TITLE 22
AGRICULTURE AND HORTICULTURE

CHAPTER 22
SOIL AND PLANT AMENDMENTS

22-2201. SHORT TITLE. This act may be known and cited as the "Soil and Plant Amendment Act of 2001."

[22-2201, added 2001, ch. 250, sec. 3, p. 903.]

22-2202. ADMINISTRATION. This chapter shall be administered by the Idaho department of agriculture.

[22-2202, added 2001, ch. 250, sec. 3, p. 903.]

22-2203. DEFINITIONS. As used in this chapter:

(1) "Aged" means exposed to weathering and/or natural decay, such that the original material is significantly altered.

(2) "Biosolid(s)" means a primary organic solid material produced by wastewater treatment processes that can be beneficially recycled for its plant nutrient content and soil amending characteristics, as regulated under the code of federal regulations, 40 CFR 503, as amended.

(3) "Brand" means the term, designation, trademark, product name or other specific designation under which individual soil amendments or plant amendments are offered for sale.

(4) "Bulk" means in nonpackaged form or in packages of one (1) cubic yard or more.

(5) "Bulk density" means dry weight per unit of volume.

(6) "Compost" means a biologically stable material derived from the composting process.

(7) "Composting" means the biological decomposition of organic matter. It is accomplished by mixing and piling in such a way to promote aerobic and/or anaerobic decay. The process inhibits pathogens, viable weed seeds and odors.

(8) "Coproduct" means a chemical substance produced for a commercial purpose during the manufacture, processing, use or disposal of another chemical substance or mixture.

(9) "Customer formula mix" means a soil amendment or plant amendment which is prepared to the specifications of the final purchaser.

(10) "Deficiency" means the amount of ingredient found by analysis to be less than that guaranteed, which may result from a lack of ingredients or lack of uniformity.

(11) "Department" means the Idaho department of agriculture.

(12) "Director" means the director of the Idaho department of agriculture or his duly authorized representative.

(13) "Distribute" means to import, consign, manufacture, produce, compound, mix, or blend soil amendments or plant amendments, or to offer for sale, sell, barter or otherwise supply soil amendments and plant amendments in this state.

(14) "Distributor" means any person who distributes.

(15) "Horticultural growing media" means any substance or mixture of substances which is promoted as or is intended to function as a growing

medium for the managed growth of horticultural crops in containers and shall be considered a plant amendment for the purposes of this chapter.

(16) "Investigational allowance" means an allowance for variations inherent in the taking, preparation and analysis of an official sample of soil amendments or plant amendments.

(17) "Label" means the display of all written, printed or graphic matter upon the immediate container or statement accompanying a soil amendment or plant amendment.

(18) "Labeling" means all written, printed or graphic matter, upon or accompanying any soil amendment or plant amendment, or advertisements, brochures, posters, or television or radio announcements used in promoting the sale of the soil amendment or plant amendment.

(19) "Manipulation" means actively processed or treated in any manner.

(20) "Manufacture" means to compound, produce, granulate, mix, blend, repackage or otherwise alter the composition of soil amendment or plant amendment materials.

(21) "Micronutrients" means boron (B); chlorine (Cl); cobalt (Co); copper (Cu); iron (Fe); manganese (Mn); molybdenum (Mo); sodium (Na); and zinc (Zn).

(22) "Minimum percentage" means that percent of plant or soil amending ingredient that must be present in a product before the product will be accepted for registration when mentioned in any form or manner.

(23) "Mulch" means any organic or inorganic soil surface cover used to help retain moisture longer in the soil by retarding evaporation, to discourage weed growth, to help maintain a constant temperature by insulating the soil, to discourage runoff and soil erosion by shielding the soil surface from water abrasion or to promote water absorption and retention.

(24) "Official sample" means any sample of soil amendment or plant amendment taken by the director or his agent.

(25) "Organic" refers only to naturally occurring substances generally recognized as the hydrogen compounds of carbon and their derivatives.

(26) "Organic waste-derived material" means grass clippings, leaves, weeds, bark, plantings, prunings, and other vegetative wastes, wood wastes from logging and milling operations and food wastes. "Organic waste-derived material" does not include products that contain biosolids as defined in subsection (2) of this section.

(27) "Other ingredients" means the nonsoil amending or nonplant amending ingredients present in soil amendments or plant amendments.

(28) "Percent" or "percentage" means by weight.

(29) "Person" means individual, partnership, association, firm or corporation.

(30) "Plant amendment" means any natural or synthetic substance applied to plants or seeds which is intended to improve germination, growth, yield, product quality, reproduction, flavor or other desirable characteristics of plants except commercial fertilizers, soil amendments, limes, unmanipulated animal manure and vegetable organic waste-derived materials, pesticides, mulch and other materials which may be exempted by rule.

(31) "Processed" means deliberately treated or manipulated to modify or transform physical, chemical, or biological characteristics of the natural state of a substance.

(32) "Raw" means in the natural state, and not prepared, modified, processed or manipulated for use.

(33) "Registrant" means the person(s) who registers soil amendments or plant amendments under this chapter.

(34) "Soil amendment" means:

(a) Any substance which is intended to improve the physical, chemical or biological characteristics of the soil to favor plant growth; or

(b) Any material which is represented as having a primary function of enhancing, changing or modifying soil microorganism reproduction, activity or population, or material which is represented as having the primary function of forming or stabilizing soil aggregates in soil to which it is to be applied and thereby improving the resistance of the soil to the slaking action of water, increasing the soil's water and air permeability or infiltration, improving the resistance of the surface of the soil to crusting, improving ease of cultivation of soil, or otherwise favorably modifying the structural or physical properties of soil; and

(c) "Soil amendment" does not include commercial fertilizers, plant amendments, limes, gypsum, unmanipulated animal manures and vegetable organic waste-derived materials, pesticides, mulch and other material which may be exempted by rule of the department.

(35) "Ton" means a net weight of two thousand (2,000) pounds avoirdupois.

(36) "Verification of label claims" means explanatory information describing how the registrant determined the truthfulness and accuracy of the registrant's words or statements describing the product according to recognized standards.

(37) "Waste-derived soil amendment" or "waste-derived plant amendment" means any soil amendment or plant amendment that is derived from an industrial byproduct, coproduct or other material that would otherwise be disposed of if a market for reuse were not an option, but does not include any soil amendment or plant amendment derived from biosolids or biosolid products regulated under the code of federal regulations, 40 CFR 503, as amended.

(38) "Weight" means the weight of material as offered for sale.

(39) "Wood" means the hard fibrous material located beneath the bark of trees, which constitutes the greatest part of the stems of trees and shrubs.

When not specifically stated in this section or otherwise designated by the department in rule, the department will be guided by the definitions of general terms, fertilizer materials and soil and plant amendment materials as set forth in the Official Publication of the Association of American Plant Food Control Officials (AAPFCO), or the Merck Index, published by Merck & Co., Inc.

[22-2203, added 2001, ch. 250, sec. 3, p. 903.]

22-2204. AUTHORITY TO ADOPT RULES. The department shall administer, enforce, and carry out this chapter and may adopt rules necessary to carry out its purposes including, but not limited to, the proper use, handling, transportation, storage, display, distribution, sampling, records, analysis, form, minimum percentages, soil amending or plant amending ingredients, exempted materials, investigational allowances, definitions, labels, labeling, misbranding, mislabeling and disposal of soil amendments and plant amendments and their containers. The adoption of rules shall be subject to public hearing as prescribed by the Idaho administrative procedure act, chapter 52, title 67, Idaho Code.

[22-2204, added 2001, ch. 250, sec. 3, p. 906.]

22-2205. PRODUCTS -- REGISTRATION REQUIRED. (1) Each separately identifiable soil amendment or plant amendment product shall be registered before being distributed in this state. The application for registration shall be submitted to the department on a form furnished by the department and shall be accompanied by a nonrefundable fee of ninety dollars ($90.00) per product and a label of each product, unless a current label is on file at the department. Companies planning to mix customer-formula soil amendments or plant amendments shall include the statement "customer-formula mixes" under the "products" column on the registration application form. Upon approval by the department, a certificate of registration shall be furnished to the applicant.

(2) In determining whether a label statement of an ingredient is appropriate, the department may require the submission of a written statement describing the method of laboratory analysis used, the source of all ingredient material, and any reference material relied on to support the label statement or guarantee of the ingredients.

(3) Upon receipt of a complete application for registration of a product, the department may test and analyze an official sample of the product to determine whether the contents of the official sample conform to the label. In his discretion, the director may also require an applicant for registration of a soil amendment or a plant amendment to submit any data concerning the efficacy or safety of the product for its intended use.

(4) Refusal to register, denial, suspension.

(a) If it appears to the director that composition of the soil amendment or plant amendment does not warrant the proposed claims for it, or if the soil amendment or plant amendment and its labeling or other material required to be submitted do not comply with this chapter or rules adopted under this chapter, the director shall notify the applicant of the manner in which the soil amendment or plant amendment labeling or other material required to be submitted fails to comply with this chapter so as to give the applicant an opportunity to make the necessary corrections. If the applicant does not make the required changes within ninety (90) days from the receipt of the notice, the director may refuse to register the soil amendment or plant amendment. The applicant may request a hearing as provided in the administrative procedure act, chapter 52, title 67, Idaho Code.

(b) When the director determines that a soil amendment or plant amendment or its labeling does not comply with this chapter or rules adopted under this chapter, or when necessary to prevent unreasonable adverse effects on the environment, the director may refuse to register or may suspend, revoke or modify the registration of the soil amendment or plant amendment in accordance with the provisions of the administrative procedure act, chapter 52, title 67, Idaho Code.

(5) Registrations are effective through the last day of the calendar year in which they are issued. If a registration is being renewed, the director may suspend the requirement that a soil amendment or plant amendment be analyzed if there is no material change in the label for the product.

(6) If the application for renewal of the soil amendment or plant amendment registration provided for in this section is not submitted by January 31, a penalty of ten dollars ($10.00) per product shall be assessed and added

to the original fee. The applicant shall pay the penalty before the renewal soil amendment or plant amendment registration may be issued.

(7) Any waste-derived soil amendment or waste-derived plant amendment distributed as a single-ingredient product or blended with other soil amendments or plant amendment ingredients must be identified as "waste-derived soil amendment or plant amendment" by the applicant in the application for registration.

(8) An applicant applying to register a waste-derived soil amendment or plant amendment shall state in the application the concentration of metals or metalloids including, but not limited to, arsenic (As), cadmium (Cd), mercury (Hg), lead (Pb), and selenium (Se). The applicant shall provide a laboratory report or other documentation verifying the levels of the metals or metalloids in the waste-derived soil amendment or plant amendment.

(9) A distributor is not required to register a soil amendment or plant amendment product that is already registered under this chapter, as long as the label remains unchanged.

[22-2205, added 2001, ch. 250, sec. 3, p. 906; am. 2022, ch. 27, sec. 5, p. 80.]

22-2206. SUBMISSION OF FORMULAS. The department may require submission of the complete formula of any soil amendment or plant amendment and the source(s) of all ingredients if it is deemed necessary for the registration of any soil amendment or plant amendment product or administration of this chapter. Any formula so submitted is exempt from disclosure to the public pursuant to section 74-107(1) or (2), Idaho Code.

[22-2206, added 2001, ch. 250, sec. 3, p. 908; am. 2015, ch. 141, sec. 31, p. 408.]

22-2207. LABELING INFORMATION REQUIRED. (1) Soil amendment or plant amendment labels. The following information shall be considered the label and shall appear in a readable and conspicuous form on the face or display side of any container, or on the invoice if delivered in bulk, in which soil amendments or plant amendments are offered for sale:

(a) Net weight or volume;

(b) Brand name;

(c) Content or guaranteed analysis; soil amending or plant amending ingredients:

"Name of ingredient" ..... %
(identify and list all)
Total other ingredients ..... %

(d) Purpose of product;

(e) Directions for application;

(f) Name and mailing address of the registrant.

(g) Other information required by rule for the type of product being registered.

(2) No information or statement shall appear on any package, label or labeling which is false or misleading to the purchaser as to the use, analysis, type or composition of the soil amendment or plant amendment.

(3) The director may require verification of label claims made for any soil amendment or plant amendment. If no claims are made he may require proof of usefulness and value of the soil amendment or plant amendment. For evidence of proof, the director may rely on experimental data, evaluations or

advice supplied from sources such as the director of the agricultural experiment station. The verification of label claims shall be relevant to the stated uses for which the product is intended. The director may accept or reject other sources of proof as additional evidence in evaluating soil amendments and plant amendments.

(4) Soil amending or plant amending ingredients may be listed or guaranteed on labels or labeling of soil amendments or plant amendments with the permission of the director. The director may allow a soil amending or plant amending ingredient to be listed or guaranteed on the label or labeling if satisfactory supportive data is provided to the director to substantiate the value and usefulness of the soil amending or plant amending ingredient. The director may rely on outside sources such as the director of the agricultural experiment station for assistance in evaluating the data submitted. When a soil amending or plant amending ingredient is permitted to be listed or guaranteed, it must be determinable by laboratory methods and is subject to inspection and analysis. The director may prescribe methods and procedures of inspection and analysis of the soil amending and plant amending ingredient. The director may stipulate by rule the quantities of soil amending or plant amending ingredient(s) required in a soil amendment or plant amendment.

(5) The director may allow labeling by volume rather than weight as provided in subsection (1)(a) of this section.

(6) Each delivery of a customer formula mix soil amendment or a plant amendment shall contain those ingredients specified by the purchaser, and those ingredients and the amounts of each shall be shown on the statement or invoice. A record of all invoices of customer formula mixes shall be kept by the registrant for a period of one (1) year and shall be available to the department upon request.

(7) Each delivery of a customer formula mix soil amendment or a plant amendment shall be accompanied by either a statement, invoice, delivery slip or label, containing the following information:

(a) Net weight or volume;

(b) The brand;

(c) The name and address of the registrant or manufacturer, or both;

(d) The name and address of the purchaser; and

(e) The soil amending or plant amending ingredients and amounts.

[22-2207, added 2001, ch. 250, sec. 3, p. 908.]

22-2210. INSPECTION -- SAMPLING -- ANALYSIS. (1) The department shall inspect, sample, analyze and test soil amendments or plant amendments distributed within this state at a time and place and to an extent as it deems necessary to determine whether the soil amendments or plant amendments comply with this chapter. The department may stop any commercial vehicle transporting soil amendments or plant amendments on the public highways and direct it to the nearest scales approved by the department to check weights of soil amendments or plant amendments being delivered or to take samples of the product being transported. Also, the department may, upon presentation of proper identification, enter any distributor's premises, including any vehicle of transport, at all reasonable times in order to have access to soil amendments or plant amendments and to records relating to their distribution.

(2) The methods of sampling and analysis shall be those adopted by the department from officially recognized sources, such as, but not limited to,

the association of American plant food control officials (AAPFCO) and the association of official analytical chemists, international (AOAC).

(3) In determining for administrative purposes whether a soil amendment or plant amendment is deficient in any component, the department shall be guided solely by the official sample as defined in section 22-2203(24), Idaho Code, and obtained and analyzed as provided for in this section.

(4) When the inspection and analysis of an official sample has been made, the department shall forward the results of the analysis to the distributor and manufacturer, and to the purchaser upon written request. Upon written request and within thirty (30) days of the results of analysis, the department shall furnish to the distributor and/or manufacturer a portion of the sample concerned.

(5) If the analyses of samples made by the department indicate deficiencies in the soil amendments or plant amendments examined, below guaranteed analysis and in excess of the tolerances specified in rules adopted under this chapter, the department shall immediately notify the manufacturer and/or distributor of the soil amendments or plant amendments of the results of the analyses. The manufacturer or distributor of the soil amendments or plant amendments may, upon written request, obtain from the department a portion of the sample(s) in question. If the manufacturer or distributor does not agree with the analyses of the department, he may request an umpire who shall be one (1) of a list of not less than three (3) public analysts recognized by the department to have the requisite ability in soil amendments, plant amendments or fertilizer analyses, who shall be named by the department. The umpire analyses shall be made at the expense of the manufacturer or distributor requesting the umpire analyses. If the umpire agrees more closely with the department, the figures of the department shall be considered correct. If the umpire agrees more closely with the figures of the manufacturer or distributor, then the figures of the manufacturer or distributor shall be considered correct.

(6) Analysis of an official sample by the department shall be accepted as prima facie evidence by any court of competent jurisdiction.

[22-2210, added 2001, ch. 250, sec. 3, p. 910.]

22-2211. SHORT WEIGHT -- PENALTY. If any soil amendment or plant amendment in the possession of the consumer is found by the director to be short in weight, the registrant of the soil amendment or plant amendment shall, within thirty (30) days after official notification from the department, submit to the department a penalty payment of three (3) times the value of the actual shortage.

[22-2211, added 2001, ch. 250, sec. 3, p. 911.]

22-2212. PENALTIES FOR DEFICIENT ANALYSIS. (1) If the analysis shows that any soil amendment or plant amendment falls short of the guaranteed analysis in any one (1) soil amending or plant amending ingredient or in total soil amending or plant amending ingredients, a penalty shall be assessed in favor of the department as follows:

(a) A penalty of three (3) times the value of the deficiency if the deficiency in any one (1) soil amending ingredient is more than:

(i) Twenty percent (20%) of the guarantee on any one (1) soil amendment or plant amendment in which the soil amending or plant

amending ingredient is guaranteed up to and including twenty percent (20%).

(ii) Four percent (4%) under guarantee on any one (1) soil amendment or plant amendment in which the soil amending or plant amending ingredient is guaranteed twenty and one-tenth percent (20.1%) and above.

(b) A penalty of three (3) times the value of the total soil amending or plant amending ingredient deficiency shall be assessed when the total deficiency is more than two percent (2%) under the calculated total soil amending or plant amending ingredient guarantee.

(c) When a soil amendment or plant amendment is subject to penalties under both (a) and (b) above, only the larger penalty shall be assessed.

(2) All penalties assessed under this section shall be paid to the department within ninety (90) days after the date of notice from the director to the registrant. The department shall deposit the amount of the penalty into the commercial feed and fertilizer fund, as stipulated in section 22-2220, Idaho Code.

(3) Nothing contained in this section shall prevent any person from appealing to a court of competent jurisdiction for a judgment as to the justification for penalties imposed under subsection (1) of this section.

(4) The penalties payable in subsection (1) of this section do not limit the consumer's right to bring a civil action in damage against the registrant paying the civil penalties.

[22-2212, added 2001, ch. 250, sec. 3, p. 911.]

22-2213. ASSESSMENT OF PENALTIES. For the purpose of determining commercial values to be applied under this section, the director shall determine from the registrant's sales invoice the values charged for the plant amending or soil amending ingredients. If no invoice is available or if the invoice fails to provide sufficient information, the director may use prevailing market prices to determine values. The values so determined shall be used in determining and assessing penalties.

[22-2213, added 2001, ch. 250, sec. 3, p. 912.]

22-2214. MISBRANDING. No person shall distribute a misbranded soil amendment or plant amendment in this state. A soil amendment or plant amendment is deemed to be misbranded if:

(1) Its labeling is false or misleading in any material respect; or

(2) It is distributed under the name or brand of another soil amendment or plant amendment, unless the distribution is proper under section 22-2205, Idaho Code; or

(3) It is not labeled as required in section 22-2207, Idaho Code, and according to the rules of the department adopted under this chapter. The rules shall give due regard to the commonly accepted definitions and terms, as stated or provided in section 22-2203, Idaho Code; or

(4) It purports to be or is represented as a soil amendment or plant amendment, or is represented as containing a soil amendment or plant amendment, unless the soil amendment or plant amendment conforms to the definitions of identity, if any, prescribed by rules of the department. In adopting the rules, the department shall give due regard to commonly accepted definitions and official terms, as stated or provided in section 22-2203, Idaho Code; or

(5) It does not conform to the ingredient form, minimums, labeling and investigational allowances in the rules adopted by the department.

[22-2214, added 2001, ch. 250, sec. 3, p. 912.]

22-2215. ADULTERATION. No person shall distribute an adulterated soil or plant amendment. A soil amendment or plant amendment is deemed to be adulterated if:

(1) It contains any deleterious or harmful substance, or organism in sufficient amount to render it injurious to beneficial plant life, animals, humans, aquatic life, soil or water when applied in accordance with directions for use on the label; or, if adequate warning statements and directions for use, which may be necessary to protect plant life, animals, humans, aquatic life, soil or water, are not shown on the label; or

(2) Its composition falls below or differs from that which it is purported to possess by its labeling; or

(3) It contains unwanted crop seed or weed seed.

[22-2215, added 2001, ch. 250, sec. 3, p. 912.]

22-2216. PUBLICATION OF INFORMATION. The department shall publish the following information at least annually and in a form it deems proper: the total tonnage of soil amendments and plant amendments distributed; the total number of official samples analyzed and the number of deficient official samples analyzed; and any other information the department deems fit.

[22-2216, added 2001, ch. 250, sec. 3, p. 912.]

22-2217. STOP-SALE ORDERS. (1) The director may issue and enforce a written "stop-sale, use or removal" order to the manufacturer, distributor, owner, or custodian of any soil amendment or plant amendment, or any lot thereof, if he determines that:

(a) A soil amendment or plant amendment is not properly registered or its registration has been revoked under this chapter; or

(b) A soil amendment or plant amendment is misbranded or adulterated.

(2) The order may require the person to whom it is directed to hold the soil amendment or plant amendment, or lot thereof, that is the subject of the order at a designated place until the requirements of this chapter are satisfied and all costs and expenses reasonably incurred by the department in connection with the withdrawal are paid by or on behalf of the person to whom the order was directed.

[22-2217, added 2001, ch. 250, sec. 3, p. 912; am. 2022, ch. 27, sec. 8, p. 81.]

22-2218. VIOLATIONS. It is unlawful to:

(1) Distribute a misbranded soil amendment or plant amendment;

(2) Fail, refuse or neglect to place upon or attach to each container of distributed soil amendment or plant amendment a label containing the information required by this chapter;

(3) Fail, refuse or neglect to deliver to a purchaser of bulk soil amendments or plant amendments, a statement containing the information required by this chapter;

(4) Distribute a soil amendment or plant amendment which has not been registered with the department;

(5) Distribute a soil amendment or plant amendment containing viable noxious weed seeds, as specified in section 22-2215(3), Idaho Code;

(6) Distribute an adulterated soil amendment or plant amendment;

(7) Distribute a soil amendment or plant amendment weighing less than that which it is purported to weigh;

(8) Distribute a soil amendment or plant amendment different from the guaranteed analysis purported on the label;

(9) Fail or refuse to provide, keep or maintain records and information as required by this chapter;

(10) Fail to stop distribution of a soil amendment or plant amendment product under a stop-sale order as authorized under section 22-2217, Idaho Code; or

(11) Fail to disclose to the director, when requested, sources of potentially deleterious components, which components shall be established by rule.

[22-2218, added 2001, ch. 250, sec. 3, p. 913.]

22-2219. REMEDIES FOR VIOLATION. (1) A person convicted of violating this chapter or the rules adopted under this chapter or who impedes, obstructs, hinders or otherwise prevents or attempts to prevent the director or a duly authorized agent from the performance of his duty in connection with this chapter, is guilty of a misdemeanor and shall be fined not more than five hundred dollars ($500) for the first violation and not more than one thousand five hundred dollars ($1,500) for a subsequent violation. In all prosecutions under this chapter involving the composition of a lot of a commercial soil and plant amendment product, a certified copy of the official analysis signed by the director or his duly authorized agent shall be accepted as prima facie evidence of the composition.

(2) A person who violates or fails to comply with this chapter or any rules adopted under this chapter may be assessed a civil penalty by the department or its duly authorized agent of not more than ten thousand dollars ($10,000) for each offense and shall be liable to the department for reasonable attorney's fees. The department may assess a civil penalty in conjunction with any other department administrative action. No civil penalty may be assessed unless the person charged was given notice and opportunity for a hearing under the Idaho administrative procedure act, chapter 52, title 67, Idaho Code. If the director is unable to collect the penalty or if a person fails to pay all or a set portion of the civil penalty as determined by the department, the department may recover the amount in an action in the appropriate district court. A person against whom the director has assessed a civil penalty under this section may, within thirty (30) days of the final action by the agency making the assessment, appeal the assessment to the district court of the county in which the violation is alleged by the department to have occurred.

(3) Nothing in this chapter requires the director or a duly authorized representative to report minor violations of this chapter for prosecution, or for the institution of seizure proceedings, when the director believes that the public interest will be best served by a suitable notice of warning in writing.

(4) A prosecuting attorney to whom any violation is reported shall, without delay, cause appropriate proceedings to be instituted and prose-

cuted in a court of competent jurisdiction. Before the director reports a violation for prosecution by a prosecuting attorney, the director shall give the person charged with the violation an opportunity to present his view to the director.

(5) The director may apply for and the court is authorized to grant a temporary or permanent injunction restraining any person from violating or continuing to violate this chapter or any rule adopter under this chapter notwithstanding the existence of other remedies of law. An injunction shall be issued without bond.

[22-2219, added 2001, ch. 250, sec. 3, p. 913.]

22-2220. DISPOSITION OF MONEYS. All moneys received by the director from the registration of soil amendments and plant amendments and from the payment of moneys derived from the registration and inspection fees charged on soil amendments and plant amendments, and moneys collected for violations of this chapter or rules adopted under this chapter, shall be paid into the state treasury and placed in a fund to be known as the "Commercial Feed and Fertilizer Fund." Moneys in the fund shall be used to carry out the purposes of this chapter.

[22-2220, added 2001, ch. 250, sec. 3, p. 914.]

22-2221. COOPERATION WITH OTHER GOVERNMENT AGENCIES. The director may cooperate with and enter into agreements with other government agencies, whether of this state, other states, or agencies of the federal government, and with private associations, in order to carry out the purposes of this chapter.

[22-2221, added 2001, ch. 250, sec. 3, p. 914.]

22-2222. NO EFFECT ON EXISTING LIABILITY. The enactment of this chapter does not terminate or modify any civil or criminal liability which exists on July 1, 2001.

[22-2222, added 2001, ch. 250, sec. 3, p. 914.]

22-2223. NOT APPLICABLE TO WHOLESALE TRANSACTIONS. This chapter does not restrict or preclude sales or exchanges of soil amendments or plant amendments to each other by importers, manufacturers or manipulators who mix soil amendment or plant amendment materials for sale or prevent the free and unrestricted shipments of soil amendments or plant amendments to manufacturers or manipulators who have registered their products as required in this chapter.

[22-2223, added 2001, ch. 250, sec. 3, p. 914.]

22-2224. SEVERABILITY. If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not effect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

[22-2224, added 2001, ch. 250, sec. 3, p. 915.]

22-2225. STATEMENT OF UNIFORM INTERPRETATION AND POLICY. When not otherwise stated in this chapter or rules adopted under this chapter, the statements of uniform interpretation and policy as adopted in the annual publication of the American plant food control officials shall guide the department when making the decisions in the areas covered by AAPFCO statements of uniform interpretation and policy.

[22-2225, added 2001, ch. 250, sec. 3, p. 915.]

22-2226. LOCAL LEGISLATION -- PROHIBITION. (1) No local government entity including, but not limited to, any city, county, township, or municipal corporation or any other body corporate and politic that is responsible for government activities in a geographic area smaller than that of the state of Idaho, shall:

(a) Regulate the registration, packaging, labeling, sale, storage, distribution, use and application of soil and plant amendments;

(b) Adopt or continue in effect local legislation relating to the registration, packaging, labeling, sale, storage, distribution, use or application of soil and plant amendments.

(2) Ordinances adopted by the local government entity in violation of this section are void and unenforceable.

(3) The provisions of subsections (1) and (2) of this section shall not preempt county or city local zoning ordinances governing the physical location or siting of soil and plant amendment manufacturing, storage and sales facilities or protecting the quality of ground water or surface water in accordance with applicable state and federal law.

[22-2226, added 2005, ch. 388, sec. 1, p. 1249.]