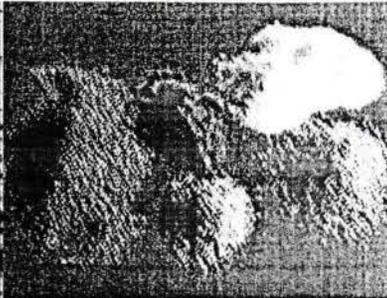


LIBERIA FERTILIZER REGULATORY DIVISION ACT



AN ACT TO AMEND CHAPTER 28 OF THE EXECUTIVE LAW OF 1972
TO PROVIDE FOR THE ESTABLISHMENT OF
THE LIBERIA FERTILIZER REGULATORY DIVISION
WITHIN THE MINISTRY OF AGRICULTURE

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TO PROVIDE FOR THE ESTABLISHMENT OF
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WITHIN THE MINISTRY OF AGRICULTURE**

PREAMBLE:

The Government of Liberia,

Mindful of Articles 10, 11 and 12 of ECOWAS Revised Treaty establishing the Council of Ministers and defining its composition and functions;

Mindful of Decision A/DEC.11/01/05 adopting an Agricultural Policy for the Economic Community of West African States;

Mindful of Regulation C/REG.13/12/12 relating to **Fertilizer Quality Control** in the ECOWAS region;

Mindful of its strong efforts through the Ministry of Agriculture (MOA) for the development of plans and strategies for the regeneration of the agricultural sector in Liberia as referenced in several publications, including the "Lift Liberia" Interim Poverty Reduction Strategy (IPRS) 2006, Poverty Reduction Strategy (PRS) 2008, the Food and Agriculture Policy and Strategy (FAPS) 2009, the National Food Security and Nutrition Strategy (FSNS) 2008, and the Liberia Agriculture Sector Investment Program (LASIP) 2009, 2010 underpinned by the Comprehensive African Agriculture Development Program (CAADP) compact signed by Liberia in 2009;

Recognizing that, with the restoration of peace and constitutional governance in 2006, stakeholders, including MoA, donors, development partners, farmers and others have recommended and supported fast-tracking general institutional reforms and restructuring, including specific emphasis on the development of the agri-inputs sector;

Recalling that, as a Member State, the Government of Liberia (GoL) has, over the years, made strong representations into, acquiesced in and acceded to the various ECOWAS legal framework governing fertilizer trade and quality control in West Africa including the 24-25 & 27 September 2012 validation and ministerial meetings that have preceded the enactment of REGULATION C/REG.13/12/12 RELATING TO FERTILIZER QUALITY CONTROL IN THE ECOWAS REGION at the Sixty-ninth Ordinary Session of the ECOWAS Council of Ministers held in Abidjan, Cote d'Ivoire and which has been gazetted by the GoL in September 2014, thereby giving it full legal weight and reference in Liberia;

Accepting that the above ECOWAS Regulation requires that Liberia, as a Member State, shall implement this Regulation by preparing and enacting the Liberia Fertilizer Regulations based on the ECOWAS Framework for use in the national fertilizer program in order to fit into, and derive the required benefits from the Community's Fertilizer Trade;

Acknowledging that the ECOWAS Regulation C/REG.13/12/12 and associated draft Implementing Regulations have formed the basis and guide for drafting the endorsed and approved 2015 Liberia Fertilizer Regulations;

Mindful that the GoL has no previous specific enactment relating to fertilizer legislation, but may require enacting further legislations in future, pursuant to this adoption of the 2015 Regulations;

Noting that the foundational regulations as domesticated and this Act have been validated through a process of research, consultations and workshop by the consultants and relevant stakeholders in Liberia to achieve overall consensus to justify Ministerial approval;

Acknowledging and appreciating the continuous support, constructive participation and engagement of all development partners, with particular reference to USAID/FED and USAID WAFP that have sponsored and funded the preparation of this Act;

Acknowledging that the Government of Liberia, from an environmental protection and food security context, is concerned that future use of fertilizer does not undesirably affect the environment and, when combined with best management practices, the Government believes that appropriate fertilizer application can improve the quality of the environment by:

- a. Increasing the quality and quantity of biomass produced per hectare, which aids in stabilizing and protecting the soil from erosion;
- b. Increasing land productivity thereby eliminating the necessity for producing crops on land unsuited for cultivation;
- c. Increasing accumulation of soil nutrients in biomass, thereby minimizing percolation of soluble nutrients to ground water; and
- d. Reducing the amount of forestland placed into cultivation as a result of improved yields.

Mindful that the Government from a policy context, strongly encourages research efforts by various organizations to provide information vital to the use of plant nutrients without adversely affecting the environment and that the use of this information by agronomists and other advisors in educational programs and in making recommendations will surely provide for adequate source of food while safeguarding the environment of Liberia.

Acknowledging that Government recognizes and endorses:

- a. The use of soil testing and plant tissue analysis as scientifically correlated with fertilizer needs of specific soil, crop and climate;
- b. The protection of land resources against erosion through employment of best management practices; and
- c. Long-term research programs to quantify the effects of fertilizer on the environment under diverse combinations of soils, climate, crop and management.

Acknowledging stakeholders unanimous decision to develop the legal framework for domesticating the ECOWAS Regulations on Fertilizers;

NOW THEREFORE, it is hereby enacted by the Senate and House of Representatives of the Republic of Liberia, in Legislature assembled:

CHAPTER I: GENERAL PROVISIONS

Article 1: Citation

This Act shall be cited as The **Liberia Fertilizer Regulatory Division Act**.

Article 2: Acronyms and Definitions

For the purpose of this Act, unless the context otherwise requires the below acronyms and definitions shall have the following meaning:

ACRONYMS

ANSU	Analytical Service Unit
ASU	Administrative Services Unit
CAADP	Compact under the Comprehensive African Agricultural Development Program
CARI	Central Agriculture Research Institute
CDA	Cooperative Development Agency
ECOWAS	Economic Community of West African States
EPA	Environment Protection Agency
FAPS	Food and Agriculture Policy Strategy
FSNS	Food Security and Nutrition Survey
FUN	Farmers Union of Liberia
GoL	Government of Liberia
ISU	Inspection Services Unit
LASIP	Liberia Agriculture Sector Investment Program
LFAC	Liberia Fertilizer Advisory Committee
LFRD	Liberia Fertilizer Regulatory Division
MFDPP	Ministry of Finance and Development planning
MoA	Ministry of Agriculture
MoCI	Ministry of Commerce and Industry
NFC	National Fertilizer Council

USAID/FED	United States Agency for International Development/Food and Enterprise Development
WAFP	West African Fertilizer Program
WRTCAF	William R. Tolbert Jr. College of Agriculture and Forestry

DEFINITIONS

“**Analysis**” means the percentage composition of a fertilizer product expressed in terms required and permitted in the ECOWAS region;

“**Analytical Manual**” or **Fertilizer Analytical Manual**” means the compendium of provisions describing the modalities and procedures for carrying out the analysis of fertilizers under this Act;

“**Appellate Authority**” means the highest administrative enforcement authority in the fertilizer regulatory system in Liberia;

“**Bio-solid**” means any fertilizer resulting from the treatment of domestic sewage;

“**Brand**” means any term, design, or trademark used in connection with one or several grades of fertilizer;

“**Bulk**” refers to any fertilizer delivered to the purchaser either in solid or liquid state in a non-packaged form to which a label cannot be pasted;

“**Commission**” means the ECOWAS Commission;

“**Competent Authority**” means an authority identified and appointed under this Act to exercise power delegated by some of its provisions;

“**Complex Fertilizer**” means any fertilizer having at least two primary plant nutrients such as DAP and NPK obtained by chemical reaction;

“**Dealer**” or “**Agro-dealer**” or “**Distributor**” means any person who is authorized to carry on the business of selling fertilizers to the farmers in wholesale or retail, including a manufacturer and an importer;

“**Division**” means the Liberia Fertilizer Regulatory Division

“**ECOWAS**” means the Economic Community of West African States;

“**Fertilizer**” means any substance which is intended to be used as a nutrient(s) source to the crops for increasing agricultural production;

“**Fertilizer Blend**” means any fertilizer derived from dry mixing of granule or prills or chips, without chemical reaction, to produce a multi-nutrient fertilizer of a required nutrient analysis;

“**Fertilizer Inspector**” or “**Inspector**” means any person appointed or designated and notified under this Act to draw official samples of fertilizers, to get their quality tested in a laboratory identified for that purpose, to inspect the fertilizer records being maintained by manufacturers, importers and distributors and to launch prosecution against the violators of any of the provisions of this Act;

“**Grade of Fertilizers**” means any combination of nutrients specified in a fertilizer in whole numbers and in the same terms, order, and percentages as in the guaranteed analysis such as NPK 15-15-15 or NP 20-0.

“**Guaranteed Analysis**” means the minimum percentage of all plant nutrients claimed on the label

“**Importer**” means any person or a body who is duly authorized to import fertilizers into Liberia in accordance with the legal provisions which are in force in the country;

“Inspection Manual” or **“Fertilizer Inspection Manual”** means the compendium of provisions describing the modalities and procedures for carrying out the inspection and quality control of fertilizers under the this Act;

“Label” means (1) any legend, word, mark, symbol, or design applied or attached to, included in, belonging to, or accompanying any fertilizer, supplement, or container; or (2) any advertisements, brochures, posters; or (3) any television, radio, internet announcements used in promoting the sale of fertilizer;

“Laboratory” means any fertilizer analysis facility identified or established in Liberia and notified under this Act for carrying out fertilizer analysis as per the methods specified in the Liberia Fertilizer Analytical Manual.

“License” means the official document authorizing a person to sell fertilizer;

“Licensee” means any person who has obtained a license authorizing him to sell fertilizers, as prescribed in this Act;

“Licensing Authority” means the appropriate authority in a Member State designated for granting a license for selling fertilizer;

“Liquid Fertilizer” means any fluid in which the plant nutrients are in true solution;

“Manufacturer” means any person or a body who is duly authorized in Liberia to produce fertilizers in accordance with the legal provisions, which are in force in the country;

“Member State” means any of the countries in West Africa which are members of ECOWAS;

“Micronutrient” means any of the following nutrients that is essential for the normal growth of plants and that may need to be added to the growth medium: boron, chlorine, cobalt, copper, iron, manganese, molybdenum, sodium and zinc;

“Minister” means Minister in charge of Agriculture;

“Ministry” means Ministry in charge of Agriculture;

“Natural Organic Fertilizer” means a fertilizer derived from non-synthetic organic material including sewage sludge, animal manures, plant residues, household refuse, and agro-industrial waste which is produced through the process of drying, cooking, composting, chopping, grinding, fermenting, or other methods and makes a declaration of nutrient value on the label. Such fertilizer shall not be mixed for sale with synthetic material or changed in any physical or chemical manner;

“Nutrient Content” means the percentage of a plant food in fertilizer that is recognized as essential for plant growth and as determined by laboratory analysis;

“Official Sample” means any sample of fertilizer taken by an authorized fertilizer Inspector.

“Person” means any individual, partnership, association, firm, or corporation;

“Primary Nutrient” means any plant foods such as Nitrogen (N); available phosphoric acid (P_2O_5) or phosphorus (P); and soluble potash (K_2O) or potassium (K);

“Secondary Nutrient” means any of the following nutrients that is essential for the normal growth of plants and that may added to the growth medium: calcium, magnesium, and sulfur;

“Single Nutrient Fertilizer” means any fertilizer having one primary plant nutrient such as Urea, Ammonium Sulfate, Superphosphate, Muriate of Potash and Sulfate of Potash;

“Tolerance” means the permitted deviation of the measured values of a nutrient content or the bag weight below the values claimed on the label or the maximum allowable heavy metal limits in a fertilizer;

“Trade” means to sell, possess in order to sell, offer for sale or any other disposal, supply or transfer of fertilizer for commercial purpose, be it for a fee or not; and

“WACoFeC” means the West African Committee for Fertilizer Control.

Article 3. Purpose of this Act

The purpose of this Act is to:

- a. Safeguard the interests of the farmers against nutrient deficiencies, adulteration, misleading claims, and short weight;
- b. Safeguard the interests of fertilizer enterprises and contribute to the creation of an enabling environment for private sector investment in the fertilizer industry;
- c. Protect the people, animals, plants and the environments of Liberia against the potential dangers associated with inappropriate fertilizer use; and
- d. Facilitate national and regional trade in fertilizers, through implementation of principles and rules mutually agreed in the ECOWAS region to dismantle trade barriers.

Article 4. Scope of the Act

This Act shall apply to all fertilizer-related activities, which include but not limited to:

- a. Activities that pertain to the registration and licensing of dealers in fertilizer; and
- b. The storage and sale of fertilizer, which is locally manufactured or imported into Liberia.

Article 5: Confidentiality

Section 1: The Liberia Fertilizer Regulatory Division (LFRD) shall treat every application for a certificate of registration as confidential except when ordered to release such information from an application:

- a. As ordered by a court of law;
- b. As requested by the Head of State of Liberia; or
- c. As ordered by the Legislature of the Republic of Liberia.

Section 2: The LFRD shall release information under this Act only after notifying the applicant.

Article 6: Proprietary Information

Section 1: The Ministry shall treat as proprietary, any information supplied by a registrant or an applicant for a certificate of registration or license.

Section 2: For the purposes of the present Article, proprietary information includes:

- a. Tonnage reports;
- b. Data from a testing program for new products and specialty chemicals, analytical methods for evaluating a new product or specialty chemical; and
- c. Any other information considered exclusive to the registrant or applicant.

Article 7: Publication of Information

The Ministry shall publish annually and in a form that may be deemed proper:

- a. Information concerning the distribution of fertilizers in Liberia by tonnage in counties and districts; and
- b. Results of analyses based on official samples of fertilizer collected by Inspectors as compared with the guaranteed analyses.

CHAPTER II – GUIDING PRINCIPLES

Article 8: Principle of Harmonization

This Act, for all intents and purposes, shall conform to the regionally agreed upon Regulations governing fertilizer quality control in the ECOWAS region with the sole purpose of bridging the gap between Member States' legislations in the field of fertilizers.

Article 9: Principle of Truth-in-labeling

The principle of truth-in-labeling holds that whatever a manufacturer, an importer or an agro-dealer claims he/she is selling, he/she must guarantee it. It is therefore essential that label claims on fertilizer packaging be truthful. Consequently, some specific requirements shall define what one can claim so that it is not necessary to register fertilizer products.

Article 10: Principle of Free Movement of Fertilizers

This Act shall ensure that all fertilizers distributed in Liberia, whether manufactured locally or imported, comply with the minimum quality standards prescribed in the harmonized ECOWAS legal framework for fertilizer trade and quality control and for the purpose the organization of a regional market as described in the common agricultural policy, there shall be free movement of fertilizers in all Member States.

Article 11: Principle of International Standards Recognition

In order to ensure the supply of quality fertilizer within the ECOWAS region and facilitate inter and intra-Member States trade in fertilizers, all national and regional fertilizer legal frameworks, within the meaning of the Act, shall be anchored on international standards.

Article 12: Principle of Participation and Information

Pursuant to this Act, the Liberia Fertilizer Regulatory Division, in collaboration with all stakeholders in the fertilizer sector, shall make available to the public all necessary fertilizer-related information and in doing so, shall help train and build the awareness of these stakeholders. Such information shall also be available to ECOWAS and Member States.

CHAPTER III – FERTILIZER REGULATORY DIVISION

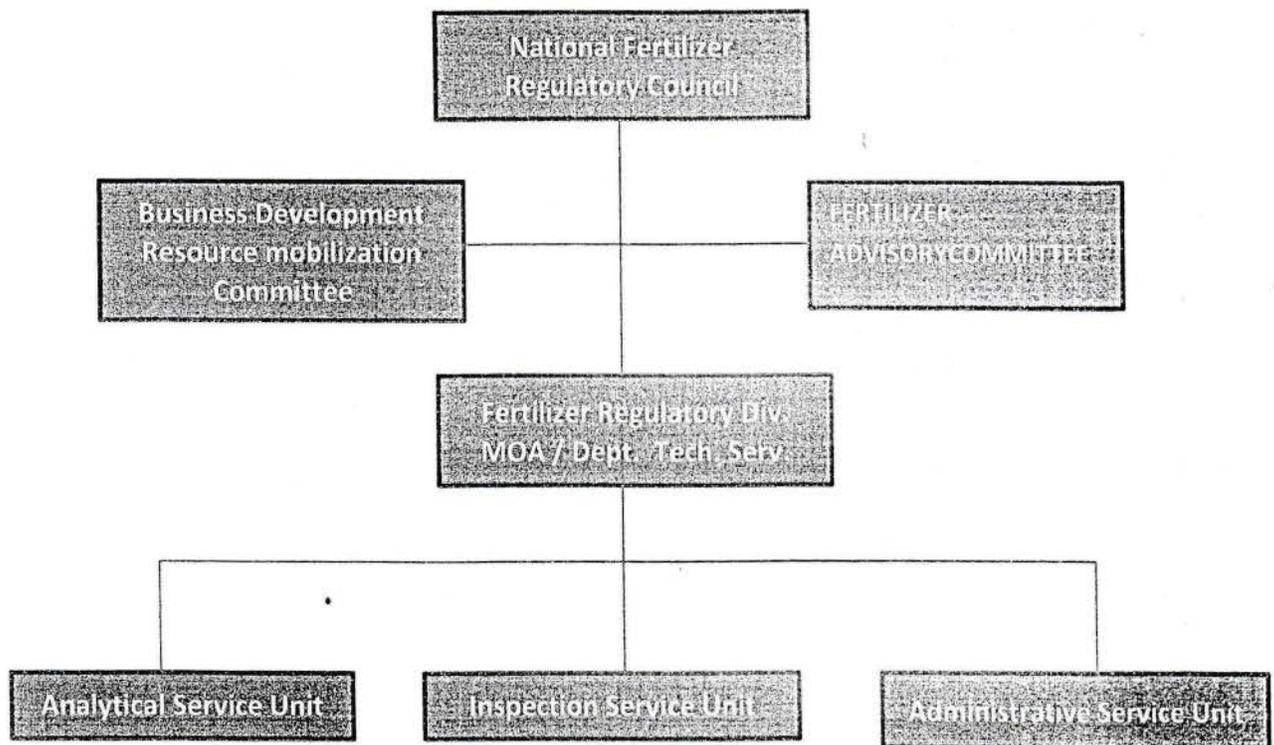
Article 13: Establishment of the Liberia Fertilizer Regulatory Division

Section 1: The Liberia Fertilizer Regulatory Division hereinafter referred to as LFRD is hereby established to operate under the Department of Technical Services of Ministry of Agriculture. (Figure 1)

Section 2: The Division shall have the following Units:

- a. Administrative Service Unit;
- b. Inspection Service Unit; and
- c. Analytical Service Unit.

Figure 1: Organogram Liberian Fertilizer Regulatory Division (LFRD)



Article 14: Functions of the Liberia Fertilizer Regulatory Division

Section 1: The Division (LFRD) shall:

- a. Advise the Minister on matters relating to the implementation of this Act and any other national legal instruments that are aligned to the ECOWAS fertilizer regulations;
- b. Be responsible for the administration and enforcement of the provisions of the ECOWAS fertilizer regulations and any country specific legislations enacted under the ECOWAS regulations;

- c. Inspect, sample and analyze fertilizers distributed in the country and prepare appropriate manuals (inspection and analytical manuals) and reports (inspection report, analytical report, certificate of registration, license, application for registration, stop-sale or seizure order and other reports) that are required to enforce and administer this Act and existing regulations;
- d. Impose the charges deemed necessary for services rendered; and
- e. Perform any other functions that are required for generally carrying out the purpose and provisions of this Act.

Section 2: The Liberia Fertilizer Regulatory Division shall advise the Minister to designate analytical laboratories, which shall be responsible for analyzing official fertilizer samples collected by the Inspection Service Unit.

Article 15: The Administrative Service Unit (ASU)

Section 1: The Administrative Service Unit shall be responsible for administrative activities and financial matters, including but not limited to:

- a. Registration and licensing of fertilizer manufacturers, importers and dealers;
- b. Deficiency reports and penalty payments;
- c. Collection of inspection fees;
- d. Suspension and cancellation of certificate of registration and licenses; and
- e. Budget.

Section 2: The Administrative Service Unit shall be headed by the Fertilizer Regulatory Administrator and shall be comprised of administrative staff, the number of which will be determined by the Minister based on need.

Section 3: The Fertilizer Regulatory Administrator shall be responsible for the day-to-day administration and management of the Liberia Fertilizer Regulatory Division.

Section 4: The Minister shall appoint the staff of the Unit based upon qualification and expertise.

Article 16: The Inspection Service Unit (ISU)

Section 1: The Inspection Service Unit shall be responsible for:

- a. Inspecting fertilizers and fertilizer records;
- b. Sampling of fertilizer; and
- c. Performing other enforcement matters as stated in the ECOWAS fertilizer regulations and any country specific legislative instruments enacted under the ECOWAS regulations.

Section 2: The Inspection Service Unit shall be headed by a Chief Inspector and shall be comprised of inspectors, the number and geographic location of which will be determined by the Minister based on inspection needs.

Section 3: The Minister shall appoint the staff of the Unit based upon qualification and expertise..

Article 17: The Analytical Services Unit (AnSU)-Laboratories

Section 1: The Minister shall designate analytical laboratories, which shall be responsible for:

- a. Receiving and documenting receipt of official fertilizer samples from the Inspection Service Unit;
- b. Preparing and analyzing official samples; and
- c. Reporting results of analysis to the Administrative Service Unit.

Article 18: Establishment of the National Fertilizer Council (NFC)

A National Fertilizer Council hereinafter referred to as NFC is hereby established to work closely with, as per ECOWAS Regulation C/REG.13/12/12, the West Africa Committee for Fertilizer Control hereinafter referred to as WACoFeC which shall be set up to facilitate, on behalf of the ECOWAS Commission, the implementation of the regional Regulations by Member States.

Article 19: Functions of the National Fertilizer Council

Section 1: The functions of the Council are to:

- a. Advise the Minister on policies for development of fertilizer manufacture, inspection, sampling, analysis and marketing;
- b. Monitor the supply of fertilizers to ensure fertilizer security in the country;
- c. Develop procedures for registration and licensing of fertilizer producers, importers, and dealers;
- d. Prescribe standards for fertilizer quality control that are aligned to relevant ECOWAS regulations;
- e. Recommend to the Minister a fee for:
 - i. Licensing for sale of fertilizers;
 - ii. Renewal of certificate of registration for manufacture and importation of fertilizers and of license for sale of fertilizers;
 - iii. Inspection of fertilizers; and
 - iv. Analysis of fertilizer samples.
- f. Represent the Government of Liberia and participate in the WACoFeC meetings as an official national body for fertilizer control; and
- g. Perform other functions that are specified under this Act and that are assigned by the Minister.

Article 20: Composition of the National Fertilizer Council

Section 1: The National Fertilizer Council of Liberia shall comprise of:

- a. The Minister or the representative of the Minister who shall be the chairperson;
- b. The Deputy Minister, Department of Technical Services of the Ministry;

- c. The Director-General of the Central Agricultural Research Institute (CARI) or the representative not below the rank of Director;
- d. One representative of fertilizer manufacturers and importers;
- e. One technically relevant representative of the Farmers' Union (FUN) of Liberia; and
- f. The Executive Director, Environmental Protection Agency (EPA) or the representative not below the rank of Director.

Section 2: The members of the Council shall be appointed by the President of Liberia.

Article 21: Tenure of Members of the National Fertilizer Council

Section 1: A member of the Council shall hold office for a period of not more than four years and is eligible for re-appointment but a member shall not be appointed for more than two terms.

Section 2: A member of the Council may at any time resign from office in writing addressed to the President through the Minister.

Section 3: A member of the Council other than the chairperson who is absent from three consecutive meetings of the Council without sufficient cause ceases to be a member of the Council.

Section 4: The President may by letter addressed to a member revoke the appointment of that member.

Section 5: Where a member of the Council is for sufficient reason, unable to act as a member, the Minister shall determine whether the inability would result in the declaration of a vacancy.

Section 6: Where there is a vacancy, the Minister shall notify the President of the vacancy and the President shall appoint a person to fill the vacancy.

Article 22: Meetings of the National Fertilizer Council

Section 1: The Council shall meet at least once every three months for the dispatch of business at the times and places determined by the chairperson.

Section 2: The chairperson shall at the request in writing of not less than one third of the membership of the Council convene an extraordinary meeting of the Council at a place and time determined by the chairperson.

Section 3: The quorum at a meeting of the Council is four members of the Council or a greater number determined by the Council in respect of an important matter.

Section 4: The chairperson shall preside at meetings of the Council and in the absence of the chairperson, a member of the Council elected by the members present from among their number shall preside.

Section 5: Matters before the Council shall be decided by a majority of the members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote.

Section 6: The Council may co-opt a person to attend a Council meeting but that person shall not vote on a matter for decision at the meeting.

Article 23: Disclosure of Interest

Section 1: A member of the Council who has an interest in a matter for consideration:

- a. Shall disclose the nature of the interest and the disclosure shall form part of the record of the consideration of the matter; and
- b. Shall not participate in the deliberations of the Council in respect of that matter.

Section 2: A member ceases to be a member of the Council, if that member has an interest in a matter before the Council and

- a. Fails to disclose that interest, or
- b. Participates in the deliberations of the matter.

Article 24: Establishment of Committees

Section 1: The Council may establish Committees consisting of members of the Council or non-members or both to perform a function except that a Committee consisting entirely of non-members may only advise the Council.

Section 2: Section 1 under Article 23 applies to members of the Committees.

Article 25: Allowances

Members of the Council and members of a Committee of the Council as well as co-opted members shall be paid allowances approved by the Minister in consultation with the Minister responsible for Finance.

Article 26: Establishment of the Liberia Fertilizer Advisory Committee (LFAC)

The Liberia Fertilizer Advisory Committee hereinafter referred to as LFAC is hereby established under this Act as a committee of the Council.

Article 27: Functions of the Liberia Fertilizer Advisory Committee

The Liberia Fertilizer Advisory Committee shall be responsible for advising and making recommendations to the National Fertilizer Council on all matters including:

- a. Inspection and enforcement of the provisions of this Act;
- b. The annual budget;
- c. Necessary fees to provide adequate inspection services in respect of fertilizers; and

- d. Any additional or revised regulations required to accomplish the objective of the ECOWAS Regulations.

Article 28: Composition of the Liberia Fertilizer Advisory Committee

Section 1: The Liberia Fertilizer Advisory Committee shall comprise of:

- a. The Deputy Minister of the Technical Services who will serve as chairperson of the Committee;
- b. The Head of the of Crop Resource Division of the Technical Services;
- c. A representative of the Central Agricultural Research Institute (CARI);
- d. Two representatives from the fertilizer private sector or private sector association;
- e. A representative of the organization under which the selected analytical laboratory resides;
- f. A representative of the Environmental Protection Agency;
- g. A representative of the Universities in Liberia with programs/colleges relevant to subject matter and context;
- h. A representative of the Minister of Justice (MOJ) and Attorney-General;
- i. A representative from the Farmers' Union (FUN) of Liberia; and
- j. The Fertilizer Regulatory Administrator of the Division who will serve as secretary of the Committee.

Section 2: The Minister shall appoint all the members of LFAC on proposition of the concerned bodies.

Section 3: Each member shall be identified by the concerned body.

Article 29: Meetings of the Liberia Fertilizer Advisory Committee

Section 1: The Committee shall meet at least once every three months for the dispatch of business at the times and in the places determined by the chairperson.

Section 2: The chairperson shall, at the request in writing of not less than one-third of the membership of the Committee, convene an extraordinary meeting of the Committee at the place and time determined by the chairperson.

Section 3: The quorum at a meeting of the Committee is six members or a greater number determined by the Committee in respect of an important matter.

Section 4: The chairperson shall preside at meetings of the Committee and in the absence of the chairperson a member of the Committee elected by the members present from among their number shall preside.

Section 5: Matters before the Committee shall be decided by a majority of the members present by voting and, in the event of an equality of votes, the person presiding shall have a casting vote.

Section 6: The Committee may co-opt a person to attend a Committee meeting but that person shall not vote on a matter for decision at the meeting.

Article 30: Inspection, Sampling and Analysis by the Division

Section 1: It shall be the responsibility of the Division to sample, inspect, make laboratory analyses of, and test fertilizers that are distributed in Liberia at any time and place to such an extent it may deem necessary to determine whether such fertilizers are in compliance with the provisions of the ECOWAS Regulation C/REG.13/12/12 and its associated implementing regulations as well as this Act.

Section 2: The Inspectors that are responsible for the enforcement of the provisions herein stipulated shall be appointed by the Minister.

Section 3: The Inspector shall be vested with the power to enter any premises where fertilizer is manufactured, stored or distributed in order to have access to the fertilizer and fertilizer records subject to provisions of this Act.

Section 4: On entering the premises, an Inspector shall produce official identification to the person in charge of that premises.

Section 5: The owner or person in charge of the premises shall:

- a. Give the Inspector all reasonable assistance to enable the Inspector to carry out his/her duties; and
- b. Furnish the Inspector with any information that the Inspector may require with respect to the administration of this Act.

Section 6: The Inspector shall at all times, while carrying out his/her functions, respect the basic human rights of others. No provision herein shall indemnify the Inspector if he violates the rights of persons on whose premises an inspection is being carried out.

Article 31: Methods of Inspection, Sampling and Analysis of Fertilizer

Section 1: The Minister shall approve the methods of inspection, sampling, sample preparation, and analysis of fertilizer as set forth in the Liberia Fertilizer Inspection Manual and the Liberia Fertilizer Analytical Manual that are adapted from the ECOWAS Fertilizer Inspection Manual and the ECOWAS Fertilizer Analysis Manual, respectively.

Section 2: The Minister may by legislative instrument adopt other methods in respect of which improved applicability has been demonstrated.

Section 3: The chairperson of the National Fertilizer Council shall communicate to the West Africa Committee for Fertilizer Control such appropriate additional methods for harmonization purposes.

Section 4: The Minister shall authorize a laboratory to perform official analyses on official samples.

Section 5: The Division, in determining for administrative purposes whether any fertilizer contains less plant nutrients than stated on the label, shall be guided solely by the official samples as defined in this Act or any subsequent regulations adopted for the implementation thereof.

Section 6: The Division shall distribute the results of the official laboratory analyses of fertilizers and portions of official samples as provided by this Act.

Section 7: Upon analysis of official fertilizer samples, the Division shall issue to the concerned registrant a report within sixty (60) days from the date the official samples were taken, indicating the analytical results from samples that were found to be deficient in plant nutrient(s).

Section 8: The Division shall retain official samples determined to be deficient in plant nutrient(s) for a minimum of one hundred and eighty (180) days from the date of the issuance of a deficiency report.

Article 32: Inspection Procedure

Section 1: An Inspector who takes samples of fertilizer for the purpose of analysis shall:

- a. Inform the owner of the fertilizer of the purpose for taking the sample;
- b. Divide the sample into three parts and indicate on the samples as follows:
 - i. the sample of the owner;
 - ii. the main sample; and
 - iii. the duplicate sample; and
- c. Seal each sample in a manner that it cannot be opened without breaking the seal.

Section 2: The Inspector and owner of the fertilizer shall sign each of the sealed samples.

Section 3: The Inspector shall:

- a. Deliver the sealed sample taken from the owner back to the owner;
- b. Forward the main sample to the laboratory designated by the Minister under section (2) of Article 14 and Article 17 of the this Act; and
- c. Deliver the duplicate sample to the Head of the Division.

Section 4: When an Inspector is of the opinion that the division of the sample may interfere with analysis, the Inspector shall obtain three unopened packages and process the sample as if they were three parts into which the sample is required to be divided.

Section 5: The Division shall immediately release a fertilizer and remove the hold order or tag, if the laboratory determines after the analysis that the fertilizer meets the requirements specified in this Act.

Section 6: Where the laboratory determines after the analysis that the fertilizer does not meet the requirements specified herein, the Division shall:

- a. Hold the fertilizer until the owner of the fertilizer complies with all the requirements of this Act after which the Division shall release the fertilizer to the owner; or
- b. Issue an order for the disposal of the fertilizer in a manner determined by the Minister.

Section 7: The owner of the fertilizer that does not meet the requirements specified herein may appeal in writing within fifteen (15) days after receipt of the notice of the results of the analysis.

Section 8: The Division shall, within fourteen (14) days after the receipt of an appeal, forward the duplicate sample of the fertilizer to a referee laboratory and the cost of analysis shall be borne by the appellant.

Section 9: Any person who is not satisfied with the result of an analysis of a referee laboratory may within one (1) month after being informed of the decision, apply to a court of competent jurisdiction within the Republic of Liberia.

Article 33: Certificate of Analysis

Section 1: Upon analysis of an official fertilizer sample, the Division shall issue to the applicant within thirty (30) days after the date the official sample was first taken, a laboratory analysis report presenting the results from the sample that was taken and a certificate of analysis.

Section 2: In court proceedings under the under this act, the production of a certificate of analysis, signed by the Head of the laboratory stating the results of any analyses is prima facie evidence that the official sample was:

- a. Taken from the lot that is described in the inspection report;
- b. Taken according to the methods described; and
- c. Analyzed by the methods prescribed.

Article 34: Fertilizer Quality Control

The Government, through the Minister has adopted the Liberia Fertilizer Inspection Manual and the Liberia Fertilizer Analytical Manual in accordance with the ECOWAS Regulations.

Section 1: The Liberia Fertilizer Inspection Manual describes the modalities and procedures for fertilizer inspection in Liberia, which includes:

- a. The fertilizer sampling methods;
- b. The fertilizer inspection procedures; and
- c. The required types of Proforma to be used in fertilizer business and inspection.

Section 2: The Liberia Fertilizer Analytical Manual describes the modalities and procedures for fertilizer analysis in Liberia, which includes:

- a. The methods for receipt and preparation of the official fertilizer samples;
- b. The methods of analysis of the official fertilizer samples;
- c. The types of laboratory analysis required for fertilizer samples; and
- d. The required types of Proforma to be used in fertilizer analysis.

Section 3: The above manuals shall constitute the official tools for fertilizer inspection, sampling and analysis in Liberia.

Section 4: These manuals shall be updated and modified from time to time in accordance with best practices prevailing in the industry and in line the best interest of member-states of ECOWAS.

Article 35: Import and Export Regimes

Section 1: Without prejudice to Liberia regulations on foreign trade, the import and export of fertilizers shall be subject to prior approval by the Liberia Fertilizer Regulatory Division.

Section 2: An importer or exporter shall provide to the Division all the information required on the forms designed by the Division for that purpose, which include:

- a. Name and address of the importer or exporter;
- b. Name and address of consignee;
- c. Type of fertilizer;
- d. Quantity of fertilizer;
- e. Country of origin;
- f. Declared point of exit;
- g. Country of destination; and
- h. Any other information that the Division may require.

Section 3: A person not registered may import a fertilizer of any type for personal use if at the time of importation of such fertilizer, that person makes a declaration in triplicate to the head of the Liberia Fertilizer Regulatory Division or a person authorized by the Division, which states that:

- a. The fertilizer is for personal use;
- b. The fertilizer is to be used for experimental purposes only; or
- c. The disposal of the fertilizer is subject to the prior approval by the Minister.

Section 4: The Division shall forward two copies of the declaration to the Minister.

Section 5: A fertilizer manufactured locally may be exported.

Article 36: Registration of Manufacturers and Importers of Fertilizer

Section 1: Any person who intends to manufacture or import fertilizer into Liberia shall do so under and in accordance with the terms and conditions of a certificate of registration granted by the Division.

Section 2: An application for a certificate of registration shall include:

- a. The name, telephone number(s) and address of the applicant;
- b. The name and address of each of the applicant's distribution points in Liberia;
- c. The description of the business premises of the applicant;

- d. Evidence of business registration; and
- e. Other information that the Division may require.

Section 3: An applicant shall inform the Division in writing of any additional distribution points established after the issuance of a certificate of registration.

Section 4: The Division shall give notice of the receipt of the application to the applicant as set out in the prescribed Form within fourteen (14) days from the date of receipt of the application.

Section 5: The Division shall grant a certificate of registration within thirty (30) days of the receipt of a completed application to the applicant.

Section 6: A manufacturer or importer of fertilizer shall display the certificate of registration issued under Section (1) of this Article at the business premises of that manufacturer or importer in a conspicuous place accessible to the public.

Section 7: Where the applicant does not satisfy the criteria for the issuance of a certificate of registration, the Division shall, within thirty (30) days, give notice of the refusal to issue the certificate to the applicant and state the reasons for the refusal.

Section 8: In the event the Division fails to issue a certificate of registration within the prescribed time period and the applicant has valid documentation (for example, a copy of notarized completed application form and a receipt for the fee payment) to show that a proper application has been submitted to the Division, the applicant may begin business (manufacturing or importation of fertilizers) while awaiting receipt of a certificate of registration from the Division.

Article 37: License to Distribute or Retail Fertilizer

Section 1: Any person who carries out or intends to carry out the business of distributing or retailing fertilizer may apply to the Division for a license to distribute fertilizer or engage in the retail of fertilizer by use of the prescribed Form that shall be set out by the Division.

Section 2: An application for a license shall specify:

- a. The name, telephone number and address of the applicant;
- b. The name and address of the distribution points of the applicant;
- c. The description of the business premises of the applicant;
- d. Evidence of registration of business; and
- e. Other information that the Division may determine.

Section 3: The Division shall give notice of receipt of the application to the applicant as set out in prescribed Form within fourteen (14) days from the date of receipt of the application.

Section 4: Where the Division is satisfied that the applicant meets the criteria for the issuance of a license the Division shall, within thirty (30) days after the date of giving notice of the receipt of the application grant the applicant a license as set out under Section (1) of the present Article.

Section 5: Where the applicant does not satisfy the criteria for the issuance of a license, the Division shall, within thirty (30) days, give notice of the refusal to issue the license to the applicant as set out in a prescribed Form and state reasons for the refusal.

Section 6: Where the Division fails to issue a license to the applicant within thirty (30) days after receipt of the application, the applicant may begin the business of distribution or retail of fertilizer.

Section 7: Any person issued with a license in accordance with this Act shall display the license at the business premises of that person in a conspicuous place accessible to the public.

Article 38: Processing of Application

Section 1: The Minister shall:

- a. Acknowledge receipt of the application for registration or licensing; and
- b. Within a specified period of not more than sixty (60) days after receipt of the application, inform the applicant in writing of the decision.

Section 2: The Minister shall register the applicant when satisfied that the fertilizer in respect of which the application is made complies with provisions of this Act.

Section 3: The Minister may refuse to grant an application when there are compelling reasons founded on technical or economic grounds, national security, public safety or other reasonable justification for doing so.

Section 4: Where the Minister refuses to grant an application, the reason shall be communicated to the applicant within fourteen (14) days after the decision.

Section 5: Any person whose application for registration is refused may apply to the Minister for a review of the decision.

Article 39: Registration Fees

Section 1: An application for the grant of a certificate of registration to manufacture or import fertilizer shall be accompanied with the required fee as determined by the Council and approved by the Minister.

Section 2: An application for the grant of a license to distribute or retail fertilizer shall be accompanied with the required fee as determined by Council and approved by the Minister.

Section 3: The Division shall publish annually, in the Gazette and in a newspaper of national circulation, the applicable fee for the grant of a certificate of registration or license to engage in the business of manufacturing or importation or distribution of fertilizer.

Section 3: An applicant whose application for the grant of a certificate of registration or license to engage in the business of manufacturing or importation or distribution of fertilizer has been refused by the Division is not entitled to a refund of the application fee.

Article 40: Grounds for Refusal to Issue a Certificate of Registration

Section 1: The Division shall not issue a certificate of registration to an applicant, where

- a. The applicant has been convicted of an offence under the this Act within the three (3) years preceding the date of making the application;
- b. business partners of the applicant include a person who has been convicted of an offence under the this Act;
- c. The applicant has been convicted of an offence under the this Act and that person intends to register a new business with another name;
- d. The applicant fails to accompany the application with the registration fee;
- e. The application is incomplete; or
- f. The applicant fails to provide the information required under Articles 36 and 37.

Article 41: Issuance and Renewal of a Certificate of Registration or License

Section 1: A certificate of registration and/or license granted to a manufacturer or importer or distributor of fertilizer shall be:

- a. Valid for a period of three (3) years from the date of issuance; and
- b. Renewable every three (3) years at the holder's request and upon the payment of the renewal fees.

Section 2: A grace period of fifteen (15) days shall be allowed for delayed renewal of a certificate of registration or license without payment of late fee.

Section 3: Failure to renew after fifteen (15) days shall attract payment of late fees.

Article 42: Non-transferability of Registration

A certificate of registration or license granted to a manufacturer, importer or distributor of fertilizer is not transferable.

Article 43: Fertilizer Register

Section 1: The Ministry shall keep a Fertilizer Register in which shall be recorded:

- a. The types of fertilizer manufactured in Liberia or imported into the country;
- b. The names, addresses, principal places of business and other particulars of entities registered as dealers in fertilizers; and
- c. Any other information that the Minister on the advice of the Council considers relevant and necessary for fertilizer manufacture, importation or distribution.

Article 44: Suspension or Revocation of a Certificate of Registration or License

The Division may suspend or revoke a certificate of registration or license issued under Articles 36 and 37 when the person is convicted by a court for an offence committed under Article 40 of the this Act within the validity period of the certificate or license.

Article 45: Grievance Procedure

Section 1: A person aggrieved by a decision of the Division in relation to the issuance of a certificate of registration or license may lodge a complaint with the Minister within fourteen (14) days after receipt of the decision.

Section 2: The Minister shall on receipt of a complaint, make a decision on the complaint and communicate the decision to the complainant within thirty (30) days after receipt of the complaint.

Section 3: Any person who is not satisfied with the decision of the Minister may, within fourteen (14) days after being informed of the decision, apply to the High Court for a review of that decision.

Article 46: Transport of Fertilizer

Any person who transports fertilizer shall ensure that the fertilizer is appropriately handled from the point of loading to the point of destination so as to preserve the quality of the fertilizer and to ensure safety.

Article 47: Warehousing and Storage of Fertilizer

Any person who stores fertilizer intended for sale in a warehouse shall ensure that:

- a. The warehouse is waterproof, tidy and well ventilated;
- b. The warehouse has functional hygrometers, fire extinguishers and thermometers; and
- c. The fertilizer is packed on pallets in the warehouse to maintain the quality of the fertilizer.

Article 48: Labels

Section 1: A manufacturer or an importer or dealer in fertilizer shall have affixed on the container a label setting forth in clearly legible and conspicuous form the following information in the English language:

- a. The grade, only when primary nutrients are claimed;
- b. The guaranteed analysis stating the minimum percentage in terms of content of:

- Total Nitrogen (N) _____%, of which
 - % Ammoniacal Nitrogen
 - % Nitrate Nitrogen
 - % Water-insoluble Nitrogen
 - % Urea Nitrogen
 - % Other recognized and determinable forms of N

- Available Phosphate (P₂O₅) _____%
- Soluble Potash (K₂O) _____%
- Other nutrients on elemental basis _____%

- c. The net weight;
- d. The sources of nutrients; and

- e. The name and address of manufacturer or the re-packaging agent.

Section 2: Where the sources of nutrients are shown on the label, they shall be listed below the guaranteed analysis statement.

Section 3: Where the chemical forms of Nitrogen are claimed, the form(s) shall be guaranteed in the format shown and the percentages of the individual forms shall add up to the total nitrogen percentage.

Section 4: Where the registered person makes a claim with reference to the information that is specified on the label of a fertilizer, other than on the nutrient guarantee, the Division may require that the registered person provides:

- a. A testing program conducted by an accredited research institution; and
- b. A laboratory procedure acceptable to the Division for evaluating the claims.

Section 5: For packaged products, the minimum information required under Section (1) of the present Article shall either:

- a. Appear on the front or back of the package and occupy at least one-third of a side of the package; or
- b. Be printed on a tag with minimum dimensions of eight (8) centimeters by twelve (12) centimeters and attached to the package.

Section 6: For bulk products, the minimum information required under this Article shall:

- a. Be in written or printed form;
- b. Accompany delivery and be supplied to the purchaser at time of delivery; and
- c. Be accessible for inspection purposes.

Article 49: Packaging of Fertilizer

The Minister may by legislative instrument adopt guidelines that stipulate the type of containers for packaging fertilizers and the manner of packaging of fertilizers in the country.

Article 50: Types of Fees

The Division shall propose fees for various purposes as indicated below:

- a. Registration of fertilizer manufacturers, importers and distributors;
- b. Renewal of registration of fertilizer manufacturers, importers and distributors;
- c. Late application for renewal of certificates of registration and licenses;
- d. Late submission for tonnage reporting;
- e. Inspection of fertilizers;
- f. Analysis of fertilizer samples.

Article 51: Tonnage Reports

A person who manufactures or imports fertilizer in Liberia shall submit on forms provided by the Division a semi-annual statement for the reporting period, setting forth the number of tons of fertilizers that person has distributed during the period.

Article 52: Inspection Fees

Section 1. A manufacturer or importer of fertilizer shall pay inspection fees to the Division for every ton of fertilizer distributed in Liberia.

Section 2. The Minister shall by legislative instrument prescribe the inspection fee amounts, their payment modalities and the allocation of proceeds.

Section 3. The inspection fee shall be levied only at the point of entry and at the manufacturing level for the quantity offered for sale in Liberia.

Section 4. Any person who produces fertilizer in the country shall not pay inspection fees on any of the manufactured fertilizer which is exported.

Section 5. Any person who imports raw materials into Liberia to produce finished fertilizer products such raw material shall be exempt from inspection fees.

Section 6. Despite Section (4) herein above, inspection fees shall be paid on the finished fertilizer products manufactured from the imported raw materials.

Article 53: Establishment of the Inspection Fund

Section 1. An Inspection Fund is hereby established under this Act and shall be utilized to finance the activities of the Division.

Section 2. The sources of money for the Fund are:

- a. Inspection fees;
- b. Fees charged to the performance of the functions of the Division;
- c. Donations and gifts;
- d. Moneys provided by Parliament; and
- e. Any moneys that are approved by the Minister responsible for Finance.

Article 54: Objects of the Fund

Moneys of the Fund shall be used for:

- a. Financing the activities of the Division;
- b. Research, studies and investigations relating to the functions of the Division; and
- c. Any other purpose determined by the Division in consultation with the Minister.

Article 55: Management of the Fund

Section 1: The Fund shall be administered by the Division and a representative of the Comptroller and Chief Accountant of the Ministry.

Section 2: The moneys in the Fund shall be paid into a bank account opened by the Division with the approval of the Comptroller and Chief Accountant of the Ministry.

Section 3: Payments issued from the Fund shall be signed by two (2) members of the Division and the representative of the Comptroller and Chief Accountant of the Ministry.

Article 56: Accounts and Audit

Section 1: The Division shall keep books of account and proper records in relation to them in the form approved by the Auditor-General and the Public Financial Management Laws of Liberia.

Section 2: The Division shall submit the accounts of the Division to the Auditor-General for audit within three (3) months after the end of the financial year.

Section 3: The Auditor-General shall, not later than three (3) months after the receipt of the accounts, audit the accounts and forward a copy of the audit report to the Minister.

Section 4: The financial year of the Division shall be the same as the financial year of the Government.

Article 57: Annual and Other Reports

Section 1: The Division shall, within one (1) month after the receipt of the audit report, submit an annual report to the Minister covering the activities and the operations of the Division for the year to which the report relates.

Section 2: The annual report shall include the report of the Auditor-General.

Section 3: The Minister shall, within one (1) month after the receipt of the annual report, submit the report to Legislature and the President, with a statement that the Minister considers necessary.

Section 4: The Division shall also submit to the Minister any other reports, which the Minister may require in writing.

CHAPTER IV: VIOLATIONS, OFFENCES AND PENALTIES

Article 58: Offences

Section 1: Any sale or offer for sale of fertilizers without complying with the provisions of this Act and other relevant legislations of Liberia or the non-compliance of the orders and instructions of any of the enforcement authorities notified shall be considered as a violation.

Section 2: The following shall constitute offences:

- a. Nutrient deficiency beyond maximum tolerance limits as stated the Act;
- b. Short weight of fertilizer containers beyond a maximum tolerance limit of one (1) percent;
- c. Adulteration of any kind;
- d. Misbranding of any kind;
- e. Manufacturing or importing fertilizers without a valid certificate of registration;
- f. Selling fertilizers without a license;
- g. Late submission of a certificate of registration or license renewal fifteen (15) days after the expiry of due date;
- h. Non payment of inspection fee beyond three (3) months of due date;
- i. Non submission of semi-annual tonnage report fifteen (15) days beyond due date;
- j. Non compliance of any specific direction or instruction of Regulatory Authority in relation to any provisions of this Act;
- k. Obstruction of designated officers in discharging their duties; and
- l. Any other act that contravenes the provisions of this act or subsequent regulations promulgated for the smooth implementation of this Act

Article 59: Plant Nutrient Deficiency

Section 1 A fertilizer is deemed nutrient deficient if the analysis by a designated laboratory of an official sample shows that this fertilizer is deficient in one or more of its guaranteed plant nutrients beyond the maximum tolerance limit.

Section 2 A deficiency in an official sample of fertilizer resulting from non-uniformity is not distinguishable from a deficiency due to actual plant nutrient shortage and shall be properly subject to official action

Article 60: Adulteration

Section 1 No person shall distribute an adulterated fertilizer product.

Section 2: A fertilizer shall be deemed adulterated if:

- a. It contains any deleterious or harmful ingredient in sufficient amount to render it injurious to plant life, when applied in accordance with directions for use on the label, or if adequate warning statements or directions for use, which may be necessary to protect plant life, are not shown on the label;
- b. It contains any heavy metal in excess of the maximum allowable limits; or
- c. It contains any unwanted crop seed or weed seed or some spurious materials.

Article 61: Misbranding

Section 1: No person shall distribute or offer for sale misbranded fertilizer.

Section 2: A fertilizer shall be deemed misbranded if:

- a. Its label is false or misleading in any manner;
- b. It is distributed under the name of another fertilizer product; or
- c. It is not labeled as prescribed by this Act.

Article 62: Short Weight

Section 1: If any fertilizer container in the possession of a registrant is found to be short in weight by more than one percent (1%), the registrant in possession of the short weight containers shall be in violation of this Act.

Section 2: Three violations within a three (3)-year period shall result in a suspension of the certificate of registration or license for ninety (90) days. A fourth violation within the three (3)-year period shall result in a permanent cancellation of the certificate of registration or license.

Article 63: Obstruction of Inspectors

Section 1: No person shall obstruct or hinder an Inspector in the performance of his duties.

Section 2: No person shall make a false or misleading statement either orally or in writing to an Inspector or other LFRD officer engaged in performing his/her duties.

Article 64: "Stop Sale" Order

Section 1: Where an Inspector finds a fertilizer lot which is offered for sale in violation of this Act, the Inspector shall immediately issue and enforce a written or printed "stop sale order", "stop use order" or "stop removal order" to the owner or custodian of that fertilizer and hold the fertilizer at a designated place. The Inspector may affix to the lot or container a warning tag that states the lot is held.

Section 2: Any lot of fertilizers for which a "stop sale order", "stop use order" or "stop removal order" is issued shall be held by the person having control of the fertilizer and shall not be distributed or moved or used except under the specific directions of the Division pending a final disposition.

Section 3: The provision Section 2 of this Article does not prevent any person having control of the fertilizer from inspecting the fertilizer seized, nor from taking from the fertilizer lot in the presence of a person designated by the Division, a representative sample for evidence.

Section 4: On demand, the person having control of the seized fertilizer, at or prior to the time of the sampling by the Inspector, the sample that is taken shall be divided into two (2) approximately equal parts, one part of which shall be sealed and given to the person in control of the product and the other part of which shall be kept for analysis as requested by the Inspector.

Section 5: The Inspector shall release the seized and held fertilizer lot and remove the hold order or tag:

- a. If the analysis of the seized and held lot, as determined by a designated laboratory, is not in violation of the provisions of the Act;
- b. After the owner of the fertilizer has complied with any other requirements stipulated herein or specific directions given by the Division under this Act; and
- c. After the owner of the fertilizer has paid all the costs and expenses incurred in connection with the "stop sale order", "stop use order" or "stop removal order".

Section 6: If the "seized and held" lot is found in violation of the provisions herein stipulated, the Inspector shall:

- a. Continue to hold the lot until the requirements have been complied with, after which the lot shall be released ;or
- b. Issue orders for the disposal of the lot in a manner specified by the Minister.

Section 7: Any person who has control of seized fertilizer may appeal to the Division in writing against the results of the analysis within fifteen (15) days after receiving the results of the designated laboratory.

Section 8: On receipt of the appeal, the Division shall submit another sample of the fertilizer for analysis at one of the Division's designated laboratory chosen by the appellant.

Section 9: The cost of the sampling and analysis shall be borne by the appellant.

Section 10: The results of the analysis shall be submitted to the Division within sixty (60) days after receipt of the sample and the Division shall within seventy-two (72) hours notify the appellant of the acceptance or rejection of the appeal.

Article 65: Penalties for Violations

The Government of Liberia shall take all appropriate measures to impose penalties for any violation of the provisions of this Act and the current Regulations.

Article 66: Appeal

Any manufacturer, importer or distributor of fertilizer in Liberia shall have a right to appeal before the Appellate Authority against any decision taken by the Regulatory Division or any grievance, under provisions of this Act.

CHAPTER V: SPECIAL PROVISIONS

Article 67: Special Consideration for Harmful Substances

Section 1: When ingredients of some fertilizers that are used on specific crops or in specific applications are deemed harmful to the growth of the plant, the maximum content of the potentially harmful substances shall be stated on the label as follows:

- a. When urea is labeled to be used as a foliar spray or to fertilize citrus crops, the biuret content shall be limited to one and a half (1.5%) percent; or
- b. When a fertilizer is labeled to be used on crops that are extremely sensitive to chloride, such as tobacco, that fertilizer shall have a maximum of two and a half (2.5%) percent of chlorine.

Section 2: A manufacturer or importer of fertilizer shall include a caution statement on the label of any product that contains micronutrients:

- a. When there is evidence that these micronutrients in excess of a particular percentage may be harmful to certain crops or grazing animals; or
- b. Where there is evidence that these micronutrients in excess of a particular percentage may cause unusual environmental conditions.

Section 3: When even the content of harmful substances exceed the maximum guarantee stated on the label, these fertilizers shall be deemed adulterated.

Article 68: Minimum Percentage of Nutrients Claimable

For Nitrogen (N), Phosphorus (P_2O_5) or Potassium (K_2O), the minimum percentage of nutrients that may be guaranteed shall be one (1.0) percent.

Article 69: Plant Nutrient Guarantees Other than Nitrogen, Phosphorus and Potassium

Section 1: Plant nutrients in addition to nitrogen, phosphorus and potassium when mentioned in any form or manner on the label shall be guaranteed by the registered manufacturer or importer of fertilizer.

Section 2: Guarantees shall be made on the elemental basis. Sources of the elements guaranteed and proof of availability shall be provided to the Fertilizer Regulatory Administrator on request.

Section 3: The minimum percentages of nutrients, other than nitrogen, phosphorus and potassium that may be guaranteed shall be as follows:

Order of Declaration	Nutrient	Minimum Percent Claimable
1	Calcium (Ca)	1.0000
2	Sulfur (S)	1.0000
3	Magnesium (Mg)	0.5000
4	Boron (B)	0.0200
5	Chlorine (Cl)	0.1000
6	Cobalt (Co)	0.0005
7	Copper (Cu)	0.0500
8	Iron (Fe)	0.1000
9	Manganese (Mn)	0.0500
10	Molybdenum (Mo)	0.0005
11	Sodium (Na)	0.1000
12	Zinc (Zn)	0.0500

Section 4: Guarantees or claims for the plant nutrients listed in Section (3) of this Article in addition to nitrogen, phosphorus, and potassium or any other nutrient approved by the Division shall be the only ones that will be accepted.

Section 5: When any of the elements listed in Section (3) of the present Article are guaranteed, the registered manufacturer or importer of fertilizer shall upon request, provide the Fertilizer Regulatory Administrator with a copy of the label and directions for the use of the fertilizer.

Section 6: Any of the elements listed in Section (3) of this Article that are guaranteed shall appear in the order listed and shall immediately follow guarantees for the primary nutrients of nitrogen, phosphorus and potassium if present.

Article 70: Maximum Allowable Heavy Metal Limits

Section 1: The maximum allowable heavy metal limits in fertilizer products shall be determined based on the following table:

Heavy Metal	Multiplier		Tolerance milligrams per kilogram of bio-solids or compost products-dry weight basis
	ppm per 1% P ₂ O ₅	ppm per 1% micronutrients	
Arsenic (As)	13	112	75
Cadmium (Cd)	10	83	85
Cobalt (Co)	136	2,228 ^(a)	-
Copper (Cu)	-	-	4,300
Lead (Pb)	61	463	840
Mercury (Hg)	1	6	57
Molybdenum (Mo)	42	300 ^(a)	75
Nickel (Ni)	250	1,900	420
Selenium (Se)	26	180	100
Zinc (Zn)	420	2,900 ^(a)	7,500

^(a) Should be used only when the percentage of that particular micronutrient is not specified or guaranteed in the fertilizer label.

Section 2: For a fertilizer product with P₂O₅ guarantee and no micronutrient guarantee:

- a. For each heavy metal, its maximum allowable concentration (ppm) in that product shall be determined by multiplying the percent guaranteed P₂O₅ of the product by the appropriate factor of that heavy metal in column 2 in the table presented in Section (1) of this Article.
- b. However, if the percent guaranteed P₂O₅ of the product is less than 6.0, then the multiplier to be utilized shall be 6.0.

Section 3: For a fertilizer product with micronutrients guarantee and no P₂O₅ guarantee:

- a. For each heavy metal, its maximum allowable concentration (ppm) in that product shall be determined by multiplying the sum of the guaranteed percentages of all micronutrients in the product by the appropriate factor of that heavy metal in column 3 in the table presented in Section (1) of the present Article.
- b. However, if the sum of the guaranteed percentages of all micronutrients in the Product is less than 1.0 then the multiplier to be utilized shall be 1.0.

Section 4: For a fertilizer product with both micronutrients and P₂O₅ guarantee:

- a. For each heavy metal, carry out separately the computation outlined in Sections (2) and (3) of the present Article, and the maximum allowable concentration (ppm) of the heavy metal under consideration shall be the higher of the two resulting values.

Section 5: For a bio-solid or compost product, its maximum allowable concentration of each Heavy metal shall be the appropriate value of that heavy metal in column 4 of the table presented in Section (1) of this Article.

Article 71: Maximum Allowable Variation of Primary Nutrient Content

Section 1: The maximum acceptable deviation of the measured values of a primary nutrient content below the values claimed on the label shall be the value in the following table:

Type of Fertilizer	Tolerance
Single nutrient fertilizers:	
With up to 20% nutrient content	maximum 0.3 unit.
With more than 20% nutrient content	maximum 0.5 unit.
Complex fertilizers and NPK blends	maximum 1.1 units for individual nutrients and maximum 2.5% for all nutrients combined.

Section 2: The total deviation for all nutrients combined is calculated from the addition of deviations for nutrients with contents lower than the label specification; compensation from nutrients with content higher than specified to balance deficiency of another nutrient is **not allowed**.

Article 72: Maximum Allowable Variation of Secondary and Micro Nutrient Content

The maximum acceptable deviation of the measured values of a secondary or a micro nutrient content below the values claimed on the label shall be the value in the following table:

		Tolerance
Secondary Nutrient	Calcium (Ca)	0.2 unit + 5% of guarantee
	Sulfur (S)	0.2 unit + 5% of guarantee
	Magnesium (Mg)	0.2 unit + 5% of guarantee
	Boron (B)	0.003 unit + 15% guarantee
	Cobalt (Co)	0.0001 unit + 30% guarantee
Micro Nutrient	Molybdenum (Mo)	0.0001 unit + 30% guarantee
	Chlorine (Cl)	0.005 unit + 10% guarantee
	Copper (Cu)	0.005 unit + 10% guarantee
	Iron (Fe)	0.005 unit + 10% guarantee
	Manganese (Mn)	0.005 unit + 10% guarantee
	Nickel (Ni)	0.005 unit + 10% guarantee
	Zinc (Zn)	0.005 unit + 10% guarantee

Section 3: The maximum allowable variation when calculated in accordance with the above shall be one (1) unit (1 percent)

CHAPTER VI FINAL PROVISIONS

Article 73: Cooperation with Other Entities

Section 1: The LFED may cooperate with and enter into agreements with other institutions in Liberia and in any country in West Africa and beyond that is legally bound by relevant ECOWAS fertilizer regulations in order to carry out the purpose and provisions of this Act.

Section 2: The LFRD may also cooperate with and enter into agreements with other institutions of Liberia in order to carry out the purpose and provisions of other Acts and Regulations that may have some relation to fertilizer production, distribution and use.

Article 74: Exchange between Manufacturers, Importers and Distributors

Nothing in this Act shall be construed to restrict or avoid sales or exchanges of fertilizers to each other by manufacturers, importers or distributors or as preventing the free and unrestricted shipments of fertilizers to manufacturers, importers or distributors who are registered as required by provisions of this Act and according to the principle of free movement of fertilizers.

Article 75: Saving

Section 1: If any Section, sentence, paragraph, or part of this Regulations shall for any reason be judged invalid by any court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder thereof.

Section 2: Nothing in this Act shall require the Fertilizer Regulatory Administrator to report for prosecution for violations of this Act whenever he/she believes that the public interest shall be adequately served by a suitable written notice of warning and compliance with such notice.

Article 76: Contravention

Any disposition that contravenes this Act is repealed.

Article 77: Application of this Act

The modality of application of this Act when needed shall be fixed by the Minister.

Article 78: Guiding Regulations

Section 1: The MOA shall have the power to promulgate regulations for the successful implementation of this Act and such regulations shall have the prior approval of the national fertilizer regulatory council (NFRC) before publication.

Section 2: The 2015 Liberia Fertilizer Regulations adopted prior to the drafting of this Act are hereby incorporated by reference and form an integral part of this Act and shall be read along with this Act for the smooth and successful implementation of this Act.

Article 79: Interim Provision

The Liberia Fertilizer Regulatory Division shall give the manufacturers, importers and distributors of fertilizer up to six (6) months from the entry into force of this Act to adjust to the requirements stipulated herein.

Article 80: **Entry into Force**

This Act shall take effect immediately upon publication in handbills by the Ministry of Foreign Affairs.

ANY LAW TO THE CONTRARY NOTWITHSTANDING