

Content

Title :	REGULATIONS ON FERTILIZER INSPECTION <b>Ch</b>
Date :	2010.07.29
Legislative :	1.Full text of 14 articles promulgated on December 30, 2000 by Council of Agriculture, Executive Yuan Order Nung-Shou-Liang Tzu No. 890021254 2.Articles 4, 5 amended & promulgated on July 29, 2010 by Council of Agriculture, Executive Yuan Order Nung-Shou-Liang Tzu No. 0991052892
Content :	<p>Article 1 These Regulations have been drafted pursuant to Paragraph 2, Article 22 of the Fertilizer Management Act (hereafter referred to as "this Act").</p> <p>Article 2 The governing agency may send inspectors to conduct inspection at premises used by the manufacturer, importer or seller for manufacturing, processing, packaging, warehousing, exhibiting and selling of fertilizers. The fertilizer inspectors shall present fertilizer inspection identification before conducting the above duties. The businesses may not elude, refuse or interfere with the inspectors.</p> <p>Article 3 The followings are subject to fertilizers inspection:</p> <ol style="list-style-type: none"><li>1.Fertilizer registration items as specified in Articles 5 through 10, and in Subparagraph 1 and 2 of Paragraph 1 of Articles 18 of this Act.</li><li>2.Packaging and labeling related items as specified in Articles 12, 13 and 17, and in Subparagraph 3 of Paragraphs 1 of Article 18 of this Act.</li><li>3.Fertilizer quality related items as specified in Paragraph 1 of Articles 14, and in Subparagraph 4 of Paragraphs 1 of Article 18 of this Act.</li><li>4.Fertilizer advertising and marketing related items as specified in Articles 19 and 20 of this Act.</li><li>5.Records of fertilizer manufacturing or importation, sale and warehousing as specified in Article 21 of this Act.</li></ol> <p>Article conducting fertilizers inspection, the governing agency shall pay special attentions to the following items:</p> <ol style="list-style-type: none"><li>1.For those fertilizers not listed by the inspection authority of standards as must-inspect, selective inspections of their quality shall be reinforced.</li><li>2.The inspection of premises where manufactured and imported organic fertilizers and microorganism fertilizers are manufactured, processed, packaged or stored shall be reinforced.</li><li>3.Quality inspection at the composting plants shall be reinforced for composts that are transferred directly from factories to farmland for application.</li><li>4.Inspection on harmful ingredients of organic fertilizers and microorganism fertilizers shall be reinforced. The extent of</li></ol>

inspection is not limited to those identified as harmful in *FERTILIZER CATEGORIES/ ITEM NUMBERS AND SPECIFICATIONS*.

5. The extent of inspection on advertisement of fertilizers includes those broadcasted on television, newspapers, magazines, flyers, posters, bulletin boards and internet.

Article 5 When sampling fertilizers for the purpose of inspection, the fertilizers shall be well mixed and two samples shall be collected for each fertilizer. The amount of each sample shall be at least for solid fertilizers and 300 ml for liquid fertilizers. Fertilizers of small packaging may be collected in whole but the total amount of each sample shall be no less than (ml). Microorganism fertilizers should be collected in whole. All the samples shall be sealed in bags (or cans) with the endorsement of the business owner on the seal. The corresponding packaging, container and label/mark of each fertilizer under inspection shall also be brought back with the samples collected for that fertilizer.

One of the two samples shall be sent to the governing agency for Standards or testing institutes authorized by the governing agency for analyses; Samples of microorganism fertilizers should be transported in the same environment/temperature as fertilizers are on exhibit for sale; the governing agency shall keep the other sample along with its packaging, container and label/mark. Samples of microorganism fertilizers should be stored in the same environment/temperature as fertilizers are on exhibit for sale. When fertilizer samples are collected, the Administrator shall pay for the cost of collected samples, or give the business owner a receipt for the samples.

Article 6 If a sampled fertilizer contains harmful ingredients other than those listed for that fertilizer item as specified in *FERTILIZER CATEGORIES/ ITEM NUMBERS AND SPECIFICATIONS*, the limitation on its highest amount shall conform to the regulations for the same category of fertilizers. If a limitation has not been set for fertilizers of the same category, the governing agency at the central government level shall specifically set the limitation for the case.

Article 7 The governing agency shall forward the analyses report to the business owner within 10 days after receiving the report. If the business owner has any objection to the results of the analyses, the owner may file an application for a re-examination on the duplicate sample kept by the governing agency within 15 days after receiving the report. The owner may apply for re-examination only once.

The fertilizer business owner is responsible for the cost of the re-examination.

Article 8 If the fertilizer inspection results reveal any violation of this Act, the governing agency shall inform the business owner within 10 days after receiving the report. Any objection to the inspection result shall be addressed to the Governing agency. After all the disagreeing opinions have been examined and all the

facts and evidences evaluated, the governing agency shall notify the business owner the final decision on the fertilizer with full explanation.

Article the event any violation of this Act is found in the fertilizers under inspection, the business owner shall comply with the following rules by the deadline set by the governing agency.

1. For any fertilizers without a Fertilizer Registration Certificate, the business owner shall file an application for obtaining the registration.
2. For fertilizers with any defect or flaw in labels, markers or packaging, the business owner shall commence a corresponding remediation.
3. In the case that the fertilizer can be re-processed or re-used for other purposes, the business owner can submit a schedule of reprocessing the fertilizer to the competent authorities in city or county government. After the schedule is approved, the reprocessing of fertilizer can be set forth. If the product has no value of re-use, the fertilizer shall be disposed or destroyed, following the law or regulation related to waste disposal.

Article 10 If a fertilizer is proven to be harmful to soils, plants or public health, the business owner shall recall all products on the market within 30 days after receiving the notification from the governing agency, and destroy them along with those in warehouse, and the handling situation reported to the governing agency for future references.

Article 11 The contents of the results of fertilizers inspection executed by the governing agency in accordance with Paragraph 2, Article 22 of this Act shall include the names, addresses and persons responsible of the business that manufacture, import or sell the fertilizers, the type of the fertilizers, the commercial name of the products, the registration certificate number, and details of any violation of this Act.

Article 12 For implementing sealing and preservation of any fertilizer pursuant to Paragraph 1, Article 23 of this Act, the governing agency shall pay special attention to the followings shall:

1. The sealed and preserved fertilizers shall be kept at a safe place where the fertilizer will not be affected by sunshine, humidity or rainfall.
2. Photographic evidence shall be taken for the fertilizer being sealed and preserved.

If the fertilizer inspection results find no violation of this Act, the governing agency shall immediately inform the business owner that the seal may be broken.

Article 13 If a violation of any other laws or regulations is found when inspecting a fertilizer, the governing agency shall notify the governing agency in charge of that law or regulation.

Article 14 This regulation shall take effect on the date of promulgation.