

CHAPTER 69
COMMERCIAL FERTILIZERS AND
SOIL CONDITIONERS

Authority

N.J.S.A. 4:9-15.26 and 15.33.

Source and Effective Date

R.2009 d.295, effective September 2, 2009.
See: 41 N.J.R. 2366(a), 41 N.J.R. 3793(b).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 69, Commercial Fertilizers and Soil Conditioners, expires on September 2, 2016. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 69, Commercial Fertilizers and Soil Conditioners, was adopted as R.1970 d.105, effective September 1, 1970. See: 2 N.J.R. 61(a), 2 N.J.R. 81(a).

Pursuant to Executive Order 66(1978), Chapter 69, Commercial Fertilizers and Soil Conditioners, was readopted as R.1983 d.412, effective September 7, 1983. See: 15 N.J.R. 1206(b), 15 N.J.R. 1647(b). Pursuant to Executive Order No. 66(1978), Chapter 69 expired on September 7, 1988.

Chapter 69, Commercial Fertilizers and Soil Conditioners, was adopted an new rules by R.1988 d.527, effective November 7, 1988. See: 20 N.J.R. 1673(a), 20 N.J.R. 2750(a). Pursuant to Executive Order No. 66(1978), Chapter 69 expired on November 7, 1993.

Chapter 69, Commercial Fertilizers and Soil Conditioners, was adopted as new rules by R.1993 d.688, effective December 20, 1993. See: 25 N.J.R. 4544(a), 25 N.J.R. 5917(a). Pursuant to Executive Order No. 66(1978), Chapter 69 expired on December 20, 1998.

Chapter 69, Commercial Fertilizers and Soil Conditioners, was adopted as new rules by R.1999 d.63, effective March 1, 1999. See: 30 N.J.R. 4094(a), 31 N.J.R. 637(c).

Administrative change: Pursuant to Reorganization Plan No. 03-2002, the Division of Dairy and Commodity Regulation was renamed Division of Marketing and Development, effective February 27, 2003. See: 35 N.J.R. 3(a), 35 N.J.R. 1539(b).

Chapter 69, Commercial Fertilizers and Soil Conditioners, was re-adopted as R.2004 d.230, effective May 25, 2004. See: 36 N.J.R. 1153(a), 36 N.J.R. 3055(b).

Chapter 69, Commercial Fertilizers and Soil Conditioners, was re-adopted as R.2009 d.295, effective September 2, 2009. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS

2:69-1.1 Plant nutrients in addition to nitrogen, available phosphoric acid and potassium

(a) Plant nutrients, beside nitrogen, phosphorus and potassium, 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 shall be shown on the application for a license. The minimum percentages which will be accepted for licensing are as follows:

Element	Percent
Calcium (Ca)	1.00
Magnesium (Mg)	0.50
Sulphur (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
Sodium (Na)	0.10
Zinc (Zn)	0.05

(b) Guarantees or claims for the above listed nutrients are the only ones which will be accepted. Proposed labels and directions for use of the fertilizer shall be furnished with the application for the license upon request. Warning or caution statements are required for registration on the label for any product which contains 0.03 percent or more of boron in a water-soluble form or 0.001 percent or more of molybdenum. Any of the above listed elements which are guaranteed shall appear in the order listed, immediately following guarantees for the primary nutrients, nitrogen, phosphorus, and potassium.

2:69-1.2 Investigational allowances for primary nutrients

(a) A commercial fertilizer shall be deemed to be deficient if the analysis of any nutrient is below the guarantee by an amount exceeding the values in the following schedule, or if the overall Index Value of the fertilizer is below 98 percent. When the deviation from the guarantee is not in excess of the amounts shown, the fertilizer shall be considered as substantially meeting its guarantee. If the deviation is greater than the value shown, but less than twice the value shown, a warning shall be issued. If the deviation exceeds twice the value shown, the fertilizer shall be considered seriously defi-

cient and subject to a penalty. When the Index Value falls between 98 percent and 95 percent a warning shall be issued. If the Index Value falls below 95 percent, the fertilizer shall be considered seriously deficient and subject to a penalty.

Guarantee percent	Nitrogen percent	Available Phosphoric Acid percent	Potash percent
4 or less	0.49	0.67	0.41
5	0.51	0.67	0.43
6	0.52	0.67	0.47
7	0.54	0.68	0.53
8	0.55	0.68	0.60
9	0.57	0.68	0.65
10	0.58	0.69	0.70
12	0.61	0.69	0.79
14	0.63	0.70	0.87
16	0.67	0.70	0.94
18	0.70	0.71	1.01
20	0.73	0.72	1.08
22	0.75	0.72	1.15
24	0.78	0.73	1.21
26	0.81	0.73	1.27
28	0.83	0.74	1.33
30	0.86	0.75	1.39
32 or more	0.88	0.76	1.44

For guarantees not listed, calculate the appropriate value by interpolation.

For these investigational allowances to be applicable, the recommended Association of Official Analytical Chemists' procedures for obtaining samples, sample preparation and analysis must be used.

(b) For WIN (Water Insoluble Nitrogen), deviations of ten per cent and 20 per cent respectively shall be used to determine whether a warning or penalty is appropriate.

Example:

3% WIN	
Pass	3.0 - 2.7
Warn	2.69 - 2.4
Penalty below	2.4

2:69-1.3 Investigational allowances for secondary and micro nutrients

Secondary (Calcium, Magnesium and Sulfur) and micro nutrients shall be deemed deficient if any element is below the guarantee by an amount exceeding the values in the following schedule. If the deviation is greater than the value shown, but less than twice the value shown, a warning shall be issued. If the deviation exceeds twice the value shown, the fertilizer shall be considered seriously deficient and subject to a penalty.

ELEMENT	ALLOWABLE DEFICIENCY
Calcium	
Magnesium	0.2 unit plus + 5% of guarantee
Sulfur	
Boron	0.003 unit plus 15% of guarantee

ELEMENT	ALLOWABLE DEFICIENCY
Cobalt	
Molybdenum	0.0001 unit plus 30% of guarantee
Chlorine	
Copper	
Iron	0.005 unit plus 10% of guarantee
Manganese	
Sodium	
Zinc	

The maximum allowance when calculated in accordance to above shall be one unit (one per cent).

2:69-1.4 Labeling and distribution of soil conditioners

(a) Any soil conditioner offered for sale or sold or distributed in this State, in bags, barrels or other containers shall have placed on, or affixed to the container, the following data in the following order:

1. Net Weight or Volume.
2. The words: "A Soil Conditioner".
3. Brand Name (which shall not be misleading).
4. Ingredient list using the common or usual English name of each component in the soil conditioner product at the time of blending or mixing. The type size of which shall be no smaller than eight point bold face capital letters.
5. Name and address of the licensee.
6. All data shall be printed in type that is plainly legible either directly on the package or on tags affixed to the end of the package. When a tag is used all information required by this Section shall appear on the tag.

(b) The statement "A Soil Conditioner" shall be printed in easily legible type which is in contrast by typography, layout or color with other printed matter on the label and which is of a size equal to or larger than the largest printing on the container, or tag, as the case may be.

(c) All labels or facsimiles thereof shall be submitted to the State Chemist for approval by July 1 of each year. Disapproval shall be made in writing to the licensee submitting the label. In the case of disapproval, the reasons therefore shall be clearly stated. The State Chemist shall approve all labels which comply with this regulation.

(d) If transported in bulk, the data in written form, as required by subsection (a) of this Section above shall accompany delivery and be supplied with each and every delivery.

2:69-1.5 Specialty fertilizer labels

The following information, if not appearing on the face or display side in a readable and conspicuous form, shall occupy at least the upper third of a side of the container and shall be considered the label.