



Michigan Fertilizer Law Changes 2015-16 Summary

The Michigan Fertilizer Law (MCL 324.8501 et seq) was updated last July by Public Act 118 of 2015. 3 significant areas were updated.

1. Resident agent language

- Public Act 118 requires out-of-state firms to appoint a Michigan resident agent or “opt out” and not select a resident agent, instead paying the costs in the event of an out-of-state audit.
- This new language allows Michigan Department of Agriculture and Rural Development (MDARD) to conduct or contract fertilizer tonnage audits to help maintain a level playing field.

2. Fertilizer advisory committee and fertilizer research grants

- The advisory committee consists of 12 members appointed by the Director that will advise the Director on fertilizer research necessary to ensure the adoption and implementation of practices that optimize nutrient use efficiency, ensure soil fertility, and address environmental concerns with regards to fertilizer use.
- Research grants will be funded from at least 40% of the fertilizer inspection (tonnage) fees until December 31, 2019.

3. Tonnage and water quality protection fee increases

- Fertilizer inspection (tonnage) fee increases from \$0.10/ton to \$0.35/ton.
- The water quality (previously called groundwater) protection fee on agricultural use fertilizer changes from \$0.015 per % nitrogen per ton to \$1.00/ton on all agricultural use fertilizer.
- Total tonnage fees = \$0.35/ton non-ag and \$1.35/ton ag use fertilizer.
- Licensing and registration fees did not change.
- **The new fees take effect January 1, 2016**, so it did not impact the July-December 2015 tonnage report. The January – June 2016 tonnage report reflects the new fees.
- This is Michigan’s first fertilizer regulatory fee increase in 40 years and water quality fee increase in 20 years.

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