for the following:
- 12 (A) Persons who apply fertilizer material for hire; transport
 13 fertilizer material for hire; or both.
- 14 (B) Persons who apply fertilizer material; transport fertilizer
 15 material; or both from the following:
- 16 (i) Confined feeding operations (as defined in
 17 IC 13-11-2-40).
- 18 (ii) Operations outside Indiana that would be confined
 19 feeding operations (as defined in IC 13-11-2-40) if they
 20 were located in Indiana.
- 21 (2) The establishment of fees for the certification and education
 22 programs established under subdivision (1).
- 23 (c) (b) The state chemist shall adopt rules under IC 4-22-2 before
 24 July 1, 2012, concerning the staging, management, and land application
 25 of fertilizer material.
- 26 (d) Any fees collected for a certification and educational programs
 27 under subsection (b)(1) shall be collected by the state chemist and
 28 deposited and administered under section 44.5 of this chapter.
- 29 (e) The state chemist may waive all or part of the certification
 30 requirements established under subsection (b)(1) on a reciprocal basis
 31 with any state agency or federal agency that has substantially the same
 32 certification standards.
- 33 SECTION 35. IC 15-16-2-44.5, AS AMENDED BY P.L.29-2024,
 34 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2026]: Sec. 44.5. (a) The state chemist shall pay to the
 36 treasurer of Purdue University all certification and educational program
 37 fees collected under section 44 of this chapter. <> [IC 15-16-2.5-14.
- 38 (b) Certification and educational program fees collected under <> [
 39 section 44 of this chapter <> [IC 15-16-2.5-14 must be used to pay
 40 all necessary expenses incurred in carrying out and administering the
 41 certification and educational programs.
- 42 (c) <The> [Before November 1, 2026, and before November 1 of

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1 each year thereafter, the dean of agriculture of Purdue University
2 shall make an annual classified report to the:

- 3 (1) governor;
4 (2) legislative council; and
5 (3) budget committee;

6 showing the total receipts and expenditures of all fees received under
7 this section [for the most recently preceding state fiscal year]. The
8 budget committee shall review this report annually.

9 [(d) If the report under subsection (c) is not provided before
10 November 1, 2026, or before November 1 of any year thereafter, as
11 required, the fees allowed under this chapter shall expire
12 December 31 in the year in which the November 1 deadline is not
13 met.

14] SECTION 36. IC 15-16-2-44.7 IS ADDED TO THE INDIANA
15 CODE AS A NEW SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2026]: **Sec. 44.7. The state chemist shall**
17 **deposit all money collected for civil penalties under this chapter**
18 **into an account for the Purdue Pesticide Programs for the purpose**
19 **of providing education about fertilizers.**

20 SECTION 37. IC 15-16-2-49.5, AS AMENDED BY P.L.81-2009,
21 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2026]: Sec. 49.5. (a) If a person violates this chapter or a rule
23 adopted under this chapter, the state chemist may:

- 24 (1) warn, issue a citation to, or impose a civil penalty on the
25 person; ~~or~~
26 (2) deny, suspend, revoke, or amend the person's registration
27 under this chapter;
28 (3) **refer the person for criminal prosecution; or**
29 (4) **refer the person to another appropriate governmental**
30 **agency.**

31 **However, nothing in this chapter requires the state chemist to**
32 **impose a civil penalty for a violation.**

33 (b) ~~The state chemist shall adopt by rule, under IC 4-22-2, a~~
34 ~~schedule of civil penalties that may be imposed under subsection (a):~~
35 ~~The state chemist may impose a civil penalty only according to a the~~
36 ~~schedule of civil penalties recommended by the board: in section 49.6~~
37 **of this chapter.**

38 (c) A person who knowingly or intentionally violates this chapter
39 commits a Class A misdemeanor.

40 [] SECTION 38. IC 15-16-2-49.6 IS ADDED TO THE INDIANA
41 CODE A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2026]: **Sec. 49.6. The schedule of civil penalties for**

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1 violations of this chapter are as follows:
 2 (1) Each penalty for each violation, if the violation is of a
 3 continuing nature, shall not be imposed for more than one
 4 hundred eighty (180) days when assessed on a per day basis.
 5 (2) Each penalty for each violation, if the violation is of an
 6 identical repetitive nature, may not be imposed for more than
 7 one hundred eighty (180) incidents when assessed on a per
 8 incident basis.

9 10 11 12 13	Legal Citation	General Description of Violation	Violation Number			Violation Assessment
			1	2	3 and subsequent	
14 15 16 17	IC 15-16-2-43 and IC 15-16-2.5-9	Use fraud in applying for license, permit, or registration.	\$250	\$500	\$1,000	Per incident
18 19 20 21 22 23 24 25 26 27	IC 15-16-2-46	Sell, use, or remove without permission a product placed under a stop sale, use, or removal order.	\$250	\$500	\$1,000	Per incident
28 29 30	The preceding penalty amounts for a violation of IC 15-16-2-46 are not eligible for a potential mitigation under section 49.8 of this chapter.					
31 32 33 34 35 36	IC 15-16-2.5-2 and IC 15-15-2.5-3	Engage in business for hire without a business license.	\$250	\$500	\$1,000	Per day
37 38 39 40 41 42	IC 15-16-2.5-2 and IC 15-16-2.5-3	Use fertilizer material without certification.	\$100	\$200	\$300	Per day
	IC	Distribute	\$250	\$500	\$1,000	Per day

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1	15-16-2.5-4	fertilizer				
2		material				
3		without a				
4		business				
5		license.				
6	IC	Distribute	\$100	\$200	\$300	Per incident
7	15-16-2.5-4	fertilizer				
8		material				
9		to an				
10		unlicensed				
11		user.				
12	IC	Fail to	\$100	\$200	\$300	Per incident
13	15-16-2.5-5	train				
14		employees.				
15	IC	Fail to	\$125	\$250	\$500	Per day
16	15-16-2.5-5(d)	properly				
17		supervise				
18		employee.				
19	IC	Fail to	\$100	\$250	\$500	Per incident
20	15-16-2.7-2(1)	develop or				
21	and	follow a				
22	IC	fertilizer				
23	15-16-2.7-2(2)	application				
24		plan.				
25	IC	Apply	\$100	\$250	\$500	Per incident
26	15-16-2.7-2(3)	fertilizer				
27		material				
28		directly to				
29		surface water.				
30	IC	Apply	\$100	\$250	\$500	Per incident
31	15-16-2.7-2(4)	fertilizer				
32		material to				
33		saturated				
34		ground.				
35	IC	Apply	\$100	\$250	\$500	Per incident
36	15-16-2.7-2(5)	fertilizer				
37		material				
38		from a				
39		public road.				

40 **The preceding penalty amounts for a violation of IC 15-16-2.7-2(5)**
 41 **are not eligible for a potential mitigation under section 49.8 of this**
 42 **chapter.**

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1	IC	Fail to	\$250	\$500	\$1,000	Per incident
2	15-16-2.7-3	follow				
3		proper				
4		unmanipulated				
5		organic				
6		fertilizer				
7		application				
8		setback or				
9		incorporation				
10		requirements.				
11	IC	Improper	\$250	\$500	\$1,000	Per incident
12	15-16-2.7-4	application of				
13		unmanipulated				
14		organic				
15		fertilizer to				
16		highly erodible				
17		land.				
18	IC	Improper	\$250	\$500	\$1,000	Per incident
19	15-16-2.7-5	application of				
20		unmanipulated				
21		organic				
22		fertilizer to				
23		frozen or snow				
24		covered ground.				
25	IC	Fail to	\$100	\$250	\$500	Per day
26	15-16-2.7-6	properly				
27		monitor				
28		organic				
29		fertilizer				
30		application.				
31	IC	Fail to	\$250	\$500	\$1,000	Per incident
32	15-16-2.7-7	properly				and per day
33		stage				
34		inorganic				
35		fertilizer.				
36	IC	Fail to	\$250	\$500	\$1,000	Per incident
37	15-16-2.7-8	properly				and per day
38		stage				
39		organic				
40		fertilizer.				
41	IC	Fail to	\$25	\$50	\$75	Per day
42	15-16-2.7-9	keep proper				

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1		distribution				
2		records.				
3	IC	Fail to	\$25	\$50	\$75	Per day
4	15-16-2.7-10	keep proper				
5		application				
6		records.				
7	IC	Make false	\$250	\$500	\$1,000	Per incident
8	15-16-2.7-9	records.				
9	and					
10	IC					
11	15-16-2.7-10					
12	The preceding penalty amounts for a violation of IC 15-16-2.7-9 or					
13	IC 15-16-2.7-10 are not eligible for a potential mitigation under					
14	section 49.8 of this chapter.					
15	IC	Fail to	\$100	\$250	\$500	Per incident
16	15-16-2.7-11	make				
17		records				
18		available.				
19	The preceding penalty amounts for a violation of IC 15-16-2.7-11					
20	are not eligible for a potential mitigation under section 49.8 of this					
21	chapter.					
22	IC	Operate	\$100	\$200	\$300	Per incident
23	15-16-3.3-1(e)	storage				
24		containers or				
25		appurtenances				
26		with an				
27		improper				
28		design.				
29	IC	Store a	\$250	\$500	\$1,000	Per day
30	15-16-3.3-2	fertilizer in				
31		an underground				
32		bulk container.				
33	IC	Abandon a	\$250	\$500	\$1,000	Per incident
34	15-16-3.3-3	bulk storage				
35		container				
36		improperly.				
37	IC	Store a	\$100	\$200	\$300	Per incident
38	15-16-3.3-1	fertilizer in				
39	and	a bulk				
40	IC	container made				
41	15-16-3.3-4	of improper				
42		design or				

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1		materials.				
2	IC	Fail to	\$100	\$250	\$500	Per incident
3	15-16-3.3-5(a)	anchor				
4		bulk storage				
5		containers				
6		properly.				
7	IC	Fail to	\$100	\$250	\$500	Per incident
8	15-16-3.3-6	provide bulk				
9		container				
10		security.				
11	IC	Fill bulk	\$100	\$200	\$300	Per incident
12	15-16-3.3-7	container				
13		beyond				
14		intended				
15		capacity.				
16	IC	Fail to	\$50	\$50	\$50	Per day
17	15-16-3.3-8	support or				
18		contain				
19		appurtenances.				
20	IC	Fail to	\$50	\$100	\$150	Per incident
21	15-16-3.3-9	provide a				
22		liquid level				
23		device or				
24		secure liquid				
25		level gauge.				
26	IC	Fail to	\$25	\$50	\$100	Per incident
27	15-16-3.3-10	properly label				
28		bulk container.				
29	IC	Fail to	\$100	\$200	\$300	Per day
30	15-16-3.3-11	maintain bulk				
31		container or				
32		appurtenance.				
33	IC	Fail to carry	\$250	\$500	\$1,000	Per incident
34	15-16-3.3-12(b)	out operational				
35		area activities				
36		within contained				
37		area.				
38	IC	Operate	\$100	\$200	\$300	Per day
39	15-16-3.3-12(c)	operational area				
40		containment with				
41		improper design,				
42		construction, or				

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1		capacity.				
2	IC	Operate	\$100	\$200	\$300	Per day
3	15-16-3.3-12(e)	operational				
4		area with a				
5		valve, or				
6		improper				
7		pump.				
8	IC	Fail to	\$100	\$200	\$300	Per incident
9	15-16-3.3-12(f)	remove				
10		liquids				
11		promptly from				
12		operational area				
13		containment.				
14	IC	Fail to	\$100	\$200	\$300	Per incident
15	15-16-3.3-12(g)	protect storage				
16		containers and				
17		appurtenances				
18		from damage				
19		by vehicles.				
20	IC	Fail to	\$100	\$200	\$300	Per day
21	15-16-3.3-12(i)	maintain				
22		operational				
23		area containment.				
24	IC	Store a	\$250	\$500	\$1,000	Per day
25	15-16-3.3-13(a)	bulk container				
26		outside of				
27		secondary				
28		containment.				
29	IC	Fail to	\$100	\$200	\$300	Per day
30	15-16-3.3-13(b)	separate fertilizer				
31		secondary				
32		containment				
33		from other				
34		materials.				
35	IC	Fail to	\$100	\$200	\$300	Per day
36	15-16-3.3-13(c)	maintain				
37	and	required				
38	IC	capacity for				
39	15-16-3.3-22(b)	secondary				
40		containment.				
41	IC	Operate	\$100	\$200	\$300	Per day
42	15-16-3.3-13(f)	secondary				

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1		containment				
2		with tile				
3		drainage within				
4		or under the				
5		containment.				
6	IC	Operate	\$100	\$200	\$300	Per day
7	15-16-3.3-14(a)	secondary				
8		containment with				
9		improperly				
10		constructed				
11		or sealed walls.				
12	IC	Operate	\$100	\$200	\$300	Per day
13	15-16-3.3-15,	secondary				
14	IC	containment				
15	15-16-3.3-16,	with improperly				
16	IC	constructed				
17	15-16-3.3-17,	or sealed				
18	IC	base.				
19	15-16-3.3-18,					
20	or IC					
21	15-16-3.3-19					
22	IC	Operate an	\$100	\$200	\$300	Per day
23	15-16-3.3-21	improperly				
24		designed,				
25		constructed,				
26		or maintained				
27		elephant ring.				
28	IC	Operate	\$100	\$200	\$300	Per day
29	15-16-3.3-22(a)	secondary				
30		containment				
31		with a relief				
32		outlet, valve,				
33		or improper				
34		pump.				
35	IC	Fail to	\$100	\$200	\$300	Per day
36	15-16-3.3-23(a)	maintain				
37		secondary				
38		containment.				
39	IC	Fail to	\$25	\$50	\$100	Per day
40	15-16-3.3-23(b)	maintain				
41		secondary				
42		containment				

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1		free of				
2		debris and				
3		foreign matter.				
4	IC	Store dry	\$250	\$500	\$1,000	Per day
5	15-16-3.3-24(a)	bulk				
6		fertilizer in				
7		an unsound				
8		manner.				
9	IC	Fail to	\$250	\$500	\$1,000	Per incident
10	15-16-3.3-24(b)	provide a				
11		dry fertilizer				
12		operations				
13		pad.				
14	IC	Fail to	\$50	\$100	\$150	Per year
15	15-16-3.3-25	notify the				
16		state chemist				
17		annually of				
18		the bulk				
19		storage facility				
20		location and				
21		status.				
22	355	Supervise	\$100	\$100	\$100	Per day and
23	IAC	more than				per person
24	7-3-4	10 employees.				

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SECTION 39. IC 15-16-2-49.7 IS ADDED TO THE INDIANA CODE A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 49.7. For purposes of imposing civil penalties under this chapter, the state chemist shall comply with the following when determining the violation number and the count of violations:**

- (1) Only violations committed within the immediate past five (5) years of the date of the violation being addressed will be considered.
- (2) A person's violation numbers shall accumulate as first, second, third, and so on independently for each violation listed on the schedule.
- (3) When multiple different but similar or related violations are committed by a single distinguishable act or failure to act, only one (1) of those violations may be subject to a civil penalty for that act. This subdivision is intended to avoid duplicating civil penalty assessment for violation of multiple provisions of the statute or rule that may be essentially the

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1 same or closely related. This subdivision is not intended to
2 limit in any way civil penalty assessment for violations that
3 are the result of more than one (1) distinguishable unrelated
4 act or failure to act or a violation of a continuing or repetitive
5 nature.

6 (4) When civil penalty assessment procedures outlined in
7 subdivision (3) are being followed, the state chemist shall use
8 the appropriate violation with the highest penalty listed on the
9 schedule.

10 SECTION 40. IC 15-16-2-49.8 IS ADDED TO THE INDIANA
11 CODE A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2026]: Sec. 49.8. (a) Except as provided in section 49.6 of
13 this chapter, the amount of a civil penalty in section 49.6 of this
14 chapter may be adjusted downward to reflect particular mitigating
15 factors. Some factors that may be considered are the following:

- 16 (1) Good faith efforts of the violator to comply.
- 17 (2) Cooperation by the violator with the state chemist during
18 the investigation process.
- 19 (3) The violator's history of compliance.
- 20 (4) The potential for damage.
- 21 (5) Remedial or corrective action taken by the violator.

22 (b) The state chemist may subject the violator to the full amount
23 of the nonmitigated civil penalty if the violator fails to pay the full
24 amount of any previously mitigated civil penalty by the date
25 prescribed by the state chemist.

26 SECTION 41. IC 15-16-2-50, AS AMENDED BY P.L.81-2009,
27 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2026]: Sec. 50. (a) Except as provided in subsection (b), a
29 political subdivision (as defined in IC 36-1-2-13) does not have
30 authority to regulate by ordinance the storage or use of fertilizer
31 material.

32 (b) A political subdivision may, by resolution, petition the state
33 chemist for a hearing to allow a waiver to adopt an ordinance because
34 of special circumstances relating to the storage or use of fertilizer
35 material. If a petition is received, the state chemist shall hold a public
36 hearing to consider allowing the waiver requested. The public hearing
37 must be conducted in an informal manner. IC 4-21.5 does not apply to
38 a public hearing under this section.

39 (c) The petitioner in the public hearing must present evidence
40 that supports the request for a waiver to adopt an ordinance. All
41 evidence shall be received fourteen (14) days prior to the hearing
42 date. The petitioner has the burden of showing the need for the

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1 requested waiver. The evidence must include the following:

- 2 (1) A clear, detailed statement of the problem being
3 addressed.
4 (2) The special circumstances that exist that warrant a waiver.
5 (3) The specific political entity that will be covered by the
6 request.
7 (4) Any resources of the state that would be protected by the
8 request, including a specific stream, river, lake, or pond.
9 (5) Current site specific scientific data, including applicable
10 soil and water tests, that support the request.
11 (6) Previous mitigation methods or steps implemented.
12 (7) Educational efforts undertaken to address the concern.
13 (8) A copy of the proposed ordinance.

14 (d) In reaching a decision to approve or deny the waiver, the
15 state chemist shall consider the following:

- 16 (1) Whether the scientific evidence supports the claims being
17 made in the petition.
18 (2) Whether the measures proposed in the petition will likely
19 correct the purported problem or significantly reduce
20 environmental impacts.
21 (3) Whether the proposed ordinance corrects the problem in
22 the narrowest scope possible.
23 (4) Whether the ordinance will impose an undue burden upon
24 the persons regulated.
25 (5) Whether scientifically based maintenance levels of
26 nutrient applications would still be allowed by the ordinance.
27 (6) Acceptable fertilizer management practices.

28 (e) The state chemist may not consider the following factors in
29 making a decision on whether to approve or deny the waiver:

- 30 (1) The economic impact.
31 (2) The odor.

32 (f) In reaching a decision on whether to approve or deny the
33 waiver, the state chemist may consult, in addition to the material
34 received from the petitioner, the following:

- 35 (1) The board.
36 (2) Scientifically based materials provided by the College of
37 Agriculture at Purdue University.
38 (3) Other sources deemed necessary by the state chemist.

39 The state chemist shall prepare a written decision, with stated
40 reasons, either allowing or denying the waiver within ninety (90)
41 days after review.

42 SECTION 42. IC 15-16-2.5 IS ADDED TO THE INDIANA CODE

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1 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2026]:

3 **Chapter 2.5. Distributors and Users of Fertilizer Material**

4 **Sec. 1. (a) Except as provided in subsection (b), this chapter**
5 **applies to any person that:**

- 6 (1) uses fertilizer material for hire on the property of another
7 person for purposes of producing an agricultural crop;
8 (2) uses organic fertilizer from a confined feeding operation
9 for purposes of producing an agricultural crop; or
10 (3) distributes fertilizer material directly to any person
11 described in this subsection.

12 **(b) This chapter does not apply to any person that:**

- 13 (1) uses or distributes less than ten (10) cubic yards or four
14 thousand (4,000) gallons of organic fertilizer obtained from a
15 confined feeding operation in a calendar year;
16 (2) uses biosolids, industrial waste products, and
17 pollutant-bearing water on land in Indiana that comply with
18 327 IAC 6.1; or
19 (3) distributes inorganic fertilizer to retail facilities.

20 **Sec. 2. Fertilizer material used for hire on the property of**
21 **another person for purposes of producing an agricultural crop**
22 **must be used by:**

- 23 (1) an individual who has a valid commercial applicator
24 license; or
25 (2) an individual who:
26 (A) is a trained employee; and
27 (B) is operating under the supervision of a certified
28 applicator.

29 **Sec. 3. Organic fertilizer from a confined feeding operation used**
30 **for purposes of producing an agricultural crop must be used by:**

- 31 (1) an individual who has a valid:
32 (A) commercial applicator license; or
33 (B) private applicator certification; or
34 (2) an individual who:
35 (A) is a trained employee; and
36 (B) is operating under the supervision of a certified
37 applicator.

38 **Sec. 4. Fertilizer material distributed for the purpose of**
39 **producing an agricultural crop must be distributed:**

- 40 (1) by a person that has a valid fertilizer business license; and
41 (2) to a person that has a valid:
42 (A) fertilizer business license;

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- 1 **(B) commercial applicator license; or**
- 2 **(C) private applicator certification.**
- 3 **Sec. 5. (a) Fertilizer materials covered by IC 15-16-2 and this**
- 4 **chapter may be used by a noncertified trained employee who is**
- 5 **working under the supervision of a certified applicator affiliated**
- 6 **with the person performing the use or distribution.**
- 7 **(b) The training required in this section must be:**
 - 8 **(1) identified and approved by the state chemist; and**
 - 9 **(2) repeated by the noncertified trained employee when that**
 - 10 **individual moves from one employer to a different employer.**
- 11 **(c) The supervising certified applicator is responsible for the**
- 12 **following:**
 - 13 **(1) Ensuring that the noncertified employee has received the**
 - 14 **training required in this section.**
 - 15 **(2) Keeping a record of the employee training required in this**
 - 16 **section.**
 - 17 **(3) Providing the supervised noncertified trained employee**
 - 18 **with the means and instructions to:**
 - 19 **(A) establish direct voice communication during the use or**
 - 20 **distribution of fertilizer material; and**
 - 21 **(B) immediately contact the Indiana department of**
 - 22 **environmental management to report any fertilizer**
 - 23 **material spill that may threaten waters of the state.**
 - 24 **(4) Making work assignments to the supervised noncertified**
 - 25 **trained employee.**
 - 26 **(5) Knowing the status of the work assignments made to**
 - 27 **supervised trained employee.**
- 28 **(d) A certified applicator may not supervise more than ten (10)**
- 29 **noncertified trained employees at any time.**
- 30 **Sec. 6. (a) An individual may become eligible to be a certified**
- 31 **applicator by passing the certification examination described in**
- 32 **subsection (b).**
 - 33 **(b) The certification examination must be a written, closed book**
 - 34 **examination developed by the state chemist. The minimum passing**
 - 35 **score for the examination is seventy-five percent (75%) unless**
 - 36 **another minimum passing score has been established by the state**
 - 37 **chemist after consideration of the recommendations of the**
 - 38 **standards committee described in subsection (c).**
 - 39 **(c) The state chemist shall appoint a standards committee to**
 - 40 **develop certification subject matter and standards for the certified**
 - 41 **applicator certification examination. Members of the committee**
 - 42 **include, at a minimum, individuals representing the following:**

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- 1 (1) The state chemist.
 2 (2) The Purdue University cooperative extension service.
 3 (3) The inorganic fertilizer industry.
 4 (4) The organic fertilizer industry.
- 5 (d) A certified applicator's certification eligibility remains in
 6 force from the date of completing the requirements in subsection
 7 (a) through December 31 of the fourth year following the year
 8 during which the requirements were met.
- 9 (e) The state chemist shall specify examination procedures that
 10 must be followed by any individual taking an examination under
 11 this section. Failure to comply with these procedures or any
 12 unauthorized assistance provided by or received by an individual
 13 during the examining period shall be cause for immediate
 14 termination of the examining process for all involved individuals
 15 and the involved individuals may not take the certified applicator
 16 examination for five (5) years.
- 17 Sec. 7. (a) An individual may become eligible for certified
 18 applicator certification renewal by completing one (1) of the
 19 following:
- 20 (1) Passing the written examination for initial certification
 21 under section 6 of this chapter.
 22 (2) Accumulating at least three (3) fertilizer material
 23 continuing certification hours (CCHs) before the expiration
 24 of the individual's certification period.
 25 (3) Attending at least three (3) fertilizer material private
 26 applicator recertification programs (PARPs) before the
 27 expiration of the individual's certification period.
- 28 (b) An individual may accumulate CCHs or PARPs only after
 29 the individual is certified.
- 30 (c) An individual may accumulate a maximum of two (2)
 31 fertilizer material CCH or PARP credits in any one (1) year of the
 32 individual's five (5) year certification period.
- 33 (d) Credit for accumulating in excess of three (3) fertilizer
 34 material CCH or PARP credits do not carry forward to the next
 35 certification period.
- 36 (e) Eligibility for renewed certified applicator certification
 37 remains in force through December 31 of the fifth year following
 38 renewal unless the individual's certification is revoked or
 39 suspended before that date.
- 40 Sec. 8. (a) The state chemist is responsible for evaluating all
 41 instruction and training opportunities submitted for consideration
 42 of approval for CCH and PARP credits.

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1 (b) Training and instruction may be evaluated and approved for
2 both CCH and PARP credits.

3 (c) All requests for CCH or PARP approval by the state chemist
4 must be submitted as follows:

5 (1) At least twenty-one (21) days before the date that the
6 instruction or training event will occur.

7 (2) In a format determined by the state chemist.

8 (3) By an individual directly responsible for the CCH
9 instruction or training event.

10 (4) By the county extension educator with the Purdue
11 Cooperative Extension Service for the PARP instruction or
12 training.

13 (d) The state chemist shall use the following criteria to evaluate
14 and approve the instruction and training events for CCH and
15 PARP:

16 (1) The event must be open to all certified applicators.

17 (2) Except as provided in subdivision (3), any costs or
18 participation fees to cover expenses incurred by the training
19 providers must be the same for all certified applicators
20 attending.

21 (3) Professional educational organizations claiming Internal
22 Revenue Service 501(c) status and governmental
23 organizations may charge variable participation fees.

24 (4) The event may not be in-house training.

25 (5) The venue must be large enough to accommodate a
26 reasonable number of certified applicators from outside the
27 immediate organization facilitating the instruction or
28 training.

29 (6) The event must be open without fee or charge to the state
30 chemist for monitoring.

31 (7) The event must have an effective mechanism for the
32 person responsible for the training to verify participation of
33 each certified applicator from the start to the conclusion of
34 the CCH or PARP event.

35 (8) The event must include at least one (1) state chemist
36 approved regulatory topic.

37 (9) Subject matter and content must include at least one (1) of
38 the following:

39 (A) Fertilizer material storage.

40 (B) Fertilizer material chemistry.

41 (C) Fertilizer material equipment calibration and
42 maintenance.

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- 1 (D) Fertilizer material use.
 2 (E) Fertilizer material transportation.
 3 (F) Fertilizer material application development and
 4 implementation.
 5 (G) Spill response procedures.
 6 (H) Public and customer safety.
 7 (I) Public and customer concerns.
 8 (J) Applicator safety.
 9 (K) Environmental safety.
 10 (L) Environmental issues.
 11 (M) Employee training.
 12 (N) Associated state and federal laws or regulations
 13 affecting fertilizer materials or fertilizer material
 14 applicators.
 15 (10) Subject matter and content may not include any of the
 16 following:
 17 (A) Product or service sales or promotions.
 18 (B) Employee hiring or retention.
 19 (C) General business practices.
 20 Sec. 9. (a) A certified applicator who makes a false or fraudulent
 21 report or in any way misrepresents the applicator's participation
 22 in the certification renewal process is subject to the following:
 23 (1) Revocation of all accumulated CCH and PARP credits to
 24 date.
 25 (2) The penalties allowed under IC 15-16-2-49.5.
 26 (b) A person who makes a false or fraudulent report or in any
 27 way misrepresents information that is part of the certification
 28 renewal process is subject to the following:
 29 (1) Revocation of authority and privilege to participate in any
 30 future CCH or PARP events.
 31 (2) The penalties allowed under IC 15-16-2-49.5.
 32 Sec. 10. (a) A person applying for a fertilizer business license
 33 must submit the following:
 34 (1) An application to the state chemist on a form provided by
 35 the state chemist.
 36 (2) Except for a person that has paid a pesticide fee under
 37 IC 15-16-5-48 for the current year, a fee of forty-five dollars
 38 (\$45) to the state chemist.
 39 (b) An individual applying for a commercial applicator license
 40 must do the following:
 41 (1) Meet the certification standards described in section 6(a)
 42 of this chapter.

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- 1 (2) Submit an application to the state chemist on a form
- 2 provided by the state chemist.
- 3 (3) Except for a person who has paid a pesticide commercial
- 4 applicator license fee under IC 15-16-5-52 for the current
- 5 year, submit a fee of forty-five dollars (\$45) to the state
- 6 chemist.
- 7 (c) An individual applying for a private applicator certification
- 8 credential must do the following:
- 9 (1) Meet the certification standards described in section 6(a)
- 10 of this chapter.
- 11 (2) Submit an application to the state chemist on a form
- 12 provided by the state chemist.
- 13 (3) Except for a person who has paid a pesticide private
- 14 applicator permit fee under IC 15-16-5-54 for the current
- 15 certification period, submit a fee of twenty dollars (\$20) to the
- 16 state chemist.
- 17 (d) If the state chemist does not issue a license or certification to
- 18 a person who applied for a license or certification described under
- 19 this chapter, the state chemist shall inform the person in writing of
- 20 the reason the license or certification was not issued.
- 21 (e) A person who has been issued a license or certification under
- 22 this chapter:
- 23 (1) shall notify the state chemist in writing within ten (10)
- 24 days after a change in or termination of the person's
- 25 employment or status as a licensed or certified applicator;
- 26 and
- 27 (2) may apply to the state chemist to transfer or amend the
- 28 person's license or certification by submitting an updated
- 29 application form described in this section.
- 30 (f) A license issued under subsection (a) or (b) expires on
- 31 January 1 of each year.
- 32 (g) A certification issued under subsection (c) expires on
- 33 January 1 of the fifth year following the year of issuance.
- 34 Sec. 11. A person who:
- 35 (1) is required to pay a fee under this chapter to the state
- 36 chemist; and
- 37 (2) does not pay the fee by the date the fee is due;
- 38 shall pay a penalty fee to the state chemist equal to one hundred
- 39 percent (100%) of the required fee at the time the person pays the
- 40 required fee.
- 41 Sec. 12. The state chemist may adopt rules under IC 4-22-2
- 42 concerning the following:

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1 **(1) Subject to section 13 of this chapter, the establishment of**
 2 **certification and educational programs, as determined by the**
 3 **state chemist, relating to the application of fertilizer material,**
 4 **the transportation of fertilizer material, or both for the**
 5 **following:**

6 **(A) Persons who apply fertilizer material for hire,**
 7 **transport fertilizer material for hire, or both.**

8 **(B) Persons who apply fertilizer material, transport**
 9 **fertilizer material, or both from confined feeding**
 10 **operations.**

11 **(2) The establishment of fees for the certification and**
 12 **educational programs established under subdivision (1).**

13 **Sec. 13. The state chemist may waive all or part of the licensure**
 14 **and certification requirements established under section 10 of this**
 15 **chapter on a reciprocal basis with any state agency or federal**
 16 **agency that has substantially the same certification standards.**

17 **Sec. 14. (a) Any fees collected for certification or educational**
 18 **programs under this chapter shall be collected by the state chemist**
 19 **and deposited with the treasurer of Purdue University and must be**
 20 **used to pay all necessary expenses incurred in carrying out and**
 21 **administering the certification and educational programs.**

22 **(b) The fees deposited under this section must be included in the**
 23 **annual report prepared under IC 15-16-2-44.5(c).**

24 **SECTION 43. IC 15-16-2.7 IS ADDED TO THE INDIANA CODE**
 25 **AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**
 26 **JULY 1, 2026]:**

27 **Chapter 2.7. Distributors and Users of Fertilizer Material for**
 28 **Agricultural Crops**

29 **Sec. 1. (a) Nothing in this chapter impairs any authority granted**
 30 **to the Indiana department of environmental management under**
 31 **IC 13-13-5-1(1).**

32 **(b) Except as provided in subsection (c), this chapter applies to**
 33 **any person that:**

34 **(1) uses; or**

35 **(2) distributes;**

36 **fertilizer material for the purposes of producing an agricultural**
 37 **crop.**

38 **(c) This chapter does not apply to any person that uses or**
 39 **distributes less than ten (10) cubic yards or four thousand (4,000)**
 40 **gallons of fertilizer material in a calendar year.**

41 **(d) This chapter is in addition to any rules passed by the water**
 42 **pollution control board regulating confined feeding operations. To**

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1 the extent that provisions of those rules require conditions or
 2 actions that are more stringent than any of the provisions in this
 3 chapter, operations that have a confined feeding operation or a
 4 National Pollutant Discharge Elimination System (NPDES) permit
 5 approval must comply with the more stringent provision.
 6 Compliance with the more stringent provision satisfies the similar
 7 requirement of this chapter.

8 **Sec. 2. A person applying fertilizer material for the purposes of**
 9 **producing an agricultural crop shall:**

- 10 (1) develop a fertilizer application plan before applying
- 11 fertilizer material;
- 12 (2) apply fertilizer material in accordance with the fertilizer
- 13 application plan for the target application site;
- 14 (3) not apply fertilizer material directly to surface water;
- 15 (4) not apply fertilizer material to saturated ground; and
- 16 (5) not apply fertilizer material from a public road.

17 **Sec. 3. (a) Unless there is a gradient barrier and a minimum**
 18 **setback of ten (10) feet or a filter strip with a minimum width of**
 19 **fifty (50) feet located between the application site and any of the**
 20 **known features in the following table, a person shall apply**
 21 **unmanipulated organic fertilizer according to the setback distances**
 22 **as follows:**

23 **Unmanipulated Organic Fertilizer Application Setback Distances**
 24 **(in feet)**

25 26 27 28 29 30 31 32 33 34 35	27 28 29 30 31 32	27 28 29 30 31 32	27 28 29 30 31 32	25 26 27 28 29 30 31 32	
				25 26 27 28 29 30 31 32	25 26 27 28 29 30 31 32
	27 28 29 30 31 32	27 28 29 30 31 32	27 28 29 30 31 32	25 26 27 28 29 30 31 32	25 26 27 28 29 30 31 32
36 37 38 39 40 41 42	27 28 29 30 31 32	27 28 29 30 31 32	27 28 29 30 31 32	25 26 27 28 29 30 31 32	25 26 27 28 29 30 31 32
Public Water Supply Wells and Surface Intake Surface	500<=>	500<=>	500<=>	500<=>	500
	25<=>	50<=>	100<=>	200	

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1	Waters				
2	Sinkholes	<=>	25	<=>	50
3				<=>	100
		200			
4	Water	<=>	50	<=>	50
5	Wells				
6	Drainage	5	<=>	50	<=>
7	Inlets				
8	Property	0	<=>	10	<=>
9	Lines and				
10	Public				
11	Roads				

12 (b) All setback distances described in the table under subsection
 13 (a) shall be measured from the edge of the area of actual
 14 application of unmanipulated organic fertilizer on the ground.

15 (c) The term "liquid incorporation", as used in the table under
 16 subsection (a), means only unmanipulated organic fertilizer that
 17 has been incorporated into the soil within twenty-four (24) hours
 18 of application.

19 **Sec. 4. A person may not apply unmanipulated organic fertilizer**
 20 **to highly erodible land, unless the land has:**

- 21 (1) at least forty percent (40%) crop residue; or
- 22 (2) a vegetative cover crop.

23 **Sec. 5. (a) Except as provided in subsection (b), a person may**
 24 **not apply unmanipulated organic fertilizer to frozen or snow**
 25 **covered ground as follows:**

- 26 (1) Within two hundred (200) feet of surface water.
- 27 (2) Within a floodway.
- 28 (3) In an amount that exceeds fifty percent (50%) of the
- 29 agronomic rate for the planned crop.
- 30 (4) With greater than two percent (2%) slope unless the
- 31 ground has:
- 32 (A) at least forty percent (40%) crop residue; or
- 33 (B) a vegetative cover crop.

34 (b) A person is not prohibited from applying unmanipulated
 35 organic fertilizer under this section if the unmanipulated organic
 36 fertilizer is applied by means of injection or same day
 37 incorporation.

38 **Sec. 6. A person who applies unmanipulated organic fertilizer**
 39 **shall do the following:**

- 40 (1) For the twenty-four (24) hour period immediately before
- 41 the application, monitor application site soil conditions and
- 42 the weather forecast for predicted rain events to ensure that

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- 1 fertilizer runoff does not occur.
- 2 (2) During and immediately following the application,
- 3 monitor the application site effluent from field tile outlets and
- 4 surface water conveyance channels for a change of:
- 5 (A) color;
- 6 (B) flow; or
- 7 (C) volume.
- 8 (3) If there is a change to the effluent caused by the
- 9 application:
- 10 (A) stop the application immediately;
- 11 (B) stop or capture the effluent; and
- 12 (C) land apply or store the effluent.
- 13 **Sec. 7. A person may not stage inorganic fertilizer as follows:**
- 14 (1) Within three hundred (300) feet of:
- 15 (A) surface waters;
- 16 (B) drainage inlets; or
- 17 (C) water wells.
- 18 (2) In standing water, a waterway (as defined in
- 19 IC 13-11-2-265.2), or a floodway.
- 20 (3) For more than seventy-two (72) hours unless the fertilizer
- 21 is as follows:
- 22 (A) Covered with a tarpaulin or other suitable covering.
- 23 (B) Applied to a target field within thirty (30) days.
- 24 **Sec. 8. (a) A person may not stage organic fertilizer:**
- 25 (1) within three hundred (300) feet of surface waters, drainage
- 26 inlets, or water wells unless there is a:
- 27 (A) cover; or
- 28 (B) gradient barrier that contains or directs any organic
- 29 fertilizer away from the surface waters, drainage inlets,
- 30 and water wells;
- 31 (2) on an area with a slope greater than six percent (6%)
- 32 unless run-on and runoff are controlled; or
- 33 (3) on any standing water, waterway (as defined in
- 34 IC 13-11-2-265.2), or floodway.
- 35 (b) Organic fertilizer that is staged for more than seventy-two
- 36 (72) hours must be:
- 37 (1) protected by a:
- 38 (A) cover; or
- 39 (B) gradient barrier;
- 40 (2) applied within one hundred twenty (120) days;
- 41 (3) set back from property lines one hundred (100) feet;
- 42 (4) set back from public roads one hundred (100) feet; and

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1 (5) set back from residential buildings four hundred (400)
2 feet.

3 Sec. 9. (a) A person required to be licensed under IC 15-16-2.5
4 that distributes organic fertilizer material as described in
5 IC 15-16-2.5-4 shall keep and maintain records of each
6 distribution.

7 (b) The records required under subsection (a) include the
8 following:

9 (1) The name of the certified applicator accepting receipt of
10 the organic fertilizer.

11 (2) The certification number of the certified applicator.

12 (3) The amount of fertilizer distributed.

13 (4) The representative nutrient value or values of the organic
14 fertilizer.

15 (5) The month, day, and year of distribution.

16 Sec. 10. (a) A person required to be licensed under IC 15-16-2.5
17 who applies:

18 (1) fertilizer material as described in IC 15-16-2.5-2; or

19 (2) organic fertilizer as described in IC 15-16-2.5-3;

20 must keep and maintain records of all fertilizer material and
21 organic fertilizer applications.

22 (b) The records required under subsection (a) must include the
23 following:

24 (1) The address or location description of the application site.

25 (2) The name of the certified applicator making or supervising
26 the application.

27 (3) The certification number of the certified applicator.

28 (4) The rate applied.

29 (5) The representative nutrient value or values of the fertilizer
30 material.

31 (6) The type of fertilizer material applied.

32 (7) The method of fertilizer application.

33 (8) The month, date, and year of application.

34 Sec. 11. All records required under this chapter must be:

35 (1) kept and maintained for two (2) years; and

36 (2) made available for inspection or copying within thirty (30)
37 days of written or oral request by the state chemist.

38 SECTION 44. IC 15-16-3-2, AS ADDED BY P.L.2-2008,
39 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2026]: Sec. 2. The definitions in ~~IC 15-16-2~~ [
41 ~~IC 15-16-1.5~~] apply throughout this chapter.

42 SECTION 45. IC 15-16-3-3 IS REPEALED [EFFECTIVE JULY 1,

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2026]. Sec. 3: As used in this chapter, "label" means:

- (1) written material;
- (2) printed material;
- (3) graphic material; or
- (4) any other statement;

accompanying a fertilizer.

SECTION 46. IC 15-16-3-4 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 4: As used in this chapter, "lawn care service" means service provided to private, institutional, or commercial entities for compensation to maintain and nourish:

- (1) turf;
- (2) shrubbery;
- (3) trees; and
- (4) other plants;

commonly associated with private, institutional, or commercial lawns. The term includes the application of commercial fertilizer individually or in combination with a pesticide (as defined in IC 15-16-4-30).

SECTION 47. IC 15-16-3-5 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 5: As used in this chapter, "licensee" means a person who has been issued a license under this chapter.

SECTION 48. IC 15-16-3-6 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 6: As used in this chapter, "tank mixed liquid fertilizer" means a fluid mixture of commercial fertilizer and water in which the total nutrient content of the mixture does not exceed the amount determined under rules adopted by the state chemist under IC 4-22-2 in accordance with current practices of the lawn care service industry.

SECTION 49. IC 15-16-3-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 21. In accordance with current practices of the lawn care service industry, the state chemist may adopt rules under IC 4-22-2 to determine the maximum total nutrient content of mixed liquid fertilizer.**

SECTION 50. IC 15-16-3.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 3.3. Storage and Containment

Sec. 1. (a) Storage containers and appurtenances must be constructed, installed, and maintained to prevent the discharge or spill of fluid fertilizer.

(b) Storage containers and appurtenances must be constructed of materials that are resistant to corrosion, puncture, or cracking.

(c) Materials used in the construction or repair of storage

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1 containers and appurtenances may not be of a type that react
 2 chemically or electrolytically with stored fluid fertilizer in a way
 3 that may weaken the storage container or appurtenances or create
 4 a risk of discharge or spill.

5 (d) Metals used for valves, fittings, and repairs on metal
 6 containers must be compatible with the metals used in the
 7 construction of the storage container so that the combination of
 8 metals does not cause or increase corrosion that may weaken the
 9 storage container or its appurtenances or create a risk of discharge
 10 or spill.

11 (e) Storage containers and appurtenances must be designed to
 12 handle all operating stresses, taking into account static head,
 13 pressure buildup from pumps and compressors, and any other
 14 mechanical stresses to which the storage containers and
 15 appurtenances may be subject in the foreseeable course of
 16 operations.

17 **Sec. 2. A person may not store fluid fertilizer in an underground
 18 or lined pit storage container. This prohibition does not apply to
 19 the following:**

20 (1) A watertight catch basin used for the temporary collection
 21 of runoff or rinsate from transfer and loading areas.

22 (2) Storage in:

23 (A) a "316" or "317" stainless steel storage container; or

24 (B) a container approved by the state chemist, if:

25 (i) the storage container is enclosed within an approved
 26 liner; and

27 (ii) an approved program of ground water monitoring to
 28 detect leakage is established.

29 **Sec. 3. (a) A storage container and other containers used at a
 30 storage facility to hold liquid bulk fertilizer or fertilizer rinsate are
 31 considered abandoned if the container has been out of service for
 32 more than six (6) months because of a weakness or leak or has been
 33 out of service for any reason for more than two (2) years.**

34 (b) An abandoned underground container, including an
 35 abandoned underground catch basin, must be thoroughly cleaned
 36 and removed from the ground or thoroughly cleaned and filled
 37 with an inert solid. All connections and vents must be disconnected
 38 and sealed. A record of the catch basin size, location, and method
 39 of closing must be maintained at the storage facility or as otherwise
 40 provided for in this chapter.

41 (c) An abandoned aboveground container must be thoroughly
 42 cleaned. All hatches on the containers must be left open, and all

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1 valves or connections must be severed and left open.

2 (d) A secondary containment facility is not considered
3 abandoned because there have been no discharges into the
4 secondary containment facility.

5 Sec. 4. (a) Storage containers and appurtenances may not be
6 constructed of copper, brass, zinc, or copper base alloys.

7 (b) A storage container and appurtenances used for the storage
8 of fluid fertilizers containing phosphates or chlorides may not be
9 constructed of aluminum or aluminum alloys.

10 (c) A storage container and appurtenances used for the storage
11 of low (less than five (5)) pH fluid fertilizers may not be
12 constructed of ferrous materials other than "316" or "317"
13 stainless steel unless the materials are coated or treated with a
14 protective substance that is adequate to inhibit corrosion.

15 (d) A storage container and appurtenances used for the storage
16 of low pressure nitrogen solutions may not be constructed of mild
17 steel, fiberglass, polyolefins, or plastic. However, this prohibition
18 does not extend to nonpressure nitrogen solutions, commonly
19 referred to as twenty-eight percent (28%), thirty percent (30%), or
20 thirty-two percent (32%) nitrogen solutions. The prohibition
21 against the use of mild steel does not extend to aqua ammonia.

22 (e) A storage container and appurtenances used for the storage
23 of phosphoric acid may not be constructed of ferrous materials
24 other than "316" or "317" stainless steel unless the container is
25 lined with a suitable substance to prevent corrosion.

26 (f) A storage container and appurtenances used for the storage
27 of fluid fertilizers containing potassium chloride (muriate of
28 potash) may not be constructed of ferrous materials other than
29 stainless steel unless the container and appurtenances are:

30 (1) coated or treated with a protective substance that is
31 adequate to inhibit corrosion; or

32 (2) used for storage periods of not more than six (6) months
33 each and are completely emptied between storage periods,
34 cleaned, and inspected for leaks before being refilled for any
35 subsequent period.

36 Sec. 5. (a) A storage container must be anchored, as necessary,
37 to prevent flotation or instability that may occur as a result of
38 liquid accumulations within a secondary containment facility
39 constructed in accordance with this chapter.

40 (b) In addition to other means approved by the state chemist, a
41 container is assumed to be anchored if product is contained and
42 maintained within the storage container at least to the height of the

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1 secondary containment walls.

2 Sec. 6. (a) A storage container and appurtenances must be
3 secured to provide reasonable protection from wildlife, vandalism,
4 and unauthorized access. The security must be provided by
5 fencing, lighting, or other means approved by the state chemist.

6 (b) Except for valves on empty containers or when a person
7 responsible for facility security is present at the facility:

- 8 (1) valves on storage containers; and
9 (2) valves on mobile fertilizer containers at a storage facility;
10 must be locked or secured.

11 Sec. 7. A storage container may not be filled beyond the capacity
12 for which the container is designed, taking into account the density
13 of the fluid being stored and thermal expansion during storage.

14 Sec. 8. Pipes and fittings must be adequately supported to
15 prevent sagging and possible breakage because of gravity and
16 other forces that may be encountered in the ordinary course of
17 operations. Except for an American National Standards Institute
18 (ANSI) Schedule 80 pipe or a pipe with a greater wall thickness or
19 hoses and piping made of stainless steel, all hoses and piping must
20 be located in a contained area or double sleeved. Underground
21 piping is permitted if the piping is:

- 22 (1) made of stainless steel;
23 (2) enclosed in secondary containment (a pipe within a pipe);
24 or
25 (3) hydrostatically tested annually.

26 Sec. 9. (a) Every storage container must be equipped with a
27 liquid level gauging device by which the level of fluid in the storage
28 container can be readily and safely determined.

29 (b) A liquid level gauging device is not required if the level of
30 fluid in a storage container can be readily and reliably measured
31 by other means approved by the state chemist.

32 (c) Liquid level gauging devices must be designed, installed, and
33 secured, in a safe manner, to protect against breakage or
34 vandalism that may result in a discharge or spill.

35 (d) External sight gauges are prohibited unless the gauge is
36 securely attached against the container wall and provided with a
37 manually operated shut off valve which is locked in the shut off
38 position at all times the level of fluid is not being measured.

39 Sec. 10. Except for the net weight of contents, every storage
40 container must be clearly and prominently labeled to identify the
41 container's fertilizer contents as provided in IC 15-16-2-32.

42 Sec. 11. Storage containers and appurtenances must be

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1 maintained to minimize the risk of a discharge or spill.

2 Sec. 12. (a) This section does not apply to mobile containers used
3 to nurse field operations when at a field unloading site.

4 (b) An area used for the loading of fluid fertilizer into a storage
5 container or for unloading fluid fertilizer from a storage container
6 into a mobile container must be curbed and paved with reinforced
7 concrete or other suitable material that provides an impervious
8 surface and is approved by the state chemist. All activities at the
9 fluid fertilizer storage facility must be carried out within this area.

10 (c) The operational area containment must be constructed and
11 reinforced to support at least the foreseeable maximum gross load,
12 including the following:

- 13 (1) The product.
- 14 (2) Equipment that utilizes the operational area.
- 15 (3) The mobile container.
- 16 (4) The motor vehicle.

17 The curbed and paved area must have a minimum width of ten (10)
18 feet, a minimum length of twenty (20) feet, and a minimum
19 capacity of at least seven hundred fifty (750) gallons of discharged
20 fluids. Any fill or unloading point of the mobile container must be
21 positioned over the paved area during loading or unloading.

22 (d) With the exception of secondary containment areas lined
23 with synthetic or soil liners, and wherever sufficient capacity
24 required in section 13(c) of this chapter and this chapter are
25 complied with, the secondary containment area described in
26 sections 13 through 23 of this chapter may be designed for and
27 jointly used instead of a separate operational area containment.

28 (e) An operational area may not have a relief outlet or valve.
29 The base must slope to a collecting spot where liquid can be
30 discharged, by a manually activated pump, for use in the blending
31 process or for proper disposal in accordance with all applicable
32 regulations.

33 (f) All liquids must be promptly removed or recovered from the
34 operational area containment so that the capacity required in
35 subsection (c) is available at all times when operations are taking
36 place.

37 (g) Storage containers and appurtenances must be protected
38 against reasonably foreseeable risks of damage by vehicles
39 operating in the area.

40 (h) Alternative means, including portable operational area
41 containment systems meeting the capacity requirement, may be
42 permitted with prior approval by the state chemist.

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1 (i) Operational area containment must be maintained, as
2 necessary, to assure compliance with this chapter.

3 Sec. 13. (a) Fluid fertilizer storage containers must be located
4 within secondary containment constructed with a base, perimeter
5 wall, and sloped floor. However, an exception for the sloped floor
6 requirement may be granted by the state chemist.

7 (b) The containment area must be separate from a secondary
8 containment area for other materials and used only for
9 containment of fluid fertilizer containers or other fertilizer related
10 equipment. This subsection does not prohibit the storage within the
11 diked area of anhydrous ammonia when stored in compliance with
12 rules adopted under IC 15-16-1. Adjoining secondary containment
13 areas may share common walls.

14 (c) Secondary containment not protected from rainfall must at
15 all times have a minimum capacity of one hundred percent (100%)
16 of the volume of the largest storage container within the contained
17 area plus the volume displaced by all the other tanks, equipment,
18 and appurtenances in the area up to the safe design level of the
19 containment structure plus a freeboard of six (6) inches.

20 (d) Secondary containment protected from rainfall is not
21 required to have the freeboard required in subsection (c) but must
22 comply with all other requirements of this chapter.

23 (e) A secondary containment constructed before July 6, 1991,
24 and having a capacity of a minimum of one hundred ten percent
25 (110%) of the volume of the largest storage container within the
26 contained area plus the volume displaced by all the other tanks in
27 the area up to the safe design level of the containment structure are
28 deemed to be in compliance with this chapter. Any such storage
29 facility that alters the secondary containment area or increases in
30 storage container volume must be brought into full compliance
31 within ninety (90) days of an alteration to the secondary
32 containment area or increase in the storage container volume.

33 (f) Tile drainage is not be permitted within or under secondary
34 containment.

35 (g) Alternative means of secondary containment, with prior
36 approval of the state chemist, may be permitted.

37 Sec. 14. (a) The walls of a secondary containment facility must
38 be:

39 (1) constructed of earth, steel, concrete (precasted modules or
40 poured), or solid masonry; and

41 (2) designed to withstand a full hydrostatic head of any
42 discharged liquid and weight load of material used in

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- 1 **construction.**
- 2 **(b) Cracks and seams must be sealed to prevent leakage.**
- 3 **(c) Walls constructed of earth or other permeable materials**
 4 **must be lined as provided under sections 15 through 19 of this**
 5 **chapter.**
- 6 **(d) Earthen walls must have a horizontal-to-vertical slope**
 7 **consistent with good engineering practice. All interior slopes must**
 8 **be protected with:**
- 9 **(1) flat road stone or a similar crushed stone material; or**
 10 **(2) a minimum of six (6) inches of vegetative soils planted and**
 11 **maintained with shallow rooted grasses.**
- 12 **(e) The top of earthen walls must be no less than two and**
 13 **one-half (2.5) feet wide.**
- 14 **(f) Walls may not exceed six (6) feet in height above interior**
 15 **grade unless provisions are made for:**
- 16 **(1) normal access and necessary emergency access to storage**
 17 **containers, valves, and other equipment; and**
 18 **(2) safe exit from secondary containment.**
- 19 **(g) Walls constructed of concrete or solid masonry must rest**
 20 **upon:**
- 21 **(1) a floating base of concrete prepared to conform with**
 22 **section 16 of this chapter; or**
 23 **(2) suitable concrete footings that extend below the average**
 24 **frost depth.**
- 25 **Joints between walls and base must be made watertight.**
- 26 **Sec. 15. The base of a secondary containment facility and any**
 27 **earthen walls must be lined with:**
- 28 **(1) concrete;**
 29 **(2) steel;**
 30 **(3) a synthetic liner approved by the state chemist; or**
 31 **(4) a clay soil liner.**
- 32 **Sec. 16. Concrete liners must be designed according to good**
 33 **engineering practices to withstand any foreseeable loading**
 34 **conditions, including a full hydrostatic head of discharged fluid**
 35 **and static loads of storage containers, including appurtenances,**
 36 **equipment, and contents. Cracks and seams must be sealed.**
- 37 **Sec. 17. Steel plates may be used for wall and base liners.**
 38 **Installation plans must be approved by the state chemist, who shall**
 39 **require that the plates are protected against corrosion and are**
 40 **joined in a manner as to provide watertight joints.**
- 41 **Sec. 18. (a) Synthetic liners and installation plans must be**
 42 **approved by the state chemist. The installation plan must address**

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1 proposed protection of the synthetic liner from mechanical
2 damage, vandalism, wildlife, and deterioration from exposure to
3 the sun according to the manufacturer's recommendations. A
4 synthetic liner may not be approved by the state chemist until the
5 manufacturer of the liner provides a written confirmation of
6 compatibility and estimate of the life of the liner.

7 (b) Synthetic liners must have a minimum thickness of thirty
8 (30) mils (eight-tenths (0.8) millimeters) and be chemically
9 compatible with the materials being stored within the containment
10 areas.

11 (c) Synthetic liners must be installed under the supervision of a
12 qualified representative of the manufacturer, and all field
13 constructed seams must be tested and repaired according to the
14 manufacturer's recommendations.

15 Sec. 19. Before a soil liner is installed, the surface soil must be
16 sealed, including the berm of an earthen dike, with a sealing agent
17 such as sodium bentonite, attapulgite, or a similar cohesive
18 material, including clay. The soil liner must be constructed in
19 accordance with reliable engineering recommendations to establish
20 a barrier layer that results in a downward water movement of not
21 greater than one-millionth of one centimeter per second (1.0×10^{-6}
22 cm/sec) at construction and maintained at one hundred thousandth
23 of a centimeter per second (1.0×10^{-5} cm/sec) with a thickness of
24 not less than six (6) inches. The soil liner must be protected based
25 upon reliable engineering practices to maintain its integrity and
26 performance. If heavy mechanized equipment is to be moved over
27 the walls or floor liner, protection to the secondary containment
28 must be provided.

29 Sec. 20. (a) A liner is not required to be installed directly under
30 a storage container having a capacity of one hundred thousand
31 (100,000) gallons or more that has been constructed onsite and put
32 into use before July 6, 1991, if one (1) of the following alternative
33 procedures are complied with, certified to in writing by an official
34 of the company that owns the container, and the certificate is filed
35 with the state chemist:

36 (1) Alternative 1 must meet the following requirements:

37 (A) A second bottom made of steel must be constructed for
38 the storage container and placed over the original bottom
39 and a layer of smooth, fine gravel or coarse sand having a
40 minimum thickness of six (6) inches.

41 (B) The original bottom of the storage container must be
42 tested for leaks before the sand layer or second bottom is

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- 1 installed. A record of the test must be kept on file at the
2 storage facility.
- 3 (C) The newly constructed bottom must be tested for leaks
4 before any fluid fertilizer is stored on the newly
5 constructed bottom. A record of the test must be kept on
6 file at the storage facility or at the nearest local office from
7 which the storage facility is administered.
- 8 (D) There must be a method by which leaks from the newly
9 constructed bottom into the sand layer may readily be
10 detected.
- 11 (E) The newly constructed bottom must be tested at least
12 once every five (5) years for leaks. A record of the tests
13 must be kept at the storage facility.
- 14 (2) Alternative 2 must meet the following requirements:
- 15 (A) The container must be emptied, cleaned, and tested for
16 leaks. The walls and floor of the container must be tested
17 to assure that welds and thickness of steel plates are sound
18 and adequate to contain the fertilizers. A record of the
19 inspection, test results, and any repairs made must be
20 submitted to the state chemist and maintained by the
21 owner or operator.
- 22 (B) The interior floor and at least twelve (12) inches of the
23 wall areas of the container above the floor must be coated
24 with a liner approved by the state chemist to inhibit
25 corrosion. A record of this procedure must be submitted to
26 the state chemist and maintained by the owner or operator.
- 27 (C) A test for leaks, approved by the state chemist, must be
28 conducted every five (5) years thereafter. A record of the
29 test findings and indicated repairs and maintenance must
30 be maintained by the owner or operator.
- 31 (3) Alternative 3 must meet the following requirements:
- 32 (A) Monitoring devices must be installed in angled borings
33 in the unsaturated earth materials under each tank. These
34 monitoring devices must constitute a leak detection system
35 for each tank in advance of the point at which any leak
36 would reach ground water.
- 37 (B) The number, length, and depth of each boring must be
38 determined on the basis of site characteristics. The array
39 of monitoring devices under each tank must constitute the
40 best practical early warning detection system for tank
41 leakage.
- 42 (C) Each monitoring plan under this alternative must be

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- 1 **implemented only upon review and approval of the state**
2 **chemist.**
- 3 **(b) The secondary containment requirements under this chapter**
4 **do not apply to rail cars that are periodically moved to and from**
5 **the storage facility.**
- 6 **(c) The state chemist may recognize other methods that provide**
7 **equivalent protection to the requirements under this chapter.**
- 8 **Sec. 21. (a) Individual storage containers not exceeding three**
9 **thousand (3,000) gallons may be contained within a secondary**
10 **storage container elephant ring instead of a diked containment**
11 **area.**
- 12 **(b) Both the primary storage container and the elephant ring**
13 **must be fabricated of material compatible with:**
- 14 **(1) each other; and**
15 **(2) the fertilizer being stored.**
- 16 **(c) The height of the elephant ring wall may not exceed four (4)**
17 **feet. The volume contained within the secondary storage walls up**
18 **to the working height of the elephant ring must be sufficient to**
19 **contain a volume equal to the volume contained in the primary**
20 **storage container plus the volume displaced by any equipment,**
21 **including pumps and meters, placed within the secondary**
22 **containment vessel up to the safe storage level of the elephant ring,**
23 **plus a freeboard of six (6) inches, which freeboard is exempted if**
24 **the containment system is protected from rainfall.**
- 25 **(d) The elephant ring must be free of leaks and structural**
26 **defects. The base must be:**
- 27 **(1) protected from corrosion, both from inside and outside;**
28 **and**
29 **(2) designed according to good engineering practices.**
- 30 **(e) All piping connections to the primary storage container must**
31 **be:**
- 32 **(1) made over the wall of the elephant ring; and**
33 **(2) adequately supported and braced.**
- 34 **Pumps and other fixtures, if located within the elephant ring**
35 **containment structure, must be placed on an elevated platform.**
- 36 **(f) Accumulations of liquids must be drained from the elephant**
37 **ring over the wall of the container by means of a manually**
38 **operated pump for use in the blending process or for proper**
39 **disposal in accordance with all applicable laws.**
- 40 **(g) An elephant ring must be maintained as necessary to assure**
41 **compliance with this chapter.**
- 42 **Sec. 22. (a) A secondary containment area may not have a relief**

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1 outlet or valve. The base must slope to a collecting spot where
 2 liquid can be discharged, by a manually activated pump, for use in
 3 the blending process or for proper disposal in accordance with all
 4 applicable laws.

5 (b) Accumulated liquids in the secondary containment area
 6 must be promptly removed from the secondary containment area.

7 **Sec. 23. (a) Secondary containment must be maintained as**
 8 **necessary to assure compliance with this chapter.**

9 (b) All secondary containment areas must be maintained free of
 10 debris and foreign matter.

11 **Sec. 24. (a) Dry bulk fertilizer, stored indoors, must be in a**
 12 **sound structure having a cover or roof top, sidewalls, and an**
 13 **impervious base sufficient to prevent contact with precipitation**
 14 **and surface waters. Temporary outdoor storage must be allowed**
 15 **for a maximum of thirty (30) days. However, material must be**
 16 **covered with a tarpaulin, or other suitable covering, to prevent**
 17 **seepage of runoff.**

18 (b) All loading, unloading, mixing, and handling of dry bulk
 19 fertilizer must be performed over an impervious surface that
 20 allows for recovery of discharged product unless performed at a
 21 field unloading site. Fertilizer that is discharged must be promptly
 22 recovered.

23 **Sec. 25. The storage facility must notify the state chemist each**
 24 **year of the facility's location and status. Notice must include the**
 25 **following:**

26 (1) Facility's mailing address.

27 (2) Owner or manager.

28 (3) Type of facility.

29 (4) Rated or calculated capacity of all bulk tanks and dry
 30 storage units.

31 (5) Facility's physical location.

32 **Notice must be made upon forms furnished by the state chemist.**

33 **SECTION 51. IC 15-16-3.5 IS ADDED TO THE INDIANA CODE**
 34 **AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**
 35 **JULY 1, 2026]:**

36 **Chapter 3.5. Manure Based Fertilizer**

37 **Sec. 1. This chapter applies to any person that distributes**
 38 **manure based fertilizers:**

39 (1) in a bulk nonpackaged form and with a guaranteed
 40 analysis;

41 (2) with a total nitrogen (N) content less than five percent
 42 (5%); and

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1 (3) with the summation of total nitrogen (N), available
 2 phosphate (P_2O_5), and soluble potash (K_2O) content less than
 3 ten percent (10%).

4 **Sec. 2. (a) Before distributing manure based fertilizer in Indiana**
 5 **for consideration, the person that is the guarantor of each brand**
 6 **and grade of the manure based fertilizer must submit to the state**
 7 **chemist:**

8 (1) an application for registration on a form furnished by the
 9 state chemist; and

10 (2) a filing fee of twenty dollars (\$20).

11 (b) Upon approval of the application, the state chemist shall
 12 furnish a copy of the registration to the applicant.

13 (c) All registrations expire on June 30 each year.

14 (d) In addition to the filing fee set forth in subsection (a), a late
 15 filing fee equal to one hundred percent (100%) of the appropriate
 16 filing fee is assessed when:

17 (1) an application to renew the registration of a manure based
 18 fertilizer under this section is received after July 31; or

19 (2) a product that must be registered under this section is
 20 found to be in distribution before registration.

21 (e) An application under subsection (a) must include the
 22 following information:

23 (1) The name and address of the registrant.

24 (2) The brand and grade.

25 (3) The guaranteed analysis showing the minimum percentage
 26 of plant food claimed in the following order and form:

27 (A) Total nitrogen (N) _____ percent.

28 (B) Available phosphate (P_2O_5) _____ percent.

29 (C) Soluble potash (K_2O) _____ percent.

30 (f) Additional plant food elements or other additives that are
 31 determinable by chemical methods may be guaranteed only by
 32 permission of the state chemist. The state chemist shall grant
 33 permission only if the state chemist determines that the guarantee
 34 would not constitute a misrepresentation and is correct. Additional
 35 plant foods that are guaranteed:

36 (1) must be included in the guarantee in the form of the
 37 element; and

38 (2) are subject to inspection and analysis in accordance with
 39 the methods that the state chemist prescribes.

40 **Sec. 3. Manure based fertilizer must be distributed with a**
 41 **written or printed statement with the guaranteed analysis that:**

42 (1) accompanies the manure based fertilizer at delivery; and

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- 1 (2) is supplied to the purchaser at time of delivery.
- 2 **Sec. 4. (a)** A person that distributes manure based fertilizers in
 3 **Indiana to a person that is not a registrant or permit holder under**
 4 **this chapter shall pay to the state chemist an inspection fee**
 5 **computed under subsection (b).**
- 6 **(b)** The inspection fee charged under subsection (a) is as follows:
 7 **(1)** One hundred dollars (\$100) for zero (0) tons up to one
 8 thousand two hundred fifty (1,250) tons distributed per
 9 reporting period.
 10 **(2)** Five hundred dollars (\$500) for more than one thousand
 11 two hundred fifty (1,250) tons up to five thousand (5,000) tons
 12 per reporting period.
 13 **(3)** One thousand dollars (\$1,000) for more than five thousand
 14 (5,000) tons distributed per reporting period.
- 15 **(c)** Sales or exchanges between importers, manufacturers,
 16 distributors, or registrants are exempt from the inspection fee.
- 17 **Sec. 5. (a)** Each registrant shall apply to the state chemist for a
 18 permit to report the tonnage of manure based fertilizer sold and
 19 pay the inspection fee as specified in section 4 of this chapter. In
 20 making the application for the permit, the registrant must agree to
 21 the following:
- 22 **(1)** To keep records that indicate accurately the tonnage and
 23 kinds of manure based fertilizers sold in Indiana.
 24 **(2)** To grant the state chemist permission to:
 25 **(A)** examine the records required in subdivision (1); and
 26 **(B)** verify the registrant's statement of tonnage.
 27 **(3)** To report under oath to the state chemist on forms
 28 furnished by the state chemist the tonnage of manure based
 29 fertilizer sold during the period covered.
- 30 **(b)** The state chemist:
 31 **(1)** may grant the permit to report tonnage if the state chemist
 32 determines that the application of the permit to report
 33 tonnage of manure based fertilizer described in subsection (a)
 34 will lead to efficient enforcement of this chapter; and
 35 **(2)** may revoke the permit to report tonnage at any time if it
 36 appears to the state chemist that the registrant is not
 37 complying with:
 38 **(A)** the terms of the agreement entered into at the time of
 39 the issuance of the permit; or
 40 **(B)** this chapter.
- 41 **(c)** The report of tonnage is due and the inspection fees are
 42 payable semiannually on the last day of the month following the

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1 end of the semiannual period.

2 (d) The state chemist may revoke the registrant's permit for any
3 of the following reasons:

4 (1) The report of tonnage is not filed and the inspection fee is
5 not paid by the fifteenth day following the due date.

6 (2) The report of tonnage is false.

7 (3) The permit holder has not complied with labeling
8 requirements of this chapter.

9 (e) If the inspection fee is unpaid after the fifteen (15) day grace
10 period described in subsection (d), a penalty must be assessed in
11 the amount of:

12 (1) fifty dollars (\$50); or

13 (2) ten percent (10%) of the amount due;

14 whichever is greater, in addition to the amount due.

15 Sec. 6. (a) The state chemist shall publish at least annually, in a
16 form that the state chemist considers proper, information
17 concerning the following:

18 (1) The sales of manure based fertilizers, including any data
19 on sales that the state chemist considers advisable.

20 (2) The results of the analyses conducted under this chapter
21 based on official samples of manure based fertilizers sold
22 within Indiana compared with the analysis guaranteed under
23 section 2 of this chapter.

24 (b) The information published by the state chemist concerning
25 the sale of manure based fertilizers:

26 (1) must show separately the fall season and spring season of
27 each year; and

28 (2) may not disclose the operations of any person.

29 Sec. 7. (a) The state chemist may:

30 (1) sample, inspect, make analysis of, and test manure based
31 fertilizers distributed within Indiana; and

32 (2) inspect the storage of manure based fertilizers in Indiana
33 at a time and place and to such an extent as necessary to
34 determine whether the manure based fertilizers and their
35 storage are in compliance with this chapter.

36 (b) The state chemist may enter upon any public or private
37 premises during regular business hours in order to have access to:

38 (1) manure based fertilizer materials; and

39 (2) plans and records relating to the transportation, storage,
40 sale, and use of fertilizer materials;

41 subject to this chapter.

42 (c) The methods of sampling and analysis for manure based

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1 fertilizers may be based on sources that include AOAC
 2 International. In cases of dispute, AOAC International's methods
 3 prevail if AOAC International's methods are available.

4 (d) The state chemist shall determine for administrative
 5 purposes whether a manure based fertilizer is deficient in plant
 6 foods using only the official sample obtained and analyzed as
 7 provided in subsection (c).

8 (e) The state chemist may request a court to issue subpoenas to
 9 compel:

10 (1) the attendance of witnesses; or

11 (2) the production of books, documents, and records;

12 as part of an authorized investigation or a hearing located in
 13 Indiana affecting the authority or privilege granted by a license,
 14 certificate, application, registration, or permit issued under this
 15 chapter.

16 Sec. 8. (a) If an official manure based fertilizer analysis
 17 conducted by the state chemist under this chapter results in a
 18 determination that the registrant of a manure based fertilizer is
 19 subject to a penalty or other legal action under this chapter, the
 20 state chemist shall forward a report of the results of the analysis to
 21 the registrant at least thirty (30) days before the report is
 22 submitted to the purchaser of the manure based fertilizer.
 23 However, if the manure based fertilizer analysis was requested by
 24 a person other than the state chemist, the results of the analysis
 25 must be forwarded to the registrant and purchaser immediately.
 26 If, during the thirty (30) day period, the state chemist does not
 27 receive adequate evidence contesting the results in the report, the
 28 report becomes an official report at the end of the thirty (30) day
 29 period.

30 (b) Upon the registrant's request, the state chemist shall furnish
 31 to the registrant part of the manure based fertilizer sample
 32 analyzed by the state chemist that was used to determine that the
 33 registrant was subject to a penalty or other legal action under this
 34 chapter.

35 Sec. 9. (a) If an analysis conducted under this chapter indicates
 36 that a manure based fertilizer fails in any respect to meet the
 37 guaranteed analysis filed by a registrant under section 2 of this
 38 chapter, the state chemist may require the payment of a refund to
 39 the purchaser equal to the difference between:

40 (1) the price the purchaser paid for the manure based
 41 fertilizer; and

42 (2) the current value of the manure based fertilizer after the

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- 1 state chemist's analysis.
- 2 (b) The registrant must forward receipts for payment of refunds
3 required under subsection (a) promptly to the state chemist. If the
4 purchaser cannot be found, the registrant shall pay the refund to
5 a local charitable or educational organization of the registrant's
6 choice and forward the receipts promptly to the state chemist.
- 7 (c) This section does not prevent the appeal of the imposition of
8 any penalty assessed by the state chemist under this chapter to a
9 court with jurisdiction.
- 10 Sec. 10. Manure based fertilizers must be stored in a manner
11 that:
- 12 (1) minimizes the release of manure based fertilizer; and
13 (2) protects the waters of the state.
- 14 Sec. 11. (a) In addition to any applicable standards required
15 under sections 13 and 14 of this chapter, a storage structure must
16 be designed as follows:
- 17 (1) The bottom of the storage structure is at least two (2) feet
18 above bedrock.
19 (2) The bottom of the storage structure must be above the
20 seasonal high water table, unless lowered in accordance with
21 subsection (c).
22 (3) Test holes to obtain soil and water table information for
23 the design must be obtained as follows:
- 24 (A) The number of test holes must be sufficient to
25 adequately characterize the seasonal water table and soil
26 underneath the storage structure.
27 (B) Test holes must be:
- 28 (i) evenly distributed throughout the storage structure;
29 (ii) at least two (2) feet below the base of the storage
30 structure for concrete structures in karst and nonkarst
31 areas;
32 (iii) at least five (5) feet below the base of the storage
33 structure for earthen structures in nonkarst areas; and
34 (iv) placed to the shallower of either bedrock or ten (10)
35 feet below the lowest point of the proposed processed
36 manure storage structure;
37 in areas of karst terrain.
38 (C) Testing must be conducted by:
- 39 (i) a soil scientist registered under IC 25-31.5;
40 (ii) a professional geologist certified in Indiana under
41 IC 25-17.6; or
42 (iii) a professional engineer registered under IC 25-31.

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- 1 **(b) Plastic, fiberglass, and aboveground steel tanks must:**
 2 **(1) have sufficient strength to withstand design loads;**
 3 **(2) be watertight;**
 4 **(3) be cleaned to remove any traces of previously stored**
 5 **substances prior to addition of manure to the tank if the tank**
 6 **is used to store any objectionable or hazardous substances;**
 7 **(4) be installed to ensure the seasonal high water table is**
 8 **maintained below the tank or the tank must be anchored to**
 9 **prevent flotation; and**
 10 **(5) have protected shut off valves for all inlet and outlet pipes.**
 11 **(c) Any drainage system to lower the seasonal water table**
 12 **around the base of a storage structure must be designed and**
 13 **installed to:**
 14 **(1) effectively collect and drain the ground water;**
 15 **(2) be of adequate size, proper slopes, and proper distance**
 16 **from the storage structure;**
 17 **(3) if applicable, be provided with:**
 18 **(A) sumps;**
 19 **(B) pumps, including a backup pump; and**
 20 **(C) electricity supply;**
 21 **(4) if applicable, have a surface outlet that is at least fifty (50)**
 22 **feet away from the storage structure and at least:**
 23 **(A) fifty (50) feet from the property line in soils with a**
 24 **permeability of one-half (1/2) inch per hour or less; or**
 25 **(B) twenty (20) feet from the property line in soils with a**
 26 **permeability greater than one-half (1/2) inch per hour;**
 27 **(5) have a shut off valve or equivalent; and**
 28 **(6) have an access point for sampling within fifty (50) feet of**
 29 **the storage structure.**
 30 **(d) A concrete storage structure must be constructed according**
 31 **to the Indiana NRCS Construction Specification, Concrete**
 32 **Construction, May 2015 and designed to either of the following**
 33 **design standards:**
 34 **(1) MWPS-36: Rectangular Concrete Manure Storages,**
 35 **Second Edition, 2005.**
 36 **(2) TR-9: Circular Concrete Manure Tanks, March 1998.**
 37 **(e) A storage structure must not:**
 38 **(1) have a discharge pipe or conveyance that would allow for**
 39 **a release or discharge of processed manure or water**
 40 **contaminated by processed manure; or**
 41 **(2) be an underground steel storage tank.**
 42 **Sec. 12. (a) The soil or foundation of an earthen storage**

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1 structure must have a maximum specific discharge permeability of
 2 one-sixteenth (1/16) in³/in²/day, 1.8x10⁻⁶cm³/cm²/sec. This
 3 requirement may be satisfied by soil testing that shows a minimum
 4 of three (3) feet of in situ soils that:

- 5 (1) meet the maximum specific discharge permeability
 6 criteria;
- 7 (2) are over excavated a minimum of six (6) inches; and
- 8 (3) are recompacted to break up the existing macropore
 9 structure.

10 (b) If there is not at least three (3) feet of in situ soils that meet
 11 the maximum specific discharge criteria in subsection (a), a liner
 12 must be used. Except for clay liners described in subsection (c),
 13 liners used in a storage structure must meet the following design
 14 standards as applicable:

- 15 (1) Indiana NRCS Conservation Practice Standard Code
 16 521A: POND SEALING OR LINING – GEOMEMBRANE
 17 OR GEOSYNTHETIC CLAY LINER, November 2018.
- 18 (2) Indiana NRCS Conservation Practice Standard Code 520:
 19 POND SEALING OR LINING – COMPACTED SOIL
 20 TREATMENT, October 2016.
- 21 (3) Indiana NRCS Conservation Practice Standard Code 522:
 22 POND SEALING OR LINING – CONCRETE, October 2016.

23 (c) Clay liners must be a minimum of one (1) foot thick and have
 24 a maximum specific discharge of one-sixteenth (1/16) in³/in²/day,
 25 1.8x10⁻⁶cm³/cm²/sec.

26 Sec. 13. In addition to the requirements under section 11 of this
 27 chapter, a storage structure that contains solid processed manure
 28 must be designed according to the following:

- 29 (1) The storage structure must:
 - 30 (A) be covered to prevent rainwater from contacting the
 31 processed manure; or
 - 32 (B) have storm water run-on and run-off controls.
- 33 (2) The storage structure must not be constructed in sand or
 34 gravel soils, Unified Soil Classification of Pt, GW, GP, GM,
 35 GC, SW, SP, SM, as described in ASTM D2488-09a Standard
 36 Practice for Description and Identification of Soils
 37 (Visual-Manual Procedure), unless specially designed with a
 38 liner approved by the state chemist, in accordance with
 39 section 12 of this chapter.
- 40 (3) Test holes for an earthen storage structure storing solid
 41 processed manure must be placed at a rate of two (2) holes for
 42 the first acre of storage and one (1) additional hole for each

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- 1 additional one-half (1/2) acre of storage.
- 2 **Sec. 14. (a)** In addition to the requirements under section 11 of
3 this chapter, a storage structure that contains liquid processed
4 manure must be designed according to the Indiana NRCS
5 Conservation Practice Standard Code 313: Waste Storage
6 Structure, October 2016.
- 7 (b) An uncovered storage structure containing liquid processed
8 manure must be designed with a minimum freeboard of two (2)
9 feet unless an alternate design is approved by the state chemist.
- 10 (c) Test holes for an earthen storage structure storing liquid
11 processed manure must be placed at a rate of two (2) holes for the
12 first one-half (1/2) acre of storage and one (1) additional hole for
13 each additional one-half (1/2) acre of storage.
- 14 (d) Pipelines must be constructed according to the Indiana
15 NRCS Conservation Practice Standard Code 634: Waste Transfer,
16 October 2015.
- 17 (e) The storage structure must be certified upon completion by
18 a registered professional engineer. The engineer's certification
19 must be kept in the operating record and submitted to the state
20 chemist before introducing processed manure.
- 21 **Sec. 15.** The state chemist shall post on the website of the office
22 of the state chemist information concerning where design
23 standards referenced in sections 11, 12, 13, and 21 of this chapter
24 may be:
- 25 (1) obtained; and
26 (2) reviewed and copied.
- 27 **Sec. 16. (a)** An owner or operator may propose an alternative to
28 a design, construction, or operational requirement specified in this
29 chapter, provided the owner or operator can prove to the
30 satisfaction of the state chemist that any alternative will provide
31 equivalent or greater environmental protection than the
32 requirements specified in this chapter.
- 33 (b) A proposed alternative must be submitted to the state
34 chemist and accompanied by documentation that demonstrates
35 equivalent or greater environmental protection than the standard
36 for which an alternative is being requested.
- 37 (c) An owner or operator may not implement an alternative
38 without prior approval by the state chemist.
- 39 (d) The state chemist shall provide written documentation
40 describing the basis for any determination on an alternative
41 request submitted under this section.
- 42 **Sec. 17. (a)** The owner or operator shall notify the state chemist

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1 in writing at least two (2) days before the scheduled construction
 2 of a storage structure. Multiple notices, that identify the parts of
 3 the storage structure that are completed at the time the notice is
 4 submitted, are required if an owner or operator performs partial
 5 construction of an approved structure and plans to use that portion
 6 before completing construction of the entire storage structure.

7 (b) Any field tiles or drainage outlets encountered during
 8 construction must be blocked or rerouted in accordance with any
 9 applicable local approval requirements and must be cut back at
 10 least fifty (50) feet from the edge of any:

- 11 (1) berm;
- 12 (2) concrete pit; or
- 13 (3) earthen storage structure.

14 (c) The applicant shall execute and send to the state chemist a
 15 notarized affidavit, under penalty of perjury, that a storage
 16 structure was constructed, and will be operated, according to the
 17 requirements of this chapter, as follows:

18 (1) The affidavit must be submitted:

- 19 (A) on a form provided by the state chemist;
- 20 (B) within thirty (30) days after the date construction is
 21 completed; and
- 22 (C) before the introduction of any processed manure.

23 (2) The affidavit must include identification of the parts of the
 24 storage structure that are completed at the time the affidavit
 25 is submitted.

26 (3) If an owner or operator performs partial construction of
 27 an approved storage structure and plans to use that portion
 28 before completing construction of the entire storage structure,
 29 a separate affidavit must be submitted for each portion of
 30 construction.

31 (d) The certification required by section 14(e) of this chapter
 32 must be completed before the introduction of processed manure.

33 Sec. 18. (a) A storage structure must be maintained and
 34 operated to meet the requirements of this chapter.

35 (b) The owner or operator shall:

- 36 (1) inspect the storage structure for compliance with this
 37 chapter at least one (1) time each month; and
- 38 (2) document any maintenance activities in the operating
 39 record.

40 (c) An uncovered storage structure storing liquid manure must:

- 41 (1) be maintained, with a minimum freeboard of two (2) feet,
 42 unless otherwise specified in the processed manure storage

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- 1 structure permit; and
- 2 (2) have clear identified markers to indicate manure levels
- 3 relative to the approved freeboard elevation.
- 4 (d) An earthen berm for a storage structure must be:
- 5 (1) stabilized with vegetation or alternative erosion control
- 6 measures;
- 7 (2) maintained to prevent growth of trees and shrubs; and
- 8 (3) maintained to allow for visual inspection.
- 9 Sec. 19. (a) The owner or operator of a storage structure must
- 10 keep an operating record that includes the following:
- 11 (1) The complete application.
- 12 (2) The storage structure site plan.
- 13 (3) Notification of construction required by section 17(a) of
- 14 this chapter.
- 15 (4) The notarized affidavit required by section 17(c) of this
- 16 chapter.
- 17 (5) Certification by a registered professional engineer
- 18 required by section 14(e) of this chapter.
- 19 (6) The current emergency response plan described in section
- 20 20(a) of this chapter.
- 21 (7) Documentation of any spill response described in section
- 22 20(b) of this chapter.
- 23 (8) Documentation of maintenance activities on the storage
- 24 structure.
- 25 (9) Copies of any written waivers related to reduction of the
- 26 setback distances.
- 27 (10) All processed manure storage structure permits,
- 28 modifications, renewals, and notifications applicable to the
- 29 storage structure.
- 30 (b) The operating record described in:
- 31 (1) subsection (a)(3), (a)(6), (a)(7), (a)(8), and (a)(10) must be
- 32 kept on site for the duration of the processed manure storage
- 33 structure permit term; and
- 34 (2) subsection (a)(1), (a)(2), (a)(4), (a)(5), and (a)(9) must be
- 35 kept on site for the life of the facility.
- 36 However, if the operator is unable to keep the operating record on
- 37 site, it must be kept at the operator's address listed in the processed
- 38 manure storage structure permit.
- 39 (c) If the record in subsection (a) is unable to be kept on site to
- 40 be made available for inspection, the operator must submit a copy
- 41 of the record to the state chemist within thirty (30) days of the state
- 42 chemist's request.

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1 **Sec. 20. (a) The owner or operator of a storage structure shall**
 2 **develop an emergency response plan to be kept in the operating**
 3 **record. The plan must contain the following:**

4 **(1) Procedures for the following:**

5 **(A) Containing a processed manure release to prevent the**
 6 **manure from reaching waters of the state.**

7 **(B) Locating the source of a processed manure release and**
 8 **stopping the flow of manure.**

9 **(C) Returning released manure to the storage structure or**
 10 **an approved waste management system.**

11 **(D) Contacting the following:**

12 **(i) The owner or operator.**

13 **(ii) Any applicable local emergency or health authorities.**

14 **(2) The names and telephone numbers of each person who is**
 15 **identified by the owner or operator as responsible for**
 16 **implementing the emergency response plan.**

17 **(3) Identification of areas where potential manure releases**
 18 **could occur and their accompanying drainage points.**

19 **(4) Identification of equipment and cleanup materials to be**
 20 **used in the event of a manure release.**

21 **(b) The owner or operator shall implement the emergency**
 22 **response plan any time a processed manure release occurs. If**
 23 **manure from the storage structure reaches waters of the state, the**
 24 **owner or operator must do the following:**

25 **(1) Provide notification in accordance with the following:**

26 **(A) As soon as possible, but within two (2) hours of**
 27 **discovery, communicate a spill report to the Indiana**
 28 **department of environmental management, office of land**
 29 **quality, emergency response section.**

30 **(B) If new or updated spill report information becomes**
 31 **known that indicates a significant increase in the likelihood**
 32 **of damage to the waters of the state, the responsible party**
 33 **shall notify the Indiana department of environmental**
 34 **management as soon as possible, but within two (2) hours**
 35 **of the time the new or updated information becomes**
 36 **known.**

37 **(2) If requested by the Indiana department of environmental**
 38 **management, submit a written copy of the spill report to the**
 39 **Indiana department of environmental management, office of**
 40 **land quality, emergency response section.**

41 **(3) Except from modes of transportation other than pipelines,**
 42 **exercise due diligence and document attempts to notify the**

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1 following:

2 (A) For processed manure releases or spills to surface
3 water, the nearest affected downstream water user located
4 within ten (10) miles of the spill and in Indiana.

5 (B) For processed manure releases or spills to soil outside
6 the storage structure property boundary, each affected
7 property owner, operator, and occupant.

8 Sec. 21. (a) The owner or operator of a processed manure
9 storage structure that plans to decommission a processed manure
10 storage structure shall do the following:

11 (1) Continue to maintain the processed manure storage
12 structure in accordance with the requirements of this chapter
13 until the manure is removed.

14 (2) Follow the requirements in the Indiana NRCS
15 Conservation Practice Standard Code 360, Closure of Waste
16 Impoundments, November 2012, if applicable.

17 (3) Have all associated appurtenances and conveyance
18 structures removed from uncovered processed manure
19 storage facilities.

20 (4) Notify the Indiana department of environmental
21 management:

22 (A) before demolishing or converting the use of any
23 processed manure storage structure; and

24 (B) of the intended future use of the processed manure
25 storage structure, if the processed manure storage
26 structure is to be converted to another use.

27 (b) The owner or operator shall submit a certification to the
28 commissioner of the Indiana department of environmental
29 management within thirty (30) days after completing the
30 requirements in this section that certifies compliance with the
31 requirements in this section.

32 (c) If deemed necessary to protect human health or the
33 environment, the state chemist may require additional
34 decommissioning activities based on:

35 (1) surface or ground water contamination;

36 (2) evidence of:

37 (A) leakage;

38 (B) seepage;

39 (C) manure releases; or

40 (D) spills; or

41 (3) other criteria related to protection of human health or the
42 environment.

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1 (d) The commissioner of the Indiana department of
 2 environmental management shall provide written documentation
 3 describing the basis for any required additional activities.

4 Sec. 22. The state chemist shall adopt rules under IC 4-22-2:

- 5 (1) regulating the distribution of manure based fertilizer; and
 6 (2) establishing fees for the distribution of manure based
 7 fertilizer.

8 Sec. 23. (a) A person may not distribute a misbranded manure
 9 based fertilizer. A manure based fertilizer is misbranded if:

- 10 (1) the manure based fertilizer carries any false or misleading
 11 statement; or
 12 (2) false or misleading statements concerning the manure
 13 based fertilizer's nutrient value are made in any advertising
 14 media accompanying or associated with the manure based
 15 fertilizer.

16 (b) A person may not distribute an adulterated manure based
 17 fertilizer. A manure based fertilizer is adulterated if:

- 18 (1) the manure based fertilizer contains any deleterious or
 19 harmful substance in a sufficient amount to render the
 20 manure based fertilizer injurious to beneficial plant life,
 21 animals, humans, aquatic life, soil, or water when applied in
 22 accordance with directions for use on the label; or
 23 (2) the label of the manure based fertilizer does not include
 24 adequate warning statements or directions for use that may
 25 be necessary to protect plant life, animals, humans, aquatic
 26 life, soil, or water.

27 Sec. 24. (a) The state chemist may:

- 28 (1) cancel the registration of any brand of manure based
 29 fertilizer; or
 30 (2) refuse to register any brand of manure based fertilizer
 31 under this chapter;

32 if the state chemist receives satisfactory evidence that the
 33 registrant has used fraudulent or deceptive practices in the evasion
 34 or attempted evasion of this chapter.

35 (b) The state chemist may not revoke or refuse a registration
 36 under subsection (a) until the registrant receives notice and has the
 37 opportunity to appear for a hearing.

38 Sec. 25. (a) If the state chemist determines that a manure based
 39 fertilizer is being offered for sale in violation of this chapter, the
 40 state chemist may issue to and enforce upon the owner or
 41 custodian:

- 42 (1) a written or printed stop sale, use, or removal order; and

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- 1 (2) a written or printed order to hold the manure based
- 2 fertilizer at a designated place until:
- 3 (A) the owner or custodian complies with this chapter;
- 4 (B) the state chemist releases the manure based fertilizer
- 5 in writing; or
- 6 (C) the violation is legally disposed of by written authority.
- 7 (b) The state chemist shall release manure based fertilizer
- 8 withdrawn under subsection (a) when:
- 9 (1) the owner or custodian complies with this chapter; and
- 10 (2) all costs and expenses incurred in connection with the
- 11 withdrawal have been paid.

12 **Sec. 26. (a) Any manure based fertilizer not in compliance with**
 13 **this chapter is subject to seizure based on a complaint of the state**
 14 **chemist filed in a court with jurisdiction in the area in which the**
 15 **manure based fertilizer is located.**

16 **(b) Subject to subsection (a), if the court finds the manure based**
 17 **fertilizer is in violation of this chapter and orders the**
 18 **condemnation of the manure based fertilizer, the manure based**
 19 **fertilizer must be disposed of in any manner consistent with the**
 20 **quality of the manure based fertilizer and all applicable laws.**

21 **Sec. 27. The state chemist may apply for a temporary or**
 22 **permanent injunction restraining any person from violating or**
 23 **continuing to violate this chapter. The remedies under this section**
 24 **are supplemental to other remedies allowed under this chapter or**
 25 **other law.**

26 **Sec. 28. (a) If a person violates this chapter, the state chemist**
 27 **may:**

- 28 (1) warn, issue a citation to, or impose a civil penalty on the
- 29 person; or
- 30 (2) deny, suspend, revoke, or amend the person's registration
- 31 under this chapter.

32 **(b) A person who knowingly or intentionally violates this**
 33 **chapter commits a Class A misdemeanor.**

34 SECTION 52. IC 15-16-5-13.5, AS ADDED BY P.L.29-2024,
 35 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2026]: Sec. 13.5. As used in this chapter, "fertilizer material"
 37 has the meaning set forth in ~~IC 15-16-2-11.~~ **IC 15-16-1.5-28.**

38 SECTION 53. IC 15-16-5-46, AS AMENDED BY P.L.29-2024,
 39 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2026]: Sec. 46. A person ~~required to be certified under this~~
 41 ~~chapter or IC 15-16-2-44(b)(1)(A) that applies fertilizer material for~~
 42 **hire, transports fertilizer material for hire, or both** may not:

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1 (1) use or supervise the use of any restricted use pesticide or use
 2 a general use pesticide or fertilizer material for hire; or
 3 (2) make diagnostic inspections or reports to determine
 4 infestations of wood destroying pests;
 5 unless the person complies with the certification requirements under
 6 this chapter and any other requirements determined by the state
 7 chemist to be necessary to prevent unreasonable adverse effects on the
 8 environment.

9 SECTION 54. IC 35-52-15-6.5 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2026]: **Sec. 6.5. IC 15-16-3.5-28 defines a**
 12 **crime concerning manure based fertilizer.**

13 SECTION 55. [EFFECTIVE JULY 1, 2026] **(a) The following**
 14 **rules are void:**

- 15 (1) 355 IAC 2.
- 16 (2) 355 IAC 7.
- 17 (3) 355 IAC 8.
- 18 (4) 355 IAC 9.
- 19 (5) 355 IAC 10.

20 **(b) The publisher of the Indiana Administrative Code and the**
 21 **Indiana Register shall remove the rules in subsection (a) from the**
 22 **Indiana Administrative Code.**

23 **(c) This SECTION expires July 1, 2027.**

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