

Sustainable Agriculture Team

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12 May 2011

Dear Consultee

PROPOSAL TO AMEND THE FERTILISER REGULATIONS 1991 BY MAKING POLYHALITE A PRODUCT PRESCRIBED IN SCHEDULE 1

This letter is to tell you about our plans to amend the Fertilisers Regulations 1991 – hereafter referred to as ‘The Regulations’ - by adding ‘Polyhalite’, a crude salt of potassium, to Schedule 1 of The Regulations. We have drafted an amending regulation to give effect to this change: this is enclosed.

The following documents may be found on Defra’s website:

<http://www.defra.gov.uk/consult/2011/05/12/fertiliser-regs/>

- This consultation letter
- The amending regulation

We will be consulting on the redrafting of regulation 3 as part of a separate and wider review of fertiliser legislation in the UK announced on 12 April 2011, details of which are published on the Defra website at www.defra.gov.uk/food-farm/land-manage/nutrients/fertilisers/

Background

In the UK fertilisers have been subject to some regulatory controls for over 100 years as a means of ensuring the quality of the products being sold to farmers. The Regulations are the main piece of legislation for this purpose. By continuing to ensure that fertilisers of a known composition are sold Government helps farmers produce food economically and remain competitive.

The Regulations were made under the Agriculture Act 1970. Schedule 1 of The Regulations lists materials which, when sold as a fertiliser, must comply with the relevant prescribed description listed in Schedule 1: i.e. the declared content and limits of variation within schedule 1. The Regulations also require that when a person sells a fertiliser listed in Schedule 1 they must provide a statement about the nature and substance of the fertiliser and mark it in accordance with regulations. The Regulations are enforced by local authority trading standards officers.

Polyhalite - formula $K_2Ca_2Mg(SO_4)_4 \cdot 2(H_2O)$ - is a naturally occurring material: an evaporite mineral formed from the dried-up bed of an ancient sea or ocean. It has relatively low requirements for processing and little environmental risk when applied to land.

The attached amending regulation makes Polyhalite a product prescribed under Schedule 1 of The Regulations. This technical addition introduces standards for the description, meaning, declared nutrient content and limits of variation for Polyhalite when it is sold as a fertiliser. Polyhalite is not currently sold as a fertiliser in the UK.

These changes will not therefore lead to any new costs or savings for business, public or civil society organisations, regulators or consumers. An Impact Assessment therefore is not required.

Consultation

We have already discussed this proposal with industry representatives. Do you agree with the proposed approach?

The proposed change should only affect those wishing to market Polyhalite as a fertiliser. In light of this Ministers have agreed that we should conduct a four-week informal consultation.

Responding to the consultation

Please send any views or comments you may have on the proposed changes to:

Fertilisers@defra.gsi.gov.uk

Rob Wells
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Farming and Food Chain Programme
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The deadline for comments is 9 June 2011

Transparency Policy

At the end of the consultation period copies of the responses we receive will be made publicly available in the Defra Information Resource Centre. This is so that the public can see them. Also, members of the public may ask for a copy of responses under freedom of information legislation. The information they contain may also be published in a summary of responses.

If you do not want your response - including your name, contact details and any other personal information – to be publicly available, please say so clearly in writing when you send your response to the consultation. Please note, if your computer automatically includes a confidentiality disclaimer, that won't count as a confidentiality request.

Please explain why you need to keep details confidential. We will take your reasons into account if someone asks for this information under freedom of information legislation. But, because of the law, we cannot promise that we will always be able to keep those details confidential. There may be circumstances in which Defra will be required to communicate information to third parties on request, in order to comply with its obligations under the Freedom of Information Act 2000 and the Environmental Information Regulations.

If you wish to obtain copies of the consultation responses, you should contact the Defra Information Resources Centre. Your request can be made in person, by telephone, or email:

Information Resources Centre
Lower Ground Floor
Ergon House
17 Smith Square
London SW1P 3JR
Telephone: 020 7238 6575
Email: defra.library@defra.gsi.gov.uk

Please note that wherever possible, personal callers should give the library at least 24 hour notice of their requirements. An administrative charge will be made to cover photocopying and postage costs.

If you have any comments or complaints about the consultation process used on this occasion, rather than the issue in the consultation paper, please address them to Defra's Consultation Co-ordinator, Area 7C Nobel House, 17 Smith Square, London SW1P 3JR, or e-mail at consultation.coordinator@defra.gsi.gov.uk.

Yours sincerely

Rob Wells

Sustainable Agriculture Team

Annex 1 - List of organisations consulted

Agriculture Industries Confederation
Cleveland Potash Ltd.
Country Land and Business Association
International Fertiliser Society
Laboratory of Government Chemist
Local Government Regulation
National Farmers Union
Potash Development Agency
Trading Standards Institute