



## New Mexico Department of Agriculture Feed, Seed and Fertilizer Program *Fertilizer/Soil Conditioner Registration Fact Sheet*

### Fertilizers and Soil Conditioners Requiring Registration:

- The New Mexico Fertilizer Act (NMFA) Section 76-11-4 A states that “each brand and grade of commercial fertilizer and each soil conditioner product shall be registered before being distributed in this state”.
- A commercial fertilizer is defined in Section 76-11-3 as “any substance which contains one or more recognized plant nutrients and which is used for its plant nutrient content, and which is designed for use or claimed to have value in promoting plant growth (except unmanipulated animal and vegetable manures, marl limes, limestone, wood ashes, gypsum and other products exempted by regulation of the board.
- A soil conditioner is defined in Section 76-11-3 as “any substance or mixture of substances intended for sale, offered for sale or sold for manurial, soil enriching or soil corrective purposes or intended to be used for promoting or stimulating the growth of plants, increasing the productivity of plants, improving the quality of crops or producing any chemical or physical change in the soil, except commercial fertilizer as defined in NMFA Section 76-11-3, unmanipulated animal and vegetable manures and other products exempted by regulation of the board.

### Fertilizers and Soil Conditioners Exempted from Registration:

- Customer-formula mixes are exempt from registration, however, are still required to comply with labeling requirements and are required to report tonnage.

### Product Registration Fees:

- There is a product registration fee of \$5.00 per product.

### Inspection Fees:

- A \$10.00 inspection fee is established for commercial fertilizers/soil conditioners distributed in individual packages of five (5) pounds or less.
  - Sample size containers are NOT exempt from this fee.
- A tonnage fee of \$0.35 per ton is to be reported and paid quarterly (to NMDA), for all fertilizer/soil conditioners distributed in packages greater than 5 pounds.
- For products distributed in packages of 5 pounds or less **AND** in packages over 5 pounds the annual inspection fees of \$10.00 for the small package sizes is due as well as the \$0.35 per ton inspection fee for products distributed in packages over 5 pounds.

### Expiration Dates:

- Registrations expire annually on December 31.
- Registration Renewal Applications are mailed to registrants approximately six (6) weeks before the expiration date.

- New products can be added to the renewal application or registered at any time during the year using the regular product registration application.

#### Registration Application Components:

- A completed NMDA Application of Commercial Fertilizers and Soil Conditioners
  - Companies currently registered with NMDA **MUST** include their company ID # on application forms.
- Registration Fee of \$5.00 for **each product**, regardless of package weight(s).
- Annual Inspection fees of \$10.00 for packages of 5 pounds or less.
  - For packages over 5 pounds, the tonnage fees are due within 30 days after the close of each calendar quarter, even if there are no tonnage fees to be paid.
    - If the quarterly report is not filed or is filed after the 30 day period, there is a penalty of 10% or \$10.00, whichever is greater, and is due *in addition* to the tonnage fees due.
- A complete legible (when not magnified) copy of the original fertilizer/soil conditioner product label(s) is preferred.

#### Label Specifications for Application:

- The label submitted with the registration application should be the label that will be affixed to the product when distributed. (Actual container labels are preferred).
  - UPC numbers or other unique identifiers for the product are helpful.
- For products marketed in multiple size containers, it IS necessary to submit labels for all different package sizes.
  - Only **ONE** registration fee must be paid if the product labels are the same except for size.
- Labels submitted with the application form for registration must be submitted on an 8 ½" x 11" piece of paper or be mounted on an 8 ½" x 11" sheet, whenever possible.

#### Label Changes/Revisions:

- Changes in the brand name, trade name, logo, label design or guarantee require the submission of a new label **AND** a completed Label Revision Notification Form.
  - **The NMDA product ID # must be noted on the revised label submitted to NMDA.**

#### Formulation Changes/Revisions:

- For information concerning formulation revisions please contact NMDA at 505-646-3107.
- Formulation revision may require the submission of a new product registration packet, especially if the old product still remains in the marketplace.

#### Company Name Changes:

- Changes to any currently registered company names and addresses should be submitted in writing to this department, including the contact person who handles registrations.
- If name change results in changes to product labels, updated product labels must be submitted.
- If distributing products under the old **AND** new company names, an additional registration application and inspection fees will be required.

#### Action Taken on Unregistered Products:

- The manufacturer will be notified of the violation by NMDA Bureau of Feed, Seed and Fertilizer.
- Products are also subject to a stop-sale order and removal from the marketplace, if the company fails to register the product.
  - Continued violations may result in an immediate stop-sale order when additional unregistered products are found.