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ENVIRONMENTAL PROTECTION ACT 1986

ENVIRONMENTAL PROTECTION (PACKAGED FERTILISER) REGULATIONS 2010

Western Australia

Environmental Protection (Packaged Fertiliser) Regulations 2010

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Environmental Protection Act 1986

Environmental Protection (Packaged Fertiliser) Regulations 2010

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Environmental Protection (Packaged Fertiliser) Regulations 2010*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) Part 3 and regulation 17 — on 1 January 2013;
- (c) the rest of the regulations — on the day after the day on which these regulations are published in the *Gazette*.

3. Terms used

In these regulations —

all purpose fertiliser means fertiliser packaged in a small use container the label on which indicates that the fertiliser is suitable for all purpose use on lawns and gardens;

Environmental Protection (Packaged Fertiliser) Regulations 2010**Part 1** Preliminary**r. 3**

concentrated solid fertiliser includes crystallised, powder or granular fertiliser that, to be correctly applied, needs to be dissolved or mixed in water prior to application;

container includes anything in which fertiliser is packaged;

fertiliser has the meaning given in regulation 4;

garden fertiliser means fertiliser packaged in a small use container the label on which indicates that the fertiliser is suitable for use on plants, but does not include lawn fertiliser or all purpose fertiliser;

label, on a container, includes a tag, leaflet, brand, stamp, mark, stencil or written statement attached to or marked on the container;

lawn fertiliser means fertiliser packaged in a small use container the label on which indicates that the fertiliser is suitable for use on lawns, but does not include all purpose fertiliser;

manufacture includes prepare, produce or package;

packaged fertiliser means fertiliser packaged in a small use container;

processed organic fertiliser includes processed, treated or prepared organic fertiliser such as —

- (a) compost; and
- (b) blood and bone; and
- (c) bone meal; and
- (d) bone dust; and
- (e) dynamic lifter;

small use container means a container that has a capacity of not more than 50 L or a net mass of not more than 50 kg.

Environmental Protection (Packaged Fertiliser) Regulations 2010

Preliminary

Part 1

r. 4**4. Fertilisers**

- (1) A fertiliser is a substance —
- (a) containing nitrogen, phosphorus, potassium or any other element required for plant growth or any compound of any of those elements; and
 - (b) manufactured or sold for the purpose of directly or indirectly —
 - (i) fertilising the soil; or
 - (ii) supplying nutrients to plants; or
 - (iii) conditioning the soil by altering the chemical, physical or biological composition of the soil.
- (2) Despite subregulation (1), each of the following substances is not of itself a fertiliser although, if mixed with a fertiliser, the mixture is a fertiliser —
- (a) unprocessed animal manure;
 - (b) unprocessed vegetable matter;
 - (c) mulch;
 - (d) unprocessed manufacturer's waste.

5. Percentage by weight

- (1) A reference in these regulations to a percentage by weight of an element in a fertiliser is a reference to the proportion (expressed as a percentage) that the element's weight bears to the total weight of the fertiliser.
- (2) Unless otherwise permitted under these regulations, the total weight of a liquid fertiliser or concentrated solid fertiliser is to be determined by the weight of the fertiliser when diluted, dissolved or mixed in water at the rate recommended on the label of the container of the fertiliser.

Environmental Protection (Packaged Fertiliser) Regulations 2010**Part 1** Preliminary**r. 6**

6. Application of regulations

These regulations do not apply in relation to —

- (a) fertiliser manufactured for sale, or sold, to a person outside of Western Australia; or
- (b) fertiliser manufactured for sale, or sold, to a person who is in the business of manufacturing fertiliser.

Environmental Protection (Packaged Fertiliser) Regulations 2010
Content of garden, lawn and all purpose fertilisers **Part 2**

r. 7

**Part 2 — Content of garden, lawn and all
purpose fertilisers**

- 7. Maximum amount of phosphorus in garden fertiliser before 1 January 2013**
- (1) This regulation does not apply to garden fertiliser that is —
 - (a) controlled release fertiliser; or
 - (b) processed organic fertiliser.
 - (2) Before 1 January 2013 the maximum amount of phosphorus in garden fertiliser other than liquid fertiliser or concentrated solid fertiliser must not exceed 2.5% by weight.
 - (3) Before 1 January 2013 the amount of phosphorus in garden fertiliser that is liquid fertiliser or concentrated solid fertiliser must be 2.5% or less when determined by one of the following methods —
 - (a) weight by volume;
 - (b) volume by volume;
 - (c) weight by weight.
 - (4) For the purposes of subregulation (3), the total weight of liquid fertiliser or concentrated solid fertiliser is not required to be determined by the weight of the fertiliser when diluted, dissolved or mixed in water at the rate recommended on the label of the container of the fertiliser.
 - (5) A person must not package fertiliser in a small use container for sale as garden fertiliser unless the fertiliser, when packaged, will comply with subregulation (2) or (3), as the case requires.
Penalty: a fine of \$5 000.
 - (6) A person must not sell garden fertiliser unless the fertiliser complies with subregulation (2) or (3), as the case requires.
Penalty: a fine of \$5 000.

Environmental Protection (Packaged Fertiliser) Regulations 2010**Part 2** Content of garden, lawn and all purpose fertilisers**r. 8**

- (7) Subregulation (6) does not apply to a person who sells garden fertiliser by retail during the period that commences on the date on which this regulation comes into operation and ends 6 months after that commencement.

8. Maximum amount of phosphorus in garden fertiliser on and after 1 January 2013

- (1) This regulation applies on and after 1 January 2013.
- (2) The maximum amount of phosphorus in garden fertiliser must not exceed 2% by weight.
- (3) A person must not package fertiliser in a small use container for sale as garden fertiliser unless the fertiliser, when packaged, will comply with subregulation (2).
Penalty: a fine of \$5 000.
- (4) A person must not sell garden fertiliser unless the fertiliser complies with subregulation (2).
Penalty: a fine of \$5 000.

9. Maximum amount of phosphorus in lawn fertiliser before 1 January 2013

- (1) This regulation does not apply to lawn fertiliser that is —
- (a) controlled release fertiliser; or
 - (b) processed organic fertiliser.
- (2) Before 1 January 2013 the maximum amount of phosphorus in lawn fertiliser other than liquid fertiliser or concentrated solid fertiliser must not exceed 1% by weight.
- (3) Before 1 January 2013 the amount of phosphorus in lawn fertiliser that is liquid fertiliser or concentrated solid fertiliser must be 1% or less when determined by one of the following methods —
- (a) weight by volume;

Environmental Protection (Packaged Fertiliser) Regulations 2010
Content of garden, lawn and all purpose fertilisers **Part 2**

r. 10

- (b) volume by volume;
 - (c) weight by weight.
- (4) For the purposes of subregulation (3), the total weight of a liquid fertiliser or concentrated solid fertiliser is not required to be determined by the weight of the fertiliser when diluted, dissolved or mixed in water at the rate recommended on the label of the container of the fertiliser.
- (5) A person must not package fertiliser in a small use container for sale as lawn fertiliser unless, when packaged, the fertiliser will comply with subregulation (2) or (3), as the case requires.
Penalty: a fine of \$5 000.
- (6) A person must not sell lawn fertiliser unless the fertiliser complies with subregulation (2) or (3), as the case requires.
Penalty: a fine of \$5 000.
- (7) Subregulation (6) does not apply to a person who sells lawn fertiliser by retail during the period that commences on the date on which this regulation comes into operation and ends 6 months after that commencement.
- 10. Maximum amount of phosphorus in lawn fertiliser on and after 1 January 2013**
- (1) This regulation applies on and after 1 January 2013.
- (2) The maximum amount of phosphorus in lawn fertiliser must not exceed 1% by weight.
- (3) A person must not package fertiliser in a small use container for sale as lawn fertiliser unless, when packaged, the fertiliser will comply with subregulation (2).
Penalty: a fine of \$5 000.
- (4) A person must not sell lawn fertiliser unless the fertiliser complies with subregulation (2).
Penalty: a fine of \$5 000.

Environmental Protection (Packaged Fertiliser) Regulations 2010**Part 2** Content of garden, lawn and all purpose fertilisers**r. 11**

11. Maximum amount of phosphorus in all purpose fertiliser on and after 1 January 2013

- (1) This regulation applies on and after 1 January 2013.
- (2) The maximum amount of phosphorus in all purpose fertiliser must not exceed 1% by weight.
- (3) A person must not package fertiliser in a small use container for sale as all purpose fertiliser unless the fertiliser, when packaged, will comply with subregulation (2).
Penalty: a fine of \$5 000.
- (4) A person must not sell all purpose fertiliser unless the fertiliser complies with subregulation (2).
Penalty: a fine of \$5 000.

12. Ratio of nitrogen to phosphorus

- (1) This regulation applies on and after 1 January 2013 to fertiliser that contains —
 - (a) nitrogen; and
 - (b) more than 0.5% phosphorus by weight.
- (2) The ratio of nitrogen to phosphorus in a garden fertiliser, lawn fertiliser or all purpose fertiliser to which this regulation applies must be between 5:1 and 20:1.
- (3) A person must not package fertiliser to which this regulation applies in a small use container for sale as garden fertiliser, lawn fertiliser or all purpose fertiliser unless, when packaged, the fertiliser will comply with subregulation (2).
Penalty: a fine of \$5 000.
- (4) A person must not sell garden fertiliser, lawn fertiliser or all purpose fertiliser to which this regulation applies unless the fertiliser complies with subregulation (2).
Penalty: a fine of \$5 000.

Environmental Protection (Packaged Fertiliser) Regulations 2010
Labelling requirements **Part 3**

r. 13

Part 3 — Labelling requirements

13. Labelling of fertiliser container

- (1) A small use container of fertiliser must be labelled in accordance with this Part.
- (2) The label on a small use container of fertiliser must be —
 - (a) on the outside face of the container or attached to the outside of the container; and
 - (b) easily readable without opening the container.

14. Information on labels

- (1) The label on a small use container of fertiliser must state the following —
 - (a) in the case of a fertiliser that contains phosphorus — the concentration of phosphorus in the fertiliser as a percentage by weight of the total weight of the fertiliser (%wt/wt);
 - (b) in the case of a fertiliser to which regulation 12 applies — the ratio of nitrogen to phosphorus in the fertiliser;
 - (c) in the case of a liquid fertiliser or concentrated solid fertiliser — the rate recommended by the manufacturer at which the fertiliser should be diluted, dissolved or mixed in water;
 - (d) the application method and use of the fertiliser recommended by the manufacturer.
- (2) The information on the label of a small use container of fertiliser must be in English but may be repeated in another language.

Environmental Protection (Packaged Fertiliser) Regulations 2010**Part 3** Labelling requirements**r. 15**

15. Printing on labels

- (1) The printing on a label on a small use container of fertiliser must be —
 - (a) legible; and
 - (b) indelible; and
 - (c) in a colour that affords a distinct contrast to the background colour.
- (2) The size of characters on the label must be proportional to the size of the label but must be at least 2 millimetres high.

16. Offences in relation to labelling

- (1) A person must not package fertiliser in a small use container unless the container is labelled in accordance with this Part.
Penalty: a fine of \$5 000.
- (2) A person must not sell fertiliser in a small use container unless the container is labelled in accordance with this Part.
Penalty: a fine of \$5 000.

Environmental Protection (Packaged Fertiliser) Regulations 2010

Miscellaneous

Part 4**r. 17****Part 4 — Miscellaneous****17. Measuring devices for liquid fertiliser and concentrated solid fertiliser**

- (1) In this regulation —
measuring device means a device suitable for measuring fertiliser to assist in its application in accordance with the information on the label of the fertiliser container.
- (2) A small use container of liquid fertiliser or concentrated solid fertiliser must include a measuring device.
- (3) The measuring device may be a part of, or attached to, the container.
- (4) A person must not package liquid fertiliser or concentrated solid fertiliser in a small use container for sale unless a measuring device is included in accordance with this regulation.
 Penalty: a fine of \$5 000.
- (5) A person must not sell liquid fertiliser or concentrated solid fertiliser in a small use container unless a measuring device is included in accordance with this regulation.
 Penalty: a fine of \$5 000.

18. Environmental Protection Regulations 1987 amended

- (1) This regulation amends the *Environmental Protection Regulations 1987*.
- (2) At the end of Schedule 6 insert:

*Environmental Protection
(Packaged Fertiliser)
Regulations 2010*

| | | |
|--------------------|-----|-----|
| 1. regulation 7(5) | 250 | 500 |
| 2. regulation 7(6) | 250 | 500 |

Environmental Protection (Packaged Fertiliser) Regulations 2010**Part 4** Miscellaneous**r. 18**

*Environmental Protection
(Packaged Fertiliser)
Regulations 2010*

| | | |
|----------------------|-----|-----|
| 3. regulation 8(3) | 250 | 500 |
| 4. regulation 8(4) | 250 | 500 |
| 5. regulation 9(5) | 250 | 500 |
| 6. regulation 9(6) | 250 | 500 |
| 7. regulation 10(3) | 250 | 500 |
| 8. regulation 10(4) | 250 | 500 |
| 9. regulation 11(3) | 250 | 500 |
| 10. regulation 11(4) | 250 | 500 |
| 11. regulation 12(3) | 250 | 500 |
| 12. regulation 12(4) | 250 | 500 |
| 13. regulation 16(1) | 250 | 500 |
| 14. regulation 16(2) | 250 | 500 |
| 15. regulation 17(4) | 250 | 500 |
| 16. regulation 17(5) | 250 | 500 |

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.