

New Mexico Administrative Code

Title 21, Chapter 18, Part 2 Fertilizer Products



NEW MEXICO DEPARTMENT OF AGRICULTURE
Las Cruces, New Mexico

TITLE 21 AGRICULTURE AND RANCHING
CHAPTER 18 SEEDS, FEEDS, AND FERTILIZERS
PART 2 FERTILIZER PRODUCTS

21.18.2.1 ISSUING AGENCY: New Mexico State University New Mexico Department of Agriculture
[7/1/97; 21.18.2.1 NMAC - Rn & A, 21 NMAC 18.2.1, 05/29/09]

[MSC 3189, Box 30005, Las Cruces, New Mexico 88003-8005, Telephone No. (575) 646-3007]

21.18.2.2 SCOPE: Part 2 shall apply to any person distributing fertilizer or soil conditioner
products in New Mexico.

[7/1/97; 21.18.2.2 NMAC - Rn, 21 NMAC 18.2.2, 05/29/09]

21.18.2.3 STATUTORY AUTHORITY: Granted to the board of regents of New Mexico state
university under the New Mexico Fertilizer Act, Chapter 76, Article 11, Sections 1 through 20, New
Mexico Statutes Annotated 1978 Compilation.

[7/1/97; 21.18.2.3 NMAC - Rn, 21 NMAC 18.2.3, 05/29/09; A, 09/30/13]

21.18.2.4 DURATION: Permanent.

[7/1/97; 21.18.2.4 NMAC - Rn, 21 NMAC 18.2.4, 05/29/09]

21.18.2.5 EFFECTIVE DATE: July 1, 1997

[7/1/97; 21.18.2.5 NMAC - Rn, 21 NMAC 18.2.5, 05/29/09]

21.18.2.6 OBJECTIVE: The objective of Part 2 of Chapter 18 is to protect the consumers of
fertilizer and soil conditioner products by establishing standards for the labeling and sale of plant food
products.

[7/1/97; 21.18.2.6 NMAC - Rn, 21 NMAC 18.2.6, 05/29/09]

21.18.2.7 DEFINITIONS: "Guaranteed analysis" means the minimum percentage of plant nutrients claimed in the order and form as prescribed in 21.18.2.9 NMAC.

[7/1/97; 21.18.2.7 NMAC - Rn, 21 NMAC 18.2.7, 05/29/09]

21.18.2.8 EXEMPTIONS TO DEFINITIONS: The following materials are hereby declared exempt from the definition of soil conditioners: peat moss, bark perlite and vermiculite; provided that no claims are made as outlined in 76-11-3R, NMSA 1978.

[7/1/97; 21.18.2.8 NMAC - Rn, 21 NMAC 18.2.8, 05/29/09]

21.18.2.9 LABELING:

A. The minimum percentage of primary plant nutrients claimed by a fertilizer product shall appear on the product label in the following order and form.

total nitrogen (N)..... _____%

_____ % ammoniacal nitrogen

_____ % nitrate nitrogen

_____ % water insoluble nitrogen

_____ % urea nitrogen

_____ % (other recognized and determinable forms of N)

available phosphate (P_2O_5)..... _____%

soluble potash (K_2O)..... _____%

(other nutrients, elemental basis as prescribed in Subsection B of 21.18.2.9 NMAC).. _____%

B. In addition to nitrogen, phosphorus, and potassium, other plant nutrients, when mentioned in any form or manner, shall be registered and shall be guaranteed. Guarantees shall be made on the elemental basis. Sources of the elements guaranteed and proof of availability shall be provided to the department upon request. Guarantees or claims for the following plant nutrients are the only ones which will be accepted. Unless excluded, the minimum percentages which will be accepted for registration are as follows:

<u>element</u>	<u>percent</u>
calcium (Ca)	1.00
magnesium (Mg)	0.50
sulfur (S)	1.00
boron (B)	0.02
chlorine (Cl)	0.10
cobalt (Co)	0.0005
copper (Cu)	0.05
iron (Fe)	0.10
manganese (Mn)	0.05
molybdenum (Mo)	0.0005
nickel (Ni)	0.0010
sodium (Na)	0.10
zinc (Zn)	0.05

C. Levels below the percentages in Subsection B of 21.18.2.9 NMAC may be allowed provided that:

(1) justification is furnished by research data or other professional sources to satisfy the department that any of these minimum percentages would be detrimental to specific plants, or

(2) a commercial fertilizer is formulated according to specifications which are furnished by a consumer prior to mixing.

D. Proposed labels and directions for the use of the fertilizer shall be furnished with the application for registration upon request. Any of the preceding listed elements which are guaranteed shall appear in the order listed immediately following guarantees for the primary nutrients of nitrogen, phosphorus, and potassium.

E. Sources of nutrients, when shown on the label, shall be listed below the completed guaranteed analysis statement.

F. The label shall display:

(1) directions for use which include both an amount to be applied per unit area and a frequency of use per year; or

(2) a statement which says in effect, “for the agronomic application rates suitable for your geographical area or the maximum allowable non-nutrient application rates per acre, consult a trained soil specialist or write to (name and address of manufacturer/guarantor).”

G. A warning or caution statement is required on the label for any product which contains 0.03% or more of boron in water soluble form. This statement shall carry the word "warning" or "caution" conspicuously displayed, shall state the crop(s) for which the fertilizer is to be used, and state that the use of the fertilizer on any other than those recommended may result in serious injury to the crop(s).

H. Products containing 0.001% or more of molybdenum also require a warning statement on the label. This shall include the word "warning" or "caution" and the statement that the application of fertilizers containing molybdenum may result in forage crops containing levels of molybdenum which are toxic to ruminant animals.

I. The names and definitions for fertilizers shall be those adopted by the association of American plant food control officials.

J. Animal manure materials are permitted to be labeled in cubic feet rather than net weight.

K. Beneficial substances or compounds guarantees shall appear under the heading “contains beneficial substances” or “contains beneficial compounds.”

contains beneficial substances

beneficial substance.% or acceptable units

purpose statement:

or

contains beneficial compounds

beneficial compound.....% or acceptable units

purpose statement:

L. Bulk soil conditioner labeling in addition to requirements of 76-11-5 NMSA 1978:

(1) Net weight or volume basis

(2) Product claim(s) allowable for use:

(a) improves soil structure and porosity - creating a better plant root environment;

(b) increases moisture infiltration and permeability and reduces bulk density of heavy soils - improving moisture infiltration rates and reducing erosion and runoff;

- (c) improves the moisture holding capacity of light soils - reducing water loss and nutrient leaching and improving moisture retention;
- (d) improves the cation exchange capacity (CEC) of soils;
- (e) supplies organic matter;
- (f) aids the proliferation of soil microorganisms;
- (g) supplies beneficial microorganisms to soils and growing media;
- (h) encourages vigorous root growth;
- (i) allows plants to more effectively utilize nutrients while reducing nutrient loss by leaching;
- (j) enables soils to retain nutrients longer;
- (k) contains humus - assisting in soil aggregation and making nutrients more available for plant uptake;
- (l) buffers soil pH.

(3) Feedstock statement: list of feedstocks from which the compost was derived.

[7/1/97; 21.18.2.9 NMAC - Rn, 21 NMAC 18.2.9, 05/29/09; A, 09/30/13]

21.18.2.10 ANHYDROUS AMMONIA: [REPEALED]

[7/1/97; 21.18.2.10 NMAC - Rn, 21 NMAC 18.2.10, 05/29/09]

21.18.2.11 INSPECTION FEE: An inspection fee of thirty-five cents (.35) per ton is hereby established to be effective on all commercial fertilizer and soil conditioners.

[7/1/97; 21.18.2.11 NMAC - Rn, 21 NMAC 18.2.11, 05/29/09]

21.18.2.12 SAMPLING-ANALYSIS: The methods of sampling and analysis shall be those of the association of official analytical chemists international. In cases not covered by such methods, or in cases where methods are available in which improved applicability has been demonstrated, the state chemist may adopt such appropriate methods from other sources.

[7/1/97; 21.18.2.12 NMAC - Rn, 21 NMAC 18.2.12, 05/29/09]

HISTORY OF 21.18.2 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

NMDA Rule 67-4, Anhydrous Ammonia, Regulatory Order No. 2, filed 12/5/67.

NMDA Rule 67-7, 1968 Fertilizer Values, Regulatory Order No. 1 (Amended), filed 12/5/67.

NMDA Rule 69-3, 1969 Fertilizer Values, Regulatory Order No. 1 (Amended), filed 3/5/69.

NMDA Rule 69-8, 1970 Fertilizer Values, Regulatory Order No. 1 (Amended), filed 11/26/69.

NMDA Rule 70-4, 1971 Fertilizer Values, Regulatory Order No. 1 (Amended), filed 12/24/70.

NMDA Rule 71-3, 1972 Fertilizer Values, Regulatory Order No. 1 (Amended), filed 12/15/71.

NMDA Rule 72-7, 1973 Fertilizer Values, Regulatory Order No. 1 (Amended), filed 11/20/72.

NMDA Rule 73-9, 1974 Fertilizer Values, Regulatory Order No. 1 (Amended), filed 11/27/73.

NMDA Rule 74-8, 1975 Fertilizer Values, Regulatory Order No. 1 (Amended), filed 12/16/74.

NMDA Rule 75-4, Regulatory Order No. 3, Fertilizer Regulations, filed 9/15/75.

NMDA Rule 75-4, Amendment No. 1, Regulatory Order No. 4, Fertilizer Inspection Fee, filed 9/28/76.

NMDA Rule 76-2, 1976 Fertilizer Values, Regulatory Order No. 1 (Amended), filed 2/4/76.

NMDA Rule 77-1, 1977 Fertilizer Values, Regulatory Order No. 1 (Amended), filed 1/6/77.

NMDA Rule 77-3, 1977 Fertilizer Values, Regulatory Order No. 1 (Amended), filed 2/14/77.

NMDA Rule 77-8, 1978 Fertilizer Values, Regulatory Order No. 1 (Amended), filed 12/7/77.

NMDA Rule 78-1, 1978 Fertilizer Values, Regulatory Order No. 1 (Amended), filed 3/3/78.

NMDA Rule 78-5, 1979 Fertilizer Values, Regulatory Order No. 1 (Amended), filed 12/11/78.

NMDA Rule 79-6, 1980 Fertilizer Values, Regulatory Order No. 1 (Amended), filed 12/21/79.

NMDA Rule 81-1, 1981 Fertilizer Values, Regulatory Order No. 1 (Amended), filed 3/20/81.

NMDA Rule 82-1, 1982 Fertilizer Values, Regulatory Order No. 1 (Amended), filed 2/3/82.

NMDA Rule 83-2, 1983 Fertilizer Values, Regulatory Order No. 1 (Amended), filed 2/16/83.

NMDA Rule 83-6, 1984 Fertilizer Values, Regulatory Order No. 1 (Amended), filed 12/12/83.

NMDA Rule 84-4, 1985 Fertilizer Values, Regulatory Order No. 1 (Amended), filed 11/26/84.

NMDA Rule 85-8, 1986 Fertilizer Values, Regulatory Order No. 1 (Amended), filed 12/20/85.

NMDA Rule 86-4, 1987 Fertilizer Values, Regulatory Order No. 1 (Amended), filed 12/10/86.

NMDA Rule 87-7, 1988 Fertilizer Values, Regulatory Order No. 1 (Amended), filed 12/16/87.

Rule 88-3, 1989 Fertilizer Values, Regulatory Order No. 1 (Amended), filed 12/19/88.

NMDA Rule 89-4, 1990 Fertilizer Values, Regulatory Order No. 1 (Amended), filed 12/15/89.

NMDA Rule 90-8, 1991 Fertilizer Values, Regulatory Order No. 1 (Amended), filed 12/18/90.

NMDA Rule 91-4, 1992 Fertilizer Values, Regulatory Order No. 1 (Amended), filed 12/19/91.

NMDA Rule 92-5, 1993 Fertilizer Values, Regulatory Order No. 1 (Amended), filed 12/4/92.

NMDA Rule 93-16, 1994 Fertilizer Values, Regulatory Order No. 1 (Amended), filed 12/9/93.

NMDA Rule 94-6, 1995 Fertilizer Values, Regulatory Order No. 1 (Amended), filed 12/2/94.

History of Repealed Material:

21 NMAC 18.2.10, Anhydrous Ammonia repealed, 7/1/97.