



ACVM Notice

Fertilisers, Plant Biostimulants and Soil Conditioners

Final Draft

Requirements for compliance with conditions of exemption

27 October 2023

TITLE

ACVM Notice: Fertilisers, Plant Biostimulants and Soil Conditioners

COMMENCEMENT

This ACVM Notice comes into force on [Effective Date]

ISSUING AUTHORITY

This ACVM Notice is issued under section 76A of the Agricultural Compounds and Veterinary Medicines Act 1997, having complied with the matters in section 76A(2).

Dated at Wellington, XXX 2023

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Introduction

This introduction is not part of the ACVM Notice, but is intended to indicate its general effect.

Purpose

This notice specifies requirements that supplement the regulations for the person(s) responsible for the compound to ensure that the conditions for exemption are met.

Background

The Agricultural Compounds and Veterinary Medicines Act 1997 (the Act) provides that no agricultural compound may be used (including imported, manufactured, or sold) in New Zealand unless that use is authorised by or under the Act. Under the Act an agricultural compound is authorised for use if it is registered (as a trade name product) or exempt from the requirement to be registered.

The Agricultural Compounds and Veterinary Medicines (Exemptions and Prohibited Substances) Regulations 2011 (the Regulations) exempts certain agricultural compounds, including fertilisers (Schedule 2, entry 42), plant biostimulants (Schedule 2, entry 43) and soil conditioners (Schedule 2, entry 44), from registration under the Act. However, the exemption is valid only if the agricultural compound complies with any relevant conditions specified in the Regulations.

Regulations 7-13 of the Regulations prescribe conditions of general application to exempt agricultural compounds, including specifying that exempt agricultural compounds must be:

- fit for their intended purpose; and
- manufactured in accordance with a documented system; and
- supplied with certain information.

Although regulatory assessment is not necessary for exempt agricultural compounds, it is essential that the person(s) responsible for the compound takes steps to ensure that they always comply with the conditions of exemption specified in the Regulations.

The [ACVM Notice: Agricultural Compounds Exempt from Registration](#) sets requirements that amplify the manner in which the requirements of the Regulations may or must be achieved, for all exempt agricultural compounds.

This notice specifies additional requirements which apply to fertilisers, plant biostimulants, and soil conditioners.

Who should read this ACVM Notice?

This notice should be read by any person who is responsible for the manufacture, import, or sale of a fertiliser, plant biostimulant, or soil conditioner that is exempt from registration under the Regulations.

Why is this important?

Any fertiliser, plant biostimulant, or soil conditioner that is imported, manufactured, sold, or used as an agricultural compound without registration under the Act must comply with the conditions in relation to that compound's exemption from registration in Regulations 7 to 15 and Schedule 2. Under section 8A(2) of the Act, if the agricultural compound does not comply with the conditions of the exemption, the exemption is not valid.

Document history

Version	Date	Section Changed	Change(s) Description

Other information

[ACVM Notice: Agricultural Compounds Exempt from Registration](#)

[ACVM Guideline: Obligations under the ACVM Regulations](#)

Imported biological ingredients intended for use in the manufacture of fertilisers in New Zealand must meet the requirements in the applicable IHS to be eligible for biosecurity clearance at the border.

Fertilisers, plant biostimulants or soil conditioners that contain ruminant protein must comply with the [Biosecurity \(Ruminant Protein\) Regulations 1999](#).

What is not included?

Compost, chicken litter, effluent, biochar, or other animal or plant materials which do not have a consistent, specific identity, and are not sold under a distinguishing name with a claimed purpose of acting as a fertiliser, plant biostimulant, or soil conditioner, are not considered to fit the definition of an agricultural compound at the point of sale.

Part 1: Preliminary Provisions

1.1 Application

- (1) This notice applies to any fertiliser, plant biostimulant, or soil conditioner which is exempt from registration as a trade name product under the [Agricultural Compounds and Veterinary Medicines \(Exemptions and Prohibited Substances\) Regulations 2011](#).

1.2 Interpretation

- (1) In this document, unless the context otherwise requires:

Act means the [Agricultural Compounds and Veterinary Medicines Act 1997](#)

formulated product means a product which is sold under a trade name and is composed of at least two ingredients which are selected, processed and combined in a specific way to obtain well-defined target properties, functionality and performance. The formulated product includes non-nutritive aspects of the fertilizer, such as coatings, stabilizers, or anti-caking agents that are included at the time of manufacture

minimum information means the information required to be supplied with a product under regulation 12 of the Regulations

Regulations means the [Agricultural Compounds and Veterinary Medicines \(Exemptions and Prohibited Substances\) Regulations 2011](#).

- (2) Any words or expressions used but not defined in this document that are defined in the Act or Regulations have the meaning given to them in the Act or Regulations.

Part 2: Requirements

2.1 Fitness for Purpose

This section applies in relation to regulation 7 of the Regulations.

- (1) A person who manufactures, imports, or sells a fertiliser, plant biostimulant, or soil conditioner derived from organic matter (e.g. blood and bone, fish waste, seaweed, chicken litter, composted products, biosolids, etc) must:
 - a) consider and identify any microbial contaminants that may be present and may cause harm; and
 - b) put measures in place to manage any microbial contaminants that have been identified.
- (2) A person who manufactures, imports, or sells a fertiliser, plant biostimulant, or soil conditioner must:
 - a) consider and identify any chemical contaminants (e.g. cadmium, fluorine, mercury, lead, arsenic, or any other elements or compounds) that may be present and may cause harm; and
 - b) put measures in place to manage any chemical contaminants that have been identified in 2(a).
- (3) A fertiliser, plant biostimulant, or soil conditioner containing selenium must not have a selenium content that would result in the application of elemental selenium at a rate exceeding 10g per hectare of grazed/cropped area, when used as recommended.
- (4) A person who manufactures, imports, or sells a fertiliser, plant biostimulant or soil conditioner must have a process in place for ongoing review of clauses 2.1(1) and (2) to ensure that the contaminant levels and measures are maintained as fit for purpose.

2.2 Manufacture in accordance with documented system

This section applies in relation to regulation 9 of the Regulations.

- (1) The documented system for an exempt compound product must contain the measures that have been put in place to manage any contaminants identified under clauses 2.1(1) and (2) (including limits in raw material and finished product specifications, where appropriate).
- (2) **Active ingredient content tolerance**

Where plant nutrients are the claimed active ingredient(s) in a fertiliser, plant biostimulant, or soil conditioner, the documented system must contain the stated concentration of each plant nutrient, after manufacture and blending, within the relative tolerance (as a percentage of the stated concentration in the formulated product) shown in the following table:

Stated Concentration (%)	Relative Tolerance (% of stated plant nutrient concentration)	
	Minimally processed organic matter	All other products
25 and above	5	5
10 and above, below 25	10	7
1 and above, below 10	20	10
Below 1	30	30

2.3 Specifying required information

This section applies in relation to regulation 12 of the Regulations.

- (1) In this section, unless the context otherwise requires:

Ca means calcium

K means potassium

N means nitrogen,

P means phosphorus,

S means sulphur.

- (2) For the purposes of regulation 12(2)(b) of the Regulations, where a fertiliser has the main purpose of providing N, P, K or S, or a combination of these elements, the nutrient content value as described in 2.3 (3)(a) below is sufficient to describe the purpose and no other statement of purpose is required.
- (3) For the purposes of regulation 12(2)(d) of the Regulations, a fertiliser, plant biostimulant or soil conditioner must be supplied to the user with the information about the active ingredients presented in the following way:
- Where a fertiliser's purpose is to provide N, P, K or S, the concentration of N, P, K and S, including zero values where no claim is made for inclusion, must be stated directly below the product name, and separated by hyphens in the order N-P-K-S. The values must be stated as a percentage (%), with no more than one decimal place (e.g. 0.5%). This must describe the elemental content for each element rather than oxide forms, as a percentage on a weight per weight (w/w) basis for solid products or weight per volume (w/v) basis for liquid products. Where any other active ingredient is required to be stated for products where the main purpose is to supply N, P, K or S, the nutrient and content value must be stated directly below this.
 - Other nutrients, including micronutrients, must be stated in the elemental form as a percentage on a weight per weight (w/w) basis for solid products or weight per volume (w/v) basis for liquid products.
 - Where a nutrient which is an active ingredient is present at a concentration of 0.05% or greater, the form in which the nutrient is present must be stated (e.g. K as potassium sulphate, Ca as calcium chloride).
 - Where a nutrient which is an active ingredient is present at a concentration of less than 0.05%, the term 'trace' can be used in lieu of a stated concentration.
 - Where claims of a microbially active ingredient are made, microbially active ingredients and their minimum concentration in the fertiliser, plant biostimulant, or soil conditioner must be identified (e.g. minimum colony forming units (cfu) / ml).
 - Other active ingredients must be stated in metric units, on a weight for weight basis in solid products (e.g. 41 g/kg), and in metric units on a weight per volume basis for liquid products (e.g. 41 g/L).
 - For anhydrous ammonia, percentage on a weight per weight basis must be stated.
 - Where pH modification is a purpose of the product, the modifying pH value (calcium carbonate equivalence) must be stated.
 - For products intended for use in the home garden or small pack sizes, the nutrient content of the claimed active ingredient(s) must be supplied to the user on the label or in another form, but does not need to be located directly below the product name as described in 3(a).
- (4) For the purposes of regulation 12(2)(e) of the Regulations, the directions for use supplied with a fertiliser, plant biostimulant, or soil conditioner must include information on:
- application rate;
 - timing of application(s);
 - what it is to be applied to;
 - any precautions necessary to avoid damage to the target crop, or harm to livestock, in the recommended use situation;
 - a withholding period (if necessary).
 - expected variance in nutrient values due to variance in organic raw materials used (if applicable)
- (5) For the purposes of regulation 12(2)(f) of the Regulations, a fertiliser, plant biostimulant, or soil conditioner must be supplied to a user with a use-by or expiry date where change or deterioration is

expected over the time the product would reasonably take to be used, and the change or deterioration would likely cause a harm listed in section 19 of the Act.

- (6) For the purposes of regulation 12(2)(g) of the Regulations, the following precautions must be taken to prevent or manage risks described in section 19 of the Act when using a fertiliser, plant biostimulant, or soil conditioner as intended on plants intended for use as an animal feed (e.g. pasture, forage crops):
- a) a fertiliser, plant biostimulant or soil conditioner containing selenium must be labelled with the following wording, or similar: **“Excessive use of selenium (Se) can be toxic to livestock. Before using a supplement or veterinary medicine containing copper on livestock grazing the treated land area, seek advice from a veterinarian or an appropriately qualified source”**.
 - b) a fertiliser, plant biostimulant or soil conditioner containing copper must be labelled with the following wording, or similar: **“Excessive use of copper (Cu) can be toxic to livestock. Before using a supplement or veterinary medicine containing copper on livestock grazing the treated land area, seek advice from a veterinarian or an appropriately qualified source”**.
- (7) For the purposes of regulation 12(2)(d) (f) and (h) of the Regulations, a fertiliser, plant biostimulant, or soil conditioner may be supplied to a user with a mechanism such as a QR Code that provides the directions for use, batch number, or date and place of manufacture.

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