

### What is Ammonium Nitrate Material:

The regulation does not apply to grades of fertilizer with less than 28% nitrogen. So, as an example a grade of 27-0-0 or 25-0-15 does not meet the definition for ammonium nitrate material. Grades of fertilizer blends greater than or equal to 28% nitrogen when ammonium nitrate is the sole source of nitrogen meet the definition for ammonium nitrate material. Grades of fertilizer blends with more than one source of nitrogen, such as urea or ammonium sulfate, may require formula review by the Service to determine if the regulation applies when the labeling does not provide sufficient information to identify if the product meets the definition of ammonium nitrate material.

Office of the Texas State Chemist  
P.O. Box 3160  
College Station, TX 77841

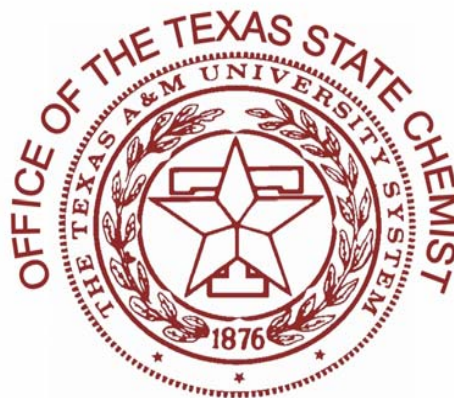
445 Agronomy Road  
College Station, TX 77843

(979) 845-1121 phone  
(979) 845-1389 fax  
<http://otscweb.tamu.edu/>



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## Sale of Ammonium Nitrate in Texas



### Subchapter I

### Texas Commercial Fertilizer Control Act

Texas Agriculture Code (1981)

### Chapter 63

(As amended September 1, 2007)

Office of the Texas State Chemist

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### What's It About:

The Texas 80<sup>th</sup> Legislature passed HB 2546 pertaining to the sale of ammonium nitrate and ammonium nitrate material. This law places limits on the sale of this fertilizer to prevent its use for terrorist attacks against the U.S.

The bill included 7 sections pertaining to:


- Definitions of ammonium nitrate and ammonium nitrate material,
- Registration with the Office of the Texas State Chemist (OTSC) is required for the sale of ammonium nitrate or ammonium nitrate material,
- Security of storage facility, daily inspection, and inventory management,
- Requirements for the sale of ammonium nitrate and ammonium nitrate material including identification and record keeping,
- Specifications pertaining to the maintenance of records,
- Suspension of registration if a person does not comply with the ammonium nitrate regulation,
- Criminal penalty imposed on individuals not following the law including a felony offense of the third degree for individuals using ammonium nitrate to make an explosive device without the correct permit.

The ammonium nitrate regulation also directs the Office of the Texas State Chemist to prepare rules for the enforcement of this regulation including a provision for refusing sale of this product. The Commercial Fertilizer Rules were amended September 9, 2007.

## What Must You Do To Comply?

### Step 1. Register

Complete the registration form provided by the Office of the Texas State Chemist or obtain this form on the website: <http://otscweb.tamu.edu> and send it to the Office with your annual registration fee.



**Office Of The Texas State Chemist**  
 P.O. Box 3160  
 College Station, TX 77841-3160  
 Main: (979) 845-1121  
 Fax: (979) 845-1389  
 Web: otsc.tamu.edu

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APPLICATION TO TEXAS FEED & FERTILIZER CONTROL SERVICE, COLLEGE STATION, TEXAS FOR A PERMIT TO DISTRIBUTE AMMONIUM NITRATE OR AMMONIUM NITRATE MATERIALS AS PRESCRIBED BY SECTION 83.151 AND 83.162 OF THE TEXAS AGRICULTURE CODE

Permit # \_\_\_\_\_ Title \_\_\_\_\_

Name of Firm \_\_\_\_\_ Telephone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

Street Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Email Address \_\_\_\_\_ Web Site Address \_\_\_\_\_

Print or Type Name \_\_\_\_\_

Signature \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

IMPORTANT: Applications for Ammonium Nitrate Permits should be accompanied by the \$76.00 annual fee.

Return Form to: Texas Feed and Fertilizer Control Service, P.O. Box 3160, College Station, TX 77841-3160

### Step 2. Display Your Registration Certificate

Display your registration certificate in a prominent place of business.

### Step 3. Train Your Employees

Train your employees in all aspects of the ammonium nitrate regulation, document this training and expect OTSC investigators to review this record. OTSC has posted training material on their website.

### Step 4. Record ALL Sales

The ammonium nitrate regulation requires OTSC to prepare a record keeping form that must be used by a person who sells these products. The completed form may only be shared with OTSC employees, Dept. of Public Safety or law enforcement agency of the US. Refuse sale to suspect individuals and contact OTSC immediately.

**Ammonium Nitrate Sale Record**  
 Section 63.154 (a) of the TX Fertilizer Control Act

Instructions for Use: Complete a separate form for each purchaser. The purchaser's signature in the top portion of this form is required annually. Multiple leads for the purchaser may be listed under one sales record. An additional signature is required for every load by the person picking up or delivering the ammonium nitrate or ammonium nitrate material and an initial by the fertilizer company employee.

**IDENTIFICATION & ADDRESS**

Name of Purchaser: \_\_\_\_\_

Address of Purchaser: \_\_\_\_\_

Form of Identification: \_\_\_\_\_  
Form of Identification Date of Birth

Contact Information: \_\_\_\_\_

Purchase made on behalf of someone else? Yes  No   
If yes, name of person purchased for

**APPLICATION AND USE INFORMATION**

Date (of pickup or delivery)	Signature (person picking up or delivering product)	Brand and Grade of Fertilizer	Amount and Use	Initial (by fertilizer company employee)

Comments: If a transaction is refused, provide details and contact the Office of the Texas State Chemist immediately at (979) 845-1121.

### Step 5. Maintain an Ongoing Inventory

The ammonium nitrate regulation requires that a firm maintain an ongoing inventory of these fertilizer products. Develop this form and be prepared to show this record to OTSC investigators.

### Step 6. Ensure Your Facility is Secure

The ammonium nitrate regulation requires that your facility prevent theft of this product and that you inspect the facility daily. This prevents a company from storing these fertilizer products all year in facilities that are only operated seasonally and are unoccupied during off-season. The regulation prescribes security measures that include fencing around the storage structure or locking doors to the warehouse. Additional security procedures such as lighting and security cameras are recommended. Home garden stores selling these fertilizer products in bagged form may not store them in a parking lot.

