

§ 106-673. Authority of Board of Agriculture to make rules and regulations.

Because legislation with regard to commercial fertilizer sold or offered for sale in this State must be adapted to complex conditions and standards involving numerous details with which the General Assembly cannot deal directly and in order to effectuate the purposes and policies of this Article, and in order to insure the manufacturer, distributor, and consumer of the correct quality and quantity of all commercial fertilizer sold or offered for sale in this State, the Board of Agriculture shall have the authority to make rules and regulations with respect to:

- (1) The maximum chlorine guarantee permitted for tobacco fertilizer;
- (2) The maximum chlorine guarantee permitted in tobacco top dressers;
- (3) Which grades of fertilizer may be branded top dressers;
- (4) The labeling of the grade of fertilizer when such fertilizer is sold in plain or unbranded bags;
- (5) The labeling requirements for all containers of liquid commercial fertilizer for direct application to the soil;
- (6) The bag sizes which may be used in the sale of commercial fertilizer;
- (7) The labeling requirements for packages containing a combination of any nonfertilizer material and mixed tobacco fertilizer;
- (8) Registration and labeling requirements for grades and brands of fertilizer carrying any guarantee of boron; the tolerance allowances for the percentage of boron in fertilizer mixtures;
- (9) The required composition for boron-landplaster mixtures before they may be registered and sold for use on peanuts in this State; the labeling requirements for each container of such mixture;
- (10) The monetary penalties assessed for excesses or deficiencies of boron and all other minor elements above or below the tolerances allowed;
- (11) The registration and labeling of general crop grades and tobacco grades;
- (12) The method, and the time limitations for the reporting to the Commissioner of Agriculture of the tonnage of each grade of fertilizer shipped to each destination in the State by each manufacturer or firm having fertilizer registered in this State;
- (13) The required composition, before such mixtures may be registered and sold in this State, of fertilizer-pesticide, landplaster-pesticide, and fertilizer-landplaster-pesticide, when to be used for peanuts alone;
- (14) The labeling and bag requirements of fertilizer-landplaster-pesticide mixtures;
- (15) The standards and requirements which must be met before fertilizer-pesticide mixtures may be registered in this State. These requirements may include, but are not limited to, approval in North Carolina of both the pesticide and the fertilizer grades, approval of the mixture by the Board of Agriculture, and any labeling requirements;
- (16) The standards and requirements which must be complied with before fertilizers-pesticides may, without registering the mixture, be mixed for direct application at the farmer's request;
- (17) Requests for mixing any pesticide with fertilizer, for products not previously approved by the Board of Agriculture;
- (18) Packaging requirements for fertilizer-pesticide mixtures sold either in bulk or in bags, such that dusting, spillage, sifting, or a loss of any fertilizer-pesticide mixture will not occur;

- (19) The percentages of nitrogen required to be in nitrogen solutions, before such solutions may be registered and sold in this State;
- (20) The labeling of fertilizer products to ascertain their compliance to the Fertilizer or Lime and Landplaster Law;
- (21) Requesting substantiating data to back up claims made about a fertilizer product; registration may be denied if such data is not furnished;
- (22) The denial of approval of the registration of fertilizer products when such products will not, when used as directed, supply deficient needs of a plant;
- (23) Safety requirements for the movement, handling and storage of fluid fertilizers;
- (24) Standards and requirements for equipment and tanks for handling liquid fertilizer;
- (25) Refusing registration as a result of information or recommendations from the director of research stations;
- (26) Establishing minimum guarantees permissible for registering secondary elements and micronutrients;
- (27) Establishing minimum standards for containment of fertilizer materials in storage to prevent contamination of groundwater and surface water; and
- (28) Standards and labeling requirements for specialty fertilizers. (1947, c. 1086, s. 15; 1949, c. 637, s. 4; 1977, c. 303, s. 19; 1991, c. 100; 1993, c. 216, s. 2.)