

New Mexico Department of Agriculture Bureau of Feed, Seed and Fertilizer

Fertilizer Registration Information

Fertilizer Requiring Registration

The New Mexico Fertilizer Act (NMFA) (Chapter 76, Article 11, Sections 1 through 19 New Mexico Statutes Annotated, 1978 Compilation) requires that all fertilizers be registered prior to sale in New Mexico. Section 76-11-4 A. states: "Each brand and grade of commercial fertilizer and each soil conditioner product shall be registered before being distributed in this state." Customer-formula mixes are exempt from registration, however, they are subject to labeling requirements and tonnage fees.

Product Registration Fees, Expiration Date

NMFA Section 76-11-4 A. states "The application for registration shall be submitted to the department on a form furnished by the department and shall be accompanied by a fee of five dollars (\$5.00) per brand or grade, except those brands or grades sold in packages of five pounds or less shall be registered at a fee of fifteen dollars (\$15.00) each."

Registrations expire annually on December 31. Registration renewal notifications will be mailed approximately six weeks before the expiration date.

Material Required for Registration of Commercial Fertilizers or Soil Conditioners

For registration of fertilizer or soil conditioner products, the following information is required:

1. A completed NMDA registration application form and
2. Registration fee of \$5.00 for each brand or grade *or*
3. Registration and annual inspection fee of \$15.00 for each product distributed in packages of five pounds or less *and*
4. A complete copy of original fertilizer product label (container label preferred).

All of the above information must be included when submitting a registration or the application cannot be processed.

Labels

When submitting labeling with registration, for review or when revisions are required, copies of the labels should be attached to or mounted on an 8 ½" x 11" sheet of paper when possible.

The label submitted with the registration application should be the final label going into the channels of trade. 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 not necessary to submit labels for all of the different package sizes. However, the different sizes must be noted on the registration application.

Label or Name Changes

Changes in the brand name, trade name, or revisions of a previously approved label requires the submission of a new label. Re-registration is not required provided the product formulation does not change. Formula revisions resulting in a new product require new registrations, especially if the old product still remains in the marketplace.

Company Name Change

Changes to any current registered company name or address should be submitted in writing to this department, including the contact person who will be handling the registrations. If the name change requires changes on the product labeling, updated labels must be submitted. Additional registration will not be required.

However, if a company will be distributing products under the previous company name (utilizing old product labels) in addition to distributing products under the new company name, additional registration and fees will be required.

Unregistered Products

When an unregistered product is found in the channels of trade, the manufacturer will be notified in writing by this department. It is the responsibility of the manufacturer to register the product or remove it from the channels of trade. All unregistered products are subject to stop-sale and removal from the marketplace.

Inspection Fees

For packages over 5 pounds and bulk shipments:

NMFA 76-11-6 A. requires an inspection fee paid on all commercial fertilizer and soil conditioners distributed in this state. New Mexico Administrative Code (Title 21, Chapter 18, Part 2), Section 11.1 establishes the inspection fee to be thirty-five cents (35 cents) per ton on all

commercial fertilizer and soil conditioners. These fees are to be reported and paid on a quarterly basis on forms provided by NMDA.

For packages of 5 pounds or less:

NMFA 76-11-6 A. requires a registration and annual inspection fee of \$15.00 paid on all commercial fertilizer and soil conditioners distributed in this state, in lieu of the \$5.00 registration and the 35 cent per ton inspection fees.

For products distributed in packages of five pounds or less **and** in packages over five pounds (or bulk):

NMFA 76-11-6 A. requires **BOTH** the registration and annual inspection fee of \$15.00 **AND** the inspection fee (35 cent per ton) for that portion sold in packages over 5 pounds.