

To: Manufacturers/Distributors of Horticultural Growing Media, Fertilizer, Liming Materials and/or Soil Amendments

From: Richard B. Uncles, Director, Division of Regulatory Services, New Hampshire Department of Agriculture, Markets & Food

Date: October 2010

Re: *Soil amendments, potting soils, planting soils, fertilizer and liming materials*

The purpose of this memo is to clarify New Hampshire requirements pertaining to the referenced products. Horticultural Growing Media (HGM) products are required by state law to be registered annually and to provide information about the product's composition. Fertilizers and Agricultural Liming Materials are also required by law to be registered annually.

The Horticultural Growing Media Act, NH RSA 433-A, defines "Horticultural Growing Medium" as meaning: "any substance or mixture of substances which is **promoted or is intended to function** as a commercial or consumer growing medium for the managed growth of horticultural crops **in containers.**"

HGM products, whether they contain fertilizer or not, and whether or not they are labeled with a guaranteed analysis for plant food content, are exempted from registration as fertilizers. It is only necessary to register HGM products as HGM.

Top soils, garden soils, planting soils and similarly labeled products that are not intended or promoted for growing plants in containers, do not require registration as HGM. If these non-HGM soils or soil mixes make "Guaranteed Analyses" for fertilizer elements then they must be registered as fertilizers. If there are no claims on soil products for fertilizer, or an intended use for growing plants in containers, then these soil products are not required to be registered.

The state of New Hampshire does not have a general soil amendment law. Therefore, provided a soil amendment product is not a fertilizer as defined in RSA 431:3, VII, and makes no plant food claims, nor is an HGM, nor is an Agricultural Liming Material as defined in RSA 431:24, I, there is no need to register such products for sale in the state of New Hampshire. Soil or plant amendment products containing or made up of substances such as blue-green algae, amino acids, vitamins, or humic acids, as examples, do not require registration.

The forms necessary to register required products are available at our website www.agriculture.nh.gov/divisions/markets/index.htm Please contact the Division of Regulatory Services if you should have further questions.