

(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.

	Net Weight
Brand Name	
Grade	
Guaranteed Analysis;	
Total Nitrogen (N)	%
.....	% Ammoniacal Nitrogen**
.....	% Nitrate Nitrogen**
.....	% Water Insoluble Nitrogen*
Available Phosphoric Acid (P ₂ O ₅)	%
Soluble Potash (K ₂ O)	%

Additional Plant Nutrients as prescribed by regulation.

**Potential Acidity or Basicity % or ... lbs. Calcium Carbonate Equivalent per ton.
Name and Address of the licensee.

Notes:
*If claimed or the statement "organic" or "slow acting nitrogen" is used on the label.
**If Claimed.

2:69-1.6 Slowly available plant nutrients

(a) No fertilizer label shall bear a statement that connotes or infers the presence of a slowly available plant nutrient, unless the nutrient or nutrients are identified.

(b) When a fertilizer label infers or connotes that the nitrogen is slowly available through use of organic, organic nitrogen ureaform, long lasting or similar terms, the guaranteed analysis must indicate the percentage of water insoluble nitrogen in the material.

(c) To supplement (b) above, it should be established that if a label states the amount of organic nitrogen present in a phrase, such as "25 percent of the nitrogen from ureaformaldehyde (ureaform)," then the water insoluble nitrogen guarantee must be not less than 60 percent of the nitrogen so designated.

Example:
10-6-4 Rose Food
25% of nitrogen is organic
10 (Total N) X .25 (% N claimed as organic) X .60
Average insolubility in H₂O of organic nitrogen sources
= 1.5% WIN

(d) When the water insoluble nitrogen is less than 15 percent of the total nitrogen, the label shall bear no references to any designations, such as stated in (b) above.

(e) The term "Coated-Slow Release Fertilizer," or "Coated-Slow Release" be accepted as descriptive of products.

(f) Further, the phrases in (e) above may be allowed for any products than can show a testing program substantiating of the claim. (Testing under guidance of Experiment Station personnel, or a recognized reputable researcher, etc.) Coated-slow release nitrogen must be guaranteed at the 15 percent of total nitrogen level as in organic materials.

(g) The types of slowly released nitrogen products recognized are:

1. Water insoluble, such as natural organics, ureaformaldehyde, oxamide, and insobutylidene diurea (IBDU);
2. Coated-slow release formulations, such as sulfur coated urea and other encapsulated soluble fertilizers; and
3. Occluded slowly released where fertilizers or fertilizer materials are mixed with waxes, resins, or other inert materials and formed into particles.

(h) The term "water insoluble nitrogen" is acceptable only when material in (g)1 above is used. Until more appropriate methods are developed, AOAC method 2.074 (13th ED) (including all further amendments and supplements thereto) is to be used to test coated-slow release and occluded slow release nutrients in (g)2 and 3 above. AOAC 2.072 (13th ED) (including all further amendments and supplements thereto) is to be used to test coated-slow release and occluded slow release nutrients in (g)2 and 3 above. AOAC 2.072 (13th ED) (including all further amendments and supplements thereto) shall be used to determine the water insoluble nitrogen in (g)1 above.

As amended, R.1982 d.159, eff. May 17, 1982.
See: 14 N.J.R. 258(a), 14 N.J.R. 471(b).
(f): "coated-slow release" was "water insoluble".
(g): Text deleted and replaced with new through (g)3.
(h) added.

2:69-1.7 General methodology for sampling and laboratory analyses

(a) The Department of Agriculture adopts as a rule and incorporates herein by reference the general methods for sampling and laboratory analyses set forth in the 15th (1990)

edition of the Official Publication of the Association of Analytical Chemists, Inc., as amended and supplemented.

(b) A copy of the 15th (1990) edition of the official methods of the Association of Official Analytical Chemists (AOAC) is on file in the Director's Office, Division of Regulatory Services, New Jersey Department of Agriculture, Health and Agriculture Building, John Fitch Plaza, Trenton, New Jersey 08625. Copies may be procured by writing to AOAC, Fulfillment Coordinator, 2200 Wilson Boulevard, Arlington, Virginia 22201-3301.

Amended by R.1993 d.688, effective December 20, 1993.
See: 25 N.J.R. 4544(a), 25 N.J.R. 5917(a).

2:69-1.8 General rules regarding fertilizers

(a) The Department of Agriculture adopts as a rule and herein incorporates by reference each annual edition, in turn, of the Official Publication of the Association of American Plant Food Control Officials, Inc.

(b) A copy of the current edition of the Official Publication of the American Plant Food Control Officials is on file in the Director's Office, Division of Regulatory Services, New Jersey Department of Agriculture, Health and Agriculture Building, John Fitch Plaza, Trenton, New Jersey 08625. Copies may be procured by writing to Joel M. Padmore, North Carolina Department of Agriculture, 4000 Reedy Creek Road, Raleigh, NC 27607.

Amended by R.1993 d.688, effective December 20, 1993.
See: 25 N.J.R. 4544(a), 25 N.J.R. 5917(a).

2:69-1.9 Net contents

In lieu of net weight, fluid measure may be used for specialty fertilizers in liquid form when the containers are of one gallon or less.

2:69-1.10 Penalties

When an official analysis shows that a commercial fertilizer or soil conditioner is deficient in one or more of its guaranteed secondary or micro nutrients beyond the investigational allowance as established by N.J.A.C. 2:69-1.3, a penalty of \$20.00 shall be assessed by the State Chemist against the licensee plus \$5.00 per ton or fraction thereof. All penalties assessed under this regulation shall be prorated to the purchaser(s), or to a consumer(s) who thereafter received possession of a lot represented by the sample analyzed, within 60 days after the date of notice from the State Chemist to the licensee. Receipts shall be obtained and forwarded promptly to the State Chemist by the licensee. If the purchaser(s) or consumer(s) cannot be found, the amount of the penalty shall be paid to the State Treasurer.

Amended by R.1993 d.688, effective December 20, 1993.
See: 25 N.J.R. 4544(a), 25 N.J.R. 5917(a).

2:69-1.11 Commercial values

(a) The State Board of Agriculture, pursuant to N.J.S.A. 4:9-15.26, determines the commercial values of primary plant nutrients to be:

1. Nitrogen: \$5.00 per unit;
2. Slowly released nitrogen:
 - i. Water insoluble nitrogen: \$9.50 per unit;
 - ii. Coated available nitrogen: \$6.00 per unit;
3. Available phosphoric acid: \$4.00 per unit;
4. Soluble potash: \$4.00 per unit.

(b) These values shall be effective from July 1, 1997 through June 30, 1998.

R.1971 d.185, effective October 20, 1971.

See: 3 N.J.R. 174(a), 3 N.J.R. 218(b).

Amended by R.1973 d.198, effective July 25, 1973.

See: 5 N.J.R. 214(a), 5 N.J.R. 255(c).

Amended by R.1975 d.188, effective July 1, 1975.

See: 7 N.J.R. 246(a), 7 N.J.R. 290(b).

Amended by R.1976 d.203, effective July 1, 1976.

See: 8 N.J.R. 369(a).

Amended by R.1977 d.266, effective July 27, 1977.

See: 9 N.J.R. 403(a).

Amended by R.1978 d.197, effective July 1, 1978.

See: 10 N.J.R. 270(a).

Amended by R.1979 d.288, effective June 11, 1979.

See: 11 N.J.R. 222(a), 11 N.J.R. 315(b).

Amended by R.1980 d.238, effective June 2, 1980.

See: 12 N.J.R. 247(b), 12 N.J.R. 378(a).

Amended by R.1981 d.172, effective June 4, 1981.

See: 13 N.J.R. 114(c), 13 N.J.R. 318(c).

(a) 1, 3, 4: "\$3.50", "\$2.80", and "\$1.80" were "\$3.30", "\$2.65", and "\$1.60". (b) Values made effective until June 30, 1982.

Amended by R.1982 d.236, effective August 2, 1982.

See: 14 N.J.R. 402(a), 14 N.J.R. 833(c).

(a) 4: \$2.00 was \$1.80. (b): 1982 was 1981; 1983 was 1982.

Amended by R.1983 d.412, effective October 3, 1983.

See: 15 N.J.R. 1206(b), 15 N.J.R. 1647(b).

Amended by R.1984 d.233, effective June 18, 1984.

See: 16 N.J.R. 782(b), 16 N.J.R. 1471(b).

Phosphoric acid changed from "\$2.80" per unit to "\$3.00" per unit.

Amended by R.1985 d.266, effective June 3, 1985.

See: 17 N.J.R. 764(a), 17 N.J.R. 1407(b).

(b) amended from "July 1, 1984 to June 30, 1985" to "July 1, 1985 through June 30, 1986".

Amended by R.1986 d.198, effective June 2, 1986.

See: 18 N.J.R. 586(a), 18 N.J.R. 1193(a).

Amended to July 1, 1986 through June 30, 1987.

Amended by R.1987 d.275, effective July 6, 1987.

See: 19 N.J.R. 484(a), 19 N.J.R. 1184(b).

Amended to July 1, 1987 through June 30, 1988.

Amended by R.1988 d.284, effective June 20, 1988.

See: 20 N.J.R. 696(a), 20 N.J.R. 1343(a).

(a) 1 and 2 raised to \$4.00 and \$3.00 from \$3.50 and \$3.00. (b) effective date was July 1, 1987 through June 30, 1988.

Amended by R.1989 d.326, effective June 19, 1989.

See: 21 N.J.R. 813(a), 21 N.J.R. 1668(b).

At (b), effective dates changed from July 1, 1988 through June 30, 1989 to July 1, 1989 through June 30, 1990.

Amended by R.1990 d.353, effective July 16, 1990.

See: 22 N.J.R. 1295(b), 22 N.J.R. 2140(a).

At (b), effective dates changed to July 1, 1990 through June 30, 1991.

Amended by R.1991 d.431, effective August 19, 1991.

See: 23 N.J.R. 1728(b), 23 N.J.R. 2499(a).

Effective dates extended to July 1, 1991 through June 30, 1992; slowly released nitrogens specified.

Amended by R.1992 d.373, effective October 5, 1992.

See: 24 N.J.R. 2318(a), 24 N.J.R. 3511(a).

Revised (b).

Amended by R.1993 d.600, effective December 20, 1993.

See: 25 N.J.R. 3585(a), 25 N.J.R. 5917(b).

Amended by R.1994 d.312, effective June 20, 1994 (operative July 1, 1994).

See: 26 N.J.R. 1560(a), 26 N.J.R. 2568(a).

Amended by R.1995 d.326, effective June 19, 1995.

See: 27 N.J.R. 1344(a), 27 N.J.R. 2383(c).

Rewrote (b).

Amended by R.1996 d.403, effective August 19, 1996.

See: 28 N.J.R. 2826(a), 28 N.J.R. 3922(a).

In (b) extended effective date to June 30, 1997.

Amended by R.1997 d.271, effective July 7, 1997.

See: 29 N.J.R. 965(a), 29 N.J.R. 2813(a).

Amended effective period of commercial values and raised commercial values of nitrogen, available phosphoric acid, and soluble potash.

2:69-1.12 Manufacturing code

Packages of fertilizers or soil conditioners that qualify the signature by bearing the words "made for", "distributed by", "produced for", "packed for" or similar words or phrases, so as to indicate the name and address of a person other than that of the actual manufacturer, shall also bear, immediately following the guaranteed analysis, a manufacturer's code, assigned by the state chemist, which identifies the

facility where the product was manufactured in the following manner and form: Mfg. Code 00-0-0000.

2:69-1.13 Maximum permitted chlorine in certain fertilizers

(a) When fertilizers claim or imply that potash is present in the form other than chloride, the percentage of chlorine present shall not exceed that obtained by the following calculation:

Multiply the percentage of potash found to be present by the factor 0.05 and to this product add an allowance of 0.5 percent.

Example: 12-4-8 (LC) for potatoes

Percentage of potash found present: 8.42%

8.42% 0.05 = 0.4210%

Allowance: +0.5000% = 0.9210% maximum permitted

Amended by R.1971 d.44, effective March 26, 1971.

See: 3 N.J.R. 36(a), 3 N.J.R. 55(b).

Authority

N.J.S.A. 4:9-15.23.