

National Fertilizer Assn.

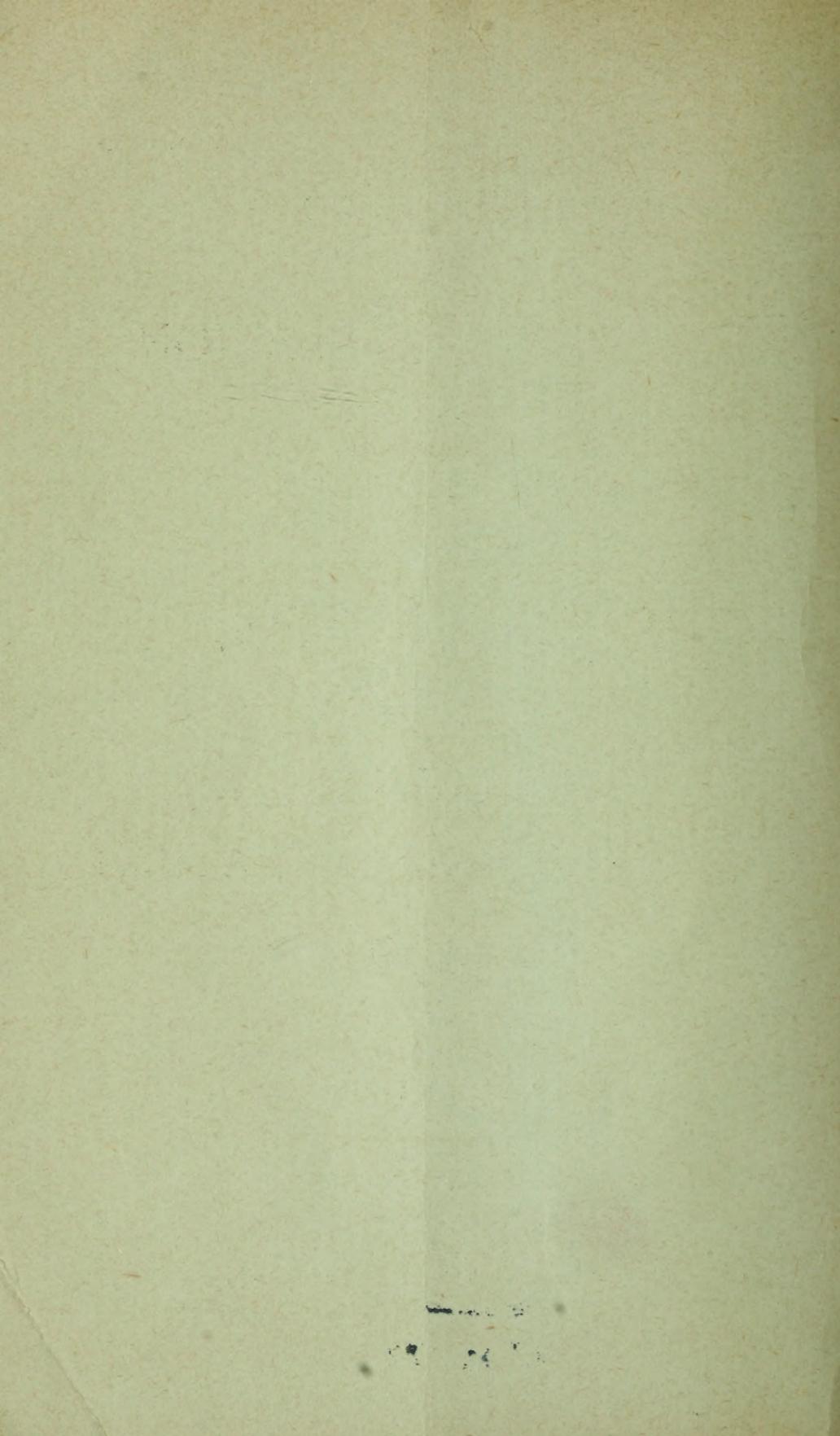
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Vol. 19 574-577

No. 10.

ON THE OUTLOOK
FOR
UNIFORM LEGISLATION
ON THE
Inspection and Sale
OF
FERTILIZERS.
PUBLISHED BY THE
NATIONAL
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March, 1885.
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By ~~W. H. H. H.~~

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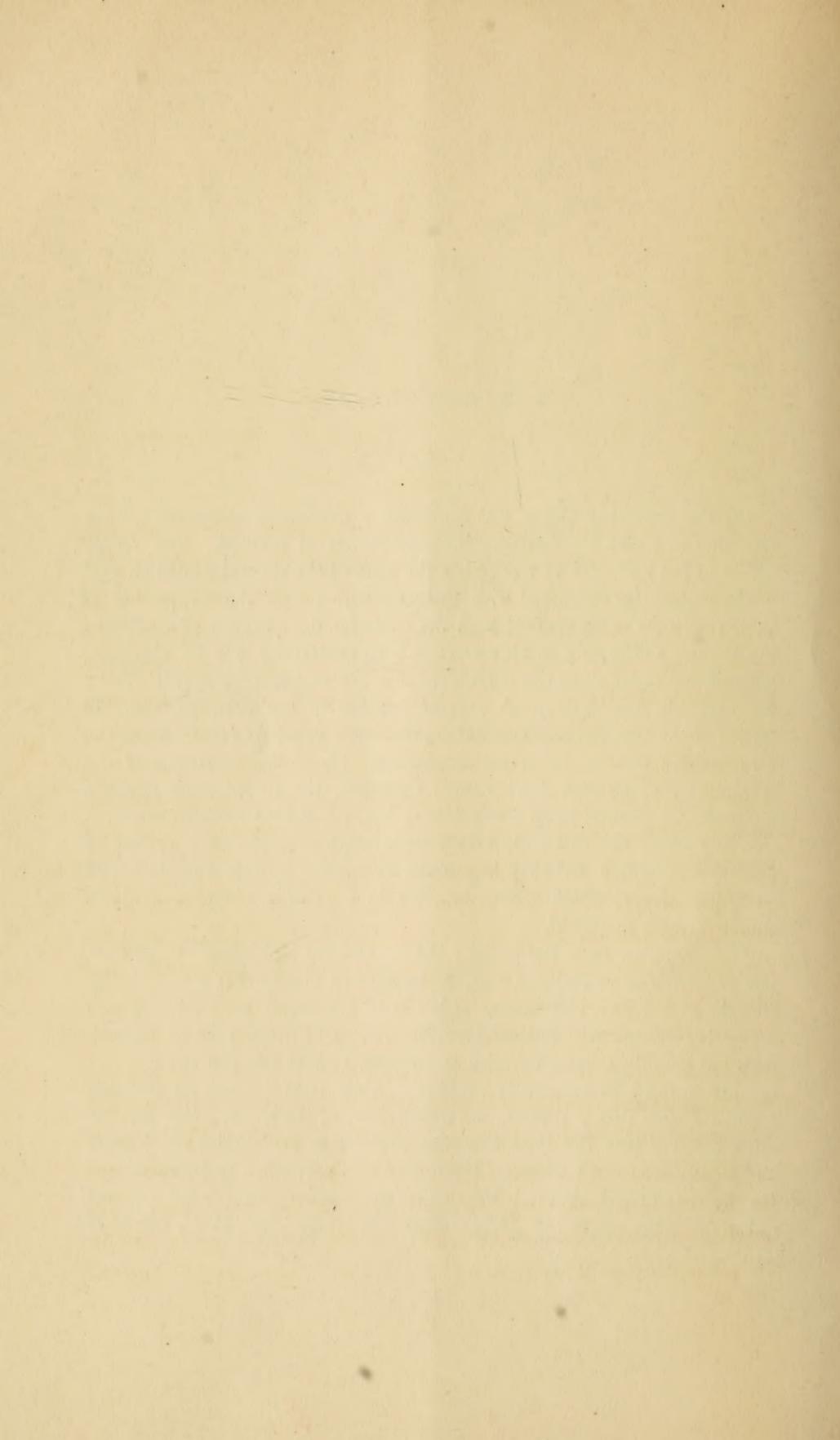
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PREFACE.

On the following pages will be found a condensed statement of the situation in which the fertilizer industry stands at present. The recognition of the necessity of modifying the laws of the several States on part of the authorities entrusted with their execution and the expression of their readiness to co-operate with the trade for the purpose of establishing greater uniformity in all matters where uniformity can be obtained, bespeak for themselves the usefulness and the satisfactory result of the work of this Association. A careful reading of the extracts from the letters of the various State officials is therefore urgently recommended to all members and to the trade in general. Since the formation of the Association of Official Agricultural Chemists, the troublesome analysis question has entered upon a new stage; for, the State Chemist's Association is pledged to assist us in all efforts tending to remove the causes of annoyances, and a tribunal is practically created by this Association of State Chemists to which manufacturer's in case of a disputed analysis should be able to appeal.

The transition from the present chaotic state of legislation on the subject of fertilizers to rational uniform legislative enactments is necessarily fraught with many difficulties, which only continued perseverance and unabating energy will ultimately overcome. But if the present outlook does not contain a large promise of success, and if the present circumstances do not look ominously propitious, then it is difficult to imagine a constellation that will rouse the indifference of the trade. Our Association believes that the time has now arrived to accomplish much good and to achieve some results, at least, that will permanently inure to the benefit of the trade, and it is hoped that the earnest and careful perusal of the following pages will generate the same conviction in the minds of all readers.



Baltimore, March, 1885.

At the last annual meeting of the members of this Association, the subject of effecting such changes in the laws of the various States, on the inspection and sale of fertilizers, as would inure to the benefit of manufacturer and consumer, formed one of the principal topics of discussion. As was then already expressed, the Association concluded to take up this important issue in a systematic way, and secure for this purpose, first, the co-operation of all Commissioners of Agriculture and State Boards of Agriculture; and, secondly, the consensus of opinion of the whole trade as to the provisions which a just and equitable law should embrace.

Since May, 1884, the Association succeeded in obtaining a hearty and earnest endorsement on the part of nearly all gentlemen whose official position renders their assistance and approval of great, nay, of essential value, for success. From the copious correspondence on this subject a few extracts will suffice to show how favorably the efforts of our Association to bring about modifications in the present laws, with a view to greater uniformity, are being looked at, and how the way of accomplishing the object in view is being likewise considered as the one best calculated to lead to a satisfactory issue. The *modus operandi* determined upon by the board consists, briefly, in presenting to a Conference of all Commissioners of Agricul-

ture and State Officers, in charge of fertilizer-control-work the draft of such a law as, in the opinion of the trade, meets the legislative requirements on this matter, and commends itself on account of its simplicity, justice and equity to general adoption. If a mature and deliberate discussion of all its provisions by such Conference results in its unanimous endorsement, this fact of itself, it is believed, will go far towards influencing the legislatures of the various States to supersede by its passage previous enactments on the fertilizer control. The State Departments in charge of fertilizer control, by endorsing such a law, pledge by such endorsement their influence in its favor, and remove it, thus, from the sphere of politics, pure and simple. It may not be possible to have such a law enacted at once in every State, but well directed and continued efforts of the trade, aided by the Departments, will, no doubt, ultimately lead to success. This is, briefly stated, the outline of the work which the Association, in the near future, proposes to undertake. That all preliminary labors are now completed, and that the Association feels now prepared to proceed from theory to practical measures, will, it is hoped, be considered an evidence of the quiet and yet so efficient work which has been done since last May. Subjoined are some passages from letters received, which substantiate the assertions made hereinbefore, and which show in what light the situation deserves now to be considered:—

Dr. Chas. W. Dabney, Jr., State-Chemist, North Carolina—

“Uniform regulations for the fertilizer-control are certainly very desirable, and I deem it unwise for the law-makers to go into details and undertake to stipulate what shall be the composition of fertilizers, the methods of analysis, and the manner in which the packages shall be branded. I am aware that the laws of

some States, at the present time, are a bar to uniformity, and I suggest that you call a conference of the heads of Departments of Agriculture, or officers having this work in charge, and get them to memorialize their legislatures."

Thomas J. Edge, Secretary State Board of Agriculture of Pennsylvania—"As to the conference to which you allude, I will say that I am strongly in favor of just such a conference. My impression is that we would all be the gainers by some universal principle which could be applied to all such laws. Allow me to assure you, and through you your Association, that I will do what I can to forward any improvement, or to assist, in any possible way, to bring about changes for the better. I firmly believe that the interests of the consumer and the manufacturer are identical; that any change in the laws which will benefit one, will, in like manner, be to the interest of the other. If we could only obtain a universal law and a universal method of analysis, we would then soon see our way out of our difficulties, and you can be assured of my help in this direction."

Hon. A. P. Butler, Commissioner of Agriculture of South Carolina—"I realize the force of much that you say in regard to the hardships imposed upon the fertilizer trade in some of the States, and I also fully concur with you that, if possible, some uniform system should be adopted that would relieve the trade of these troubles. I shall be glad to co-operate with you in any way in my power to accomplish this end."

Hon. E. C. Betts, Commissioner of Agriculture of Alabama—"The great utility of such a conference has often occurred to my mind, and if it should take place at such time and place as would enable me to participate in it, I shall certainly do so."

Prof. G. H. Cook, Director Agricultural Experiment Station of New Jersey—"The enormous extension of the use of commercial fertilizers, and the magnitude of the inter-state trade in

them, renders it important that there should be uniformity in the State laws regarding their manufacture and sale. We shall be glad to use our influence for the passage of any uniform and just law to regulate the manufacture and sale of fertilizers."

Z. A. Gilbert, Secretary Board of Agriculture of Maine—"I most heartily endorse your proposition to hold a meeting or conference. There is much in the matter that needs systematizing, which can only be done by a conference. Should such a meeting be called I should make it a point to be present."

Hon. Randolph Harrison, Commissioner of Agriculture of Virginia—"It gives me pleasure to say (of course without committing myself beforehand to any innovation), that your proposition has my cordial approval; that nothing but good can result from a conference such as you suggest. Permit me, further, to say that you have stated so strongly the need of uniformity in the laws regulating the sale of fertilizers in different States, that I could not withhold my assent to your views, even if the subject had never been brought to my attention. I am much impressed with the conservative, dignified mode of proceeding of the Association represented by you, and beg to assure you that I will heartily co-operate with you. Please command me at any time."

Hon. J. T. Henderson, Commissioner of Agriculture of Georgia—"I proceed now to give my views of the questions presented in the same spirit of candor which pervades your letter. In regard to the desirableness of greater uniformity in those details of the laws for the inspection of fertilizers, in several States which directly bear upon the business, there can be no question. Uniformity in the requirements in regard to standard quality, brands, tags, methods of inspection and analysis, and the style and character of the fertilizer bulletins issued by the several State Departments, or Boards of Fertilizer-Con-

trol, would conduce not less to the convenience of the latter than to the advantage of manufacturers and dealers. In regard to an effort to secure co-operation between the several Commissioners and Boards of Control, for uniformity in all matters in their discretion, I am very favorably inclined. The substance, then, of my views is that a conference of such officials is desirable, and that much good may be accomplished by agreement in all details within their control, but my doubts almost preclude the hope that the Legislatures can be induced to adopt and continue any uniform system."

Prof. W. Latham, University of West Virginia—"It will give me very great pleasure at any and all times to co-operate with your Association in the effort to accomplish the reforms it has in view."

Hon. Montford McGehee, Commissioner of Agriculture of North Carolina—"Uniformity upon the points referred to in your letter, as registration of brands, branding of bags, etc., is certainly desirable, and might be attained upon conference, except in those cases where positive enactments constitute a bar. You have my best wishes for success."

Hon. A. J. McWhirter, Commissioner of Agriculture of Tennessee—"I am in hearty accord with those who favor a convention for the purposes set forth in your letter, and I do think that united action in this most important work would result for the best interests of all, and therefore suggest that it be urged in such manner upon all Commissioners as will command their personal attendance. I will cheerfully respond."

Dr. E. L. Sturtevant, Director of Agricultural Experiment Station, New York—"While our station is in no sense a control station, and has no necessary connection with fertilizer-analysis, we cannot but feel an interest in a subject which has such close relation to profitable farming. It seems to me the great trouble

with the fertilizer trade is that neither its magnitude, nor its methods of transacting business, are known to our legislators, and while a regulation of the trade by law may be beneficial, yet the laws should be so moulded as to benefit alike farmer and manufacturer "

W. I. Chamberlain, Secretary State Board of Agriculture of Ohio—
 "I should favor any convention that would aid in securing uniformity of legislation and analysis."

These few extracts, it is believed, will have the tendency to convince even those who are skeptical as to the feasibility of ever experiencing the benefits of uniformity, that such feasibility does not merely exist, but that, moreover, the conditions for favorable results in this direction appear quite propitious.

The Board has, therefore, given much time and study to the formulation of a law embodying those features which may be said to constitute the essence of all legislation on the subject of fertilizers, and will shortly present to the members, and to the trade, a draft of one, which every manufacturer is requested to fully and freely criticise. By obtaining the opinion of the trade in this way, all objectionable features will be ascertained, can be amended, and suggestions for embodying in it points that, perhaps, have been left out, can be received before it is too late, and by the time the draft of a law acceptable to and endorsed by the whole trade will be formed, the proposed conference will probably not be far off. It seems desirable, therefore, that every manufacturer should, without delay, give some time to the consideration of those provisions which he thinks should be contained in a model law.

It may be well to state here that the practice of requiring manufacturers to report the selling price of their goods does not appear commendable from any point of view. The quotations are, as a rule, wholly unreliable and misleading, and tend to

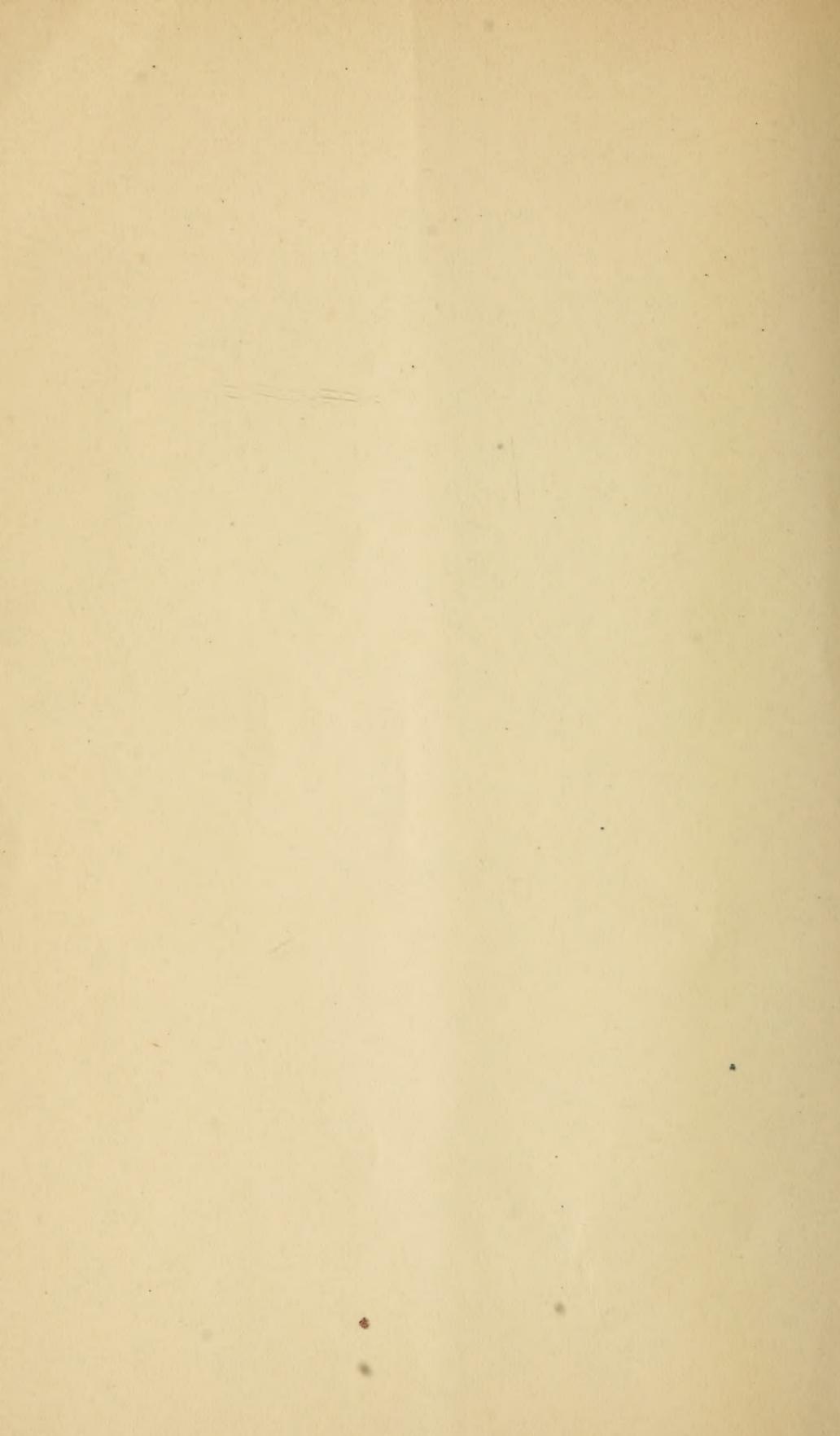
work great disadvantage to manufacturer and dealer without benefitting the consumer. Fertilizers should be marked exactly as the law uniformly prescribes, and be analyzed under that law, so that the analyses may, with a reasonable degree of certainty, be supposed to substantially represent what the fertilizers are said to contain. An analysis can never show whether phosphoric acid is derived from animal bone or from S. C. rock, or what proportion is derived from bone, and what from rock. The actual difference between the two consists, as is well known, in this: that the phosphoric acid derived from bone becomes soluble in the soil in the course of time, from a period of a few months to scores of years, depending mainly upon the fineness to which it is ground, unbroken bones remaining undecomposed for a hundred years. In England, where large experience in the use of ground bone as manure entitles their opinion to consideration, seven years in the soil is allowed for the phosphoric acid in ordinary ground bone to become soluble. As the relative solubility of the remaining phosphoric acid is yet undecided (and opinions widely differ on this point), the practice of giving different valuations to phosphoric acid, according to the sources from which it is derived, does not appear to be justified. So with ammonia.—The careful chemist, by the use of magnifying glasses, may discover the presence of hair, hoof, leather, etc., but the analysis gives him only and solely ammonia, irrespective of the source whence it is taken. Since, consequently, no absolute test can be applied to prove or disprove the truths of a statement as to what materials were used in the manufacture of fertilizers, a graduated scale of valuations appears to be based upon guess-work rather than scientific, solid reasons.

All analysis should, however have to be made in strict accordance with the method which the Association of Official Agricultural Chemists may from time to time determine upon.

The rigor thrown into a law should be in the direction of securing properly drawn samples from goods entirely out of the control of the manufacturer, and of careful analysis by skillful chemists, and not by half-trained assistants. What is usually considered a rigorous law is mostly one that ignores the limits of applied chemistry and provides large penalties, and plenty of them. It is unfair that purchasers, by taking advantage of some technical flaw in the branding of sacks, or something of that sort, should be able to escape paying for goods, bought and used by them. The laws now in force absolutely ignore the fact that a fertilizer is only one of a half-dozen equally important factors that combine to produce a crop, and start on the presumption that an application of a commercial fertilizer entitles its purchaser to a good harvest, regardless of soil, heat, drouth, careless cultivation, insects, &c. The question of taxation is one which it is not our intention to take up at this time, because it is believed that each State must decide for itself whether it be wise to tax *the farmers, to the exclusion of all other classes*, by levying a tax on an article which the farmer must have, and the State must likewise determine to what extent it is in the interest of the State to raise money by such tax. This is considered a question of State policy, which does not affect the trade as much as the farmers by enlarging or narrowing down the markets. Competition is the life of trade in this, as in all other lines, and it would seem to be the province of the legislators to foster competition rather than to create monopolies by throwing the trade into the hands of but a few. But it is a matter on which it has been thought best to express no opinion, so as not to jeopardize, by tax-measures, the fate of a bill which, in other respects, meets the requirements of our growing industry.

The fact that our organization moves now onward will also.

it is to be hoped, influence those who have not yet joined our Association to do so, since in this important matter not only consensus of opinion, but concert of action and an aggregation of influence and weight, is absolutely necessary. This occasion, more than any previous one, appears to impose upon every manufacturer the duty, as a matter of self-interest, not to stand aloof, but to put the shoulder to the wheel and contribute, by membership, his quota towards a successful completion of the work now outlined, which would certainly result in a permanent amelioration of the situation of our industry.



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