

Department for Environment, Food and Rural Affairs

June 2011

Summary of responses to the non-formal consultation on Polyhalite

This consultation ran for four weeks from 12 May 2011 until 09 June 2011.

1. Background and proposals

- 1.1. In the UK fertilisers have been subject to some regulatory controls for over 100 years. The Fertilisers Regulations 1991 ("The Regulations") were made under the Agriculture Act 1970. Schedule 1 of The Regulations lists materials which, when sold as a fertiliser, must comply with the relevant prescribed description listed in Schedule 1. The Regulations also require that when a person sells a fertiliser listed in Schedule 1 they must provide a statement about the nature and substance of the fertiliser and mark it in accordance with regulations. The Regulations are enforced by local authority trading standards officers.
- 1.2. Polyhalite - formula $K_2Ca_2Mg(SO_4)_4 \cdot 2(H_2O)$ - is a naturally occurring material: an evaporite mineral formed from the dried-up bed of an ancient sea or ocean. It has relatively low requirements for processing and little environmental risk when applied to land.
- 1.3. The consultation invited comments on the proposed amendment making Polyhalite a product prescribed under Schedule 1 of The Regulations. This technical addition introduces standards for the description, meaning, declared nutrient content and limits of variation for Polyhalite when it is sold as a fertiliser.

2. Responses

- 2.1. Two written consultation responses were received during the consultation period.
- 2.2. One response was received from Cleveland Potash Ltd who agreed that the inclusion of Polyhalite in Section E the Fertiliser Regulations 1991 was appropriate, as were the wording, definitions and tolerances detailed in the proposed entry for this naturally occurring mineral. They also agreed to the minimum of 40% SO₃ level for the product.
- 2.3. One response was received from the Potash Development Association. They also agreed that the addition of the mineral Polyhalite to Section E was appropriate and necessary. They stated that Polyhalite is likely to become available on the UK market and the current Regulations have no appropriate classification category for this product. They also agreed that the descriptions of the product were correct and that the Declarations any Limits of variation are appropriate for this naturally occurring mineral.

3. The Way Forward

- 3.1. Defra propose to make the amendment regulations based on the technical content in the consultation draft. Defra and the Scottish Government are in discussions over whether the amendment regulations will apply in Scotland and England and Wales, or just in England and Wales.

3.2. The amendment regulations will come into force later this year, 21 days after they have been laid before Parliament.