

Background

Under authority granted by House Bill 2546 (80th Texas State Legislature), the Office of the Texas State Chemist (OTSC) regulates the sale of ammonium nitrate and ammonium nitrate material. This law places limits on the sale of ammonium nitrate to prevent its use for terrorist attacks against the U.S. As required by the law, OTSC has adopted rules for the enforcement of this regulation. Revised provisions of the Texas Commercial Fertilizer Rule §65.6 are effective June 30, 2014. Companies that produce, store, transfer, offer for sale, or sell ammonium nitrate and ammonium nitrate material should be aware of these and other state and federal laws and rules. View [Ammonium Nitrate Requirements for Texas](#) (15 min. video) to learn more.

Complying with State and Federal Regulations

All firms that produce, store, transfer, offer for sale, or sell ammonium nitrate or ammonium nitrate materials in Texas are required to comply with state and federal laws and rules. To prepare for compliance:

Steps Toward to Compliance

1. **Submit the OTSC Ammonium Nitrate application**
2. **Prepare for the Ammonium Nitration Inspection**
 - a. Train your employees in all aspects of the law, rules, policies, and procedures for the sale of ammonium nitrate and keep training records
 - b. Maintain supplier information (e.g. bill of lading, contracts, etc.)
 - c. Maintain sales records
 - d. Establish and maintain ongoing inventory control procedures
 - e. Perform daily inspections to check for signs of vandalism, verify structural integrity, and ensure that your facility is fenced or otherwise secured and locked when unattended; and keep inspection records
 - f. Register storage facilities with the Texas Commission on Environmental Quality (TCEQ) Tier II Chemical Reporting Program
 - g. Submit storage facility information to the Department of Homeland Security (DHS) through the online Chemical Security Awareness Tool
 - h. Post National Fire Protection Association (NFPA) 704 Warning Placards at storage areas
 - i. Store ammonium nitrate and ammonium nitrate materials in a separate structure, which may also contain other non-combustible fertilizer. Items that may not be stored in the AN structure include: combustible or flammable materials; equipment with an internal combustion engine; or potential sources of ignition. A minimum of 30 feet must separate the AN structure from other combustible or flammable material including but not limited to structures constructed of flammable material, fuels and oils, hay bales, wood chips, other organic material, or charcoals.
 - j. Know your local fire department contact(s).

3. **Pay your annual permit fee of \$75.00 to OTSC (ATTN: Registration)**

4. **Display your OTSC Ammonium Nitrate Permit in conspicuous public view**
5. **Immediately report vandalism, theft, unauthorized access, refusal of sale, or other suspicious activity to OTSC by phone, fax, or email.**

Resources

[OTSC Ammonium Nitrate Application](#)

[Ammonium Nitrate Requirements for Texas](#)
(15 min. video)

[OTSC Ammonium Nitrate Sales Record](#)

[Example Daily Security Inspection Procedure](#)

[Example Daily Security Inspection Checklist](#)

[TCEQ Tier II Chemical Reporting Program](#)
<https://www.tceq.texas.gov/permitting/tier2>

[DHS CSAT Registration](#)
<http://www.dhs.gov/register-access-csat>

[NFPA Code 704 \(2012\)](#)
<http://www.nfpa.org>

[Texas Fire Department Directory](#)
<http://tfsfrp.tamu.edu/fdd/directory>

Office of the Texas State Chemist
P.O. Box 3160
College Station Texas, 77841-1389

[OTSC Suspicious Activity Report](#)

OTSC Inspection and Enforcement

OTSC Feed and Fertilizer Control Service investigators complete the [OTSC Ammonium Nitrate Inspection Form](#) as they inspect firms that produce, store, transfer, offer for sale, or sell ammonium nitrate or ammonium nitrate materials in Texas.

For more information: <http://otscweb.tamu.edu/Risk/AmNitrate>