

obtained within 30 days, the Secretary may begin condemnation proceedings. Upon request of any person aggrieved by noncompliance, the Secretary is required to begin condemnation proceedings.] THE SECRETARY MAY ISSUE AND ENFORCE A WRITTEN STOP-SALE ORDER TO THE REGISTRANT, OWNER, CUSTODIAN, OR DISTRIBUTOR OF ANY FERTILIZER OR SOIL CONDITIONER THAT THE SECRETARY FINDS IS IN VIOLATION OF ANY PROVISION OF THIS SUBTITLE OR REGULATION UNDER THIS SUBTITLE, OR HAS BEEN FOUND BY FEDERAL OR STATE AUTHORITIES TO CAUSE UNREASONABLE ADVERSE EFFECTS TO HUMANS, ANIMALS, PLANTS, OR THE ENVIRONMENT.

(B) THE ORDER PROHIBITS SALE OR DISTRIBUTION OF THE FERTILIZER OR SOIL CONDITIONER UNTIL THE SECRETARY:

(1) HAS EVIDENCE THAT THE PRODUCT IS IN COMPLIANCE WITH THE LAW; AND

(2) PROVIDES A WRITTEN RELEASE FROM THE STOP-SALE ORDER.

[(b)] (C) The Secretary may petition the circuit court of the county in which the commercial fertilizer or soil conditioner is located, if the fertilizer is located there, to seize any lot of commercial fertilizer or soil conditioner not in compliance with this subtitle. If the court finds the material to be in violation of the provisions of this subtitle and orders condemnation of the commercial fertilizer or soil conditioner, the material shall be disposed of in any manner consistent with the quality of the commercial fertilizer or soil conditioner and the laws of the State. The court may not dispose of the material without first giving the claimant an opportunity to apply to the court for release of it or for permission to process or relabel it so that it complies with the provisions of this subtitle.

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(a) To determine the commercial value to be applied in subsection (b), the Secretary shall determine and publish annually the values per pound of nitrogen, available phosphoric acid, soluble potash and other plant nutrients in commercial fertilizers in the State as determined by the Secretary.

(b) If an official analysis of a lot shows that a commercial fertilizer is deficient in a guaranteed primary plant nutrient, that is nitrogen, available phosphoric acid, and soluble potash, beyond the investigational allowance as established by rule or regulation, the Secretary shall assess against the registrant a penalty of three times the commercial value of the deficiency in the lot analyzed if the deficiency is confirmed in a hearing before him.

(c) The Secretary shall evaluate other deficiencies OR EXCESSES beyond the investigational allowance established by rule