

## Express Terms

A new Part 154 is added to Title 1 of the Official Compilation of Codes, Rules and Regulations of the State of New York to read as follows:

### PART 154

#### AMMONIUM NITRATE SECURITY

154.1 Definitions

154.2 Registration

154.3 Security Measures

154.4 Records

154.1 Definitions. For the purposes of this Part the following terms shall have the following meanings:

a. "Ammonium nitrate" means chiefly the ammonium salt of nitric acid. It shall not contain less than thirty-three percent nitrogen, one-half of which is the ammonium form and one-half of which is the nitrate form.

b. "Regulated ammonium nitrate materials" shall mean fertilizer product in solid form, comprising a mixture of components, one of which is ammonium nitrate, in circumstances where the nitrogen content derived from ammonium nitrate is more than twenty-eight percent of the material by weight.

c. "Ammonium nitrate retailer" means any person or entity in this state that sells, offers for sale, or otherwise makes available, ammonium nitrate or regulated ammonium nitrate materials.

154.2 Registration. (a) No person or entity in this state shall sell, offer for sale or otherwise make available ammonium nitrate or ammonium nitrate materials unless registered annually with the commissioner. Application for registration shall be made by completing and submitting the following form to the commissioner, together with an annual registration fee of fifty dollars, provided, however, that retailers who pay fees under this article shall be exempt from such fee:

(b) Every person or entity selling, offering for sale or otherwise making available ammonium nitrate or ammonium nitrate materials shall post and display at all times their registration certificate in a conspicuous place in the room where such business is carried on so that all persons visiting such place may readily see the same.

154.3 Security measures. Ammonium nitrate and regulated ammonium nitrate materials, while at all facilities whose owners and/or operators are required to be registered, shall be secured to provide reasonable protection against vandalism, theft or other unauthorized access. Such measures shall include, but not be limited to, ensuring that storage facilities are fenced or otherwise enclosed and locked when unattended and are inspected daily for signs of attempted entry, vandalism and structural integrity. An ongoing process of inventory control for ammonium nitrate and regulated ammonium nitrate materials stored at the facility shall be established and maintained.

154.4 Records. (a) Persons and entities required to be registered shall make and maintain, for a minimum of two years, a record in the following format for every sale of ammonium nitrate and regulated ammonium nitrate materials:

RECORD OF THE SALE OF AMMONIUM NITRATE  
AND REGULATED AMMONIUM NITRATE MATERIALS  
REQUIRED PURSUANT TO AGRICULTURE AND MARKETS LAW  
SECTION 146-f and 1 NYCRR PART 154

Date of Sale: \_\_\_\_\_

Seller Information

Registration No.: \_\_\_\_\_

Name of Seller: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Name of Person Making Sale: \_\_\_\_\_

Purchaser Information

Name of Purchaser: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Name of Person Making Purchase: \_\_\_\_\_

Identification Presented and Examined

Valid Driver's License

Non-driver Identification Card

License Number: \_\_\_\_\_

Card Number: \_\_\_\_\_

License or Card Issued by:

New York State Commissioner of Motor Vehicles

Federal Government. Specify agency: \_\_\_\_\_

State Government, Commonwealth, Possession or Territory of the United States.

Specify: \_\_\_\_\_

Provincial Government of Canada. Specify: \_\_\_\_\_

Other Forms of Identification:

Valid U.S. Passport Number: \_\_\_\_\_

U.S. Military Identification Number: \_\_\_\_\_

Ammonium Nitrate and Regulated Ammonium Nitrate Material Sold

Brand Name: \_\_\_\_\_

Quantity Purchased (in pounds): \_\_\_\_\_

Form:  Bulk  Packaged: Number and Individual Weight: \_\_\_\_\_

Describe Intended Use: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Important: New York State Agriculture and Markets Law section 146-f and the regulations promulgated pursuant thereto, 1 NYCRR Part 154, require that this record be made for every sale of ammonium nitrate and regulated ammonium nitrate materials. This record must be made by the person or entity making the sale and must be maintained for a minimum of two years. Access to this record must be provided to officers and employees of the New York State Department of Agriculture and Markets and the New York State Office of Homeland Security.

(b) Forms of identification. Acceptable forms of identification are a valid driver's license or non-driver identification card issued by the New York State Commissioner of Motor Vehicles, the Federal Government, a state government, commonwealth, possession or territory of the United States or a provincial government of Canada; a valid passport of the United States or any other country; or valid United States military identification.

(c) Access to records. Persons and entities selling ammonium nitrate and regulated ammonium nitrate materials shall provide officers and employees of the New York State Department of Agriculture and Markets and the New York State Office of Homeland Security with access to records of such sales.