

OKLAHOMA AGRICULTURAL LIMING MATERIALS ACT

§ 2-8-80.1. Short Title.

This subarticle shall be known and may be cited as the "Oklahoma Agricultural Liming Materials Act".

§ 2-8-80.2. Definitions.

When used in the Oklahoma Agricultural Liming Materials Act:

1. "**Agricultural liming material**" means a product whose calcium and magnesium compounds are capable of neutralizing soil acidity;
2. "**Brand**" means the term, designation, trademark, product name, or other specific designation under which an individual agricultural liming material is offered for sale;
3. "**Bulk**" means liquid or solid liming material in a nonpackaged form;
4. "**Burnt lime**" means a calcined material comprised chiefly of calcium oxide in natural association with lesser amounts of magnesium and is capable of slaking with water;
5. "**Calcium Carbonate Equivalent**" (CCE) means the acid neutralizing capacity of an agricultural liming material expressed as weight percentage of calcium carbonate;
6. "**Effective Calcium Carbonate Equivalent**" (ECCE) is the percent of calcium carbonate equivalent (CCE) multiplied by the "fineness factor";
7. "**Fineness**" means the percentage by weight of the material passing U.S. standard sieves of specified sizes. The State Board of Agriculture shall promulgate rules relating to fineness and shall be guided by the American Society for Testing Materials specification for sieve sizes;
8. "**Fineness factor**" is the degree of fineness of the liming material used and shall be determined as prescribed by rules;
9. "**Guarantor**" means a person responsible to the Board for any claims or guarantees associated with the manufacture, distribution, and use of agricultural liming materials;
10. "**Hydrated lime**" means a dry material made from burnt lime;

11. "**Industrial coproducts**" means any industrial waste or by-product containing calcium or calcium and magnesium in forms that will neutralize soil acidity and it may be designated by prefixing the name of the industry or process used for its production;

12. "**Label**" means any written or printed matter on or attached to the package or on the delivery ticket or invoice which accompanies bulk shipments;

13. "**Limestone**" means a material consisting essentially of calcium carbonate or a combination of calcium carbonate with magnesium carbonate capable of neutralizing soil acidity;

14. "**Marl**" means a granular or loosely consolidated earthy material composed largely of sea shell fragments and calcium carbonate;

15. "**Percent**" or "**percentage**" means by weight; and

16. "**Registrant**" means the person registering agricultural liming materials pursuant to the provisions of the Oklahoma Agricultural Liming Materials Act

§ 2-8-80.3. Distribution, Labeling and Sale of Liming Materials -- Regulations.

A. Agricultural liming materials sold, offered, or exposed for sale in the state shall have affixed in a conspicuous manner on the outside of each package a plainly printed, stamped or marked label, tag, or statement, or in the case of bulk sales, a delivery slip or invoice, setting forth the following information:

1. The name and principal office address of the manufacturer or distributor;
2. The brand or trade name of the material;
3. The identification of the product as to the type of the agricultural liming material;
4. The net weight of the agricultural liming material; and
5. The minimum percentage of Effective Calcium Carbonate Equivalent (ECCE) guaranteed.

B. No information or statement shall appear on any package, label, delivery slip, or advertising that is false or misleading to the purchaser as to the quality, analysis, type, or composition of the agricultural liming material.

- C. In the case of any adulterated material subsequent to packaging, labeling, or loading and before delivery to the consumer, a plainly marked notice shall be affixed by the vendor to the package or delivery slip to identify the kind and degree of adulteration.
- D. At every site from which agricultural liming materials are delivered in bulk and at every place where consumer orders for bulk deliveries are placed, there shall be conspicuously posted a copy of the statement required by this section for each brand of material.
- E. Each separately identified product or each effective calcium carbonate equivalent shall be registered before being distributed in this state. The application for registration shall be submitted to the Board on forms furnished. Upon approval, a copy of the registration shall be furnished to the applicant. The registration shall contain the labeling information required in subsection A of this section. Registrations shall be permanent unless canceled by the registrant or by the Board.
- F. A distributor shall not be required to register any brand of agricultural liming material that is already registered pursuant to the Oklahoma Agricultural Liming Materials Act by another person, providing the label does not differ in any respect.

§ 2-8-80.4. Information required by § 8-80.3 of this title to be affixed to containers.

- A. Any agricultural liming material offered for sale, sold, or distributed in this state in bags, barrels, or other containers shall have placed on or affixed to the container in written or printed form the information required by subsection A of Section 8-80.3 of this title, either:
 - 1. On tags affixed to the end of the package between the ears or on the sewn end or both between the ears and on the sewn end; or
 - 2. Directly on the package in a manner as determined by the Board.
- B. If distributed in bulk, a written or printed statement of the weight, as well as the information required by paragraphs 1, 2, 3 and 5 of subsection A of Section 8-80.3 of this title, shall accompany delivery and be supplied to the purchaser.

§ 2-8-80.5. Compliance With Act — Toxic Materials Prohibited — Administrative Penalty.

- A. No agricultural liming material shall be sold or offered for sale in this state unless it complies with provisions of the Oklahoma Agricultural Liming Materials Act or rules promulgated thereto.
- B. No agricultural liming material shall be sold or offered for sale in this state that contains toxic materials in quantities injurious to plants or animals.
- C. If an analysis shows that a commercial agricultural liming material falls below the guaranteed analysis, the State Board of Agriculture may require the payment of an administrative penalty to the consumer in the amount of the current value of the deficiency. All administrative penalties assessed pursuant to this section shall be paid to the consumer represented by the sample analyzed within thirty (30) days after the date of notice from the Board to the guarantor, with receipts taken and promptly forwarded to the Board. If the consumers cannot be found, the amount of the penalty shall be forwarded to the Board and be deposited in the State Department of Agriculture Revolving Fund.

§ 2-8-80.6. Vendor's License for Spreading — Application — Fee.

- A. It shall be unlawful for any person to engage in the spreading of liming materials on properties belonging to others unless the person has a current vendor's license issued by the State Board of Agriculture.
- B. Application for a license shall be in the form prescribed by the Board and shall state the name and address of the applicant and the number of spreader trucks or similar vehicles to be used by the applicant. The application shall be accompanied by an annual license fee of Twenty-five Dollars (\$25.00). Each license shall expire December 31 of each year.

§ 2-8-80.7. Inspection Fees — Reports.

- A. For the purpose of helping to defray the expenses of inspection, administering, and carrying out the provisions of the Oklahoma Agricultural Liming Materials Act, an inspection fee of ten cents (\$0.10) per ton shall be paid to the State Board of Agriculture on all agricultural liming material sold or distributed for use within this state.
- B. All agricultural liming material fees collected shall be deposited in the State Department of Agriculture Revolving Fund.

- C. Manufacturers, importers, and other guarantors distributing agricultural liming materials in the state shall file with the Board not later than the last day of January and July of each year, a semiannual report on forms furnished by the Board setting forth the number of net tons of agricultural liming material distributed in this state during the preceding six (6) calendar months. This report shall be accompanied by payment of the inspection fee. If no lime was sold or distributed in this state for the semiannual period, manufacturers shall submit a statement reflecting that information and shall remit a minimum fee of Five Dollars (\$5.00). The Board shall have authority to audit records of each person to determine the accuracy of these reports.
- D. Any agricultural liming material on which the inspection fee has not been paid shall be subject to a stop-sale, removal order, or seizure.
- E. The Board may publish and distribute semiannually or annually to each person, distributor, registrant, licensee, and other interested persons a report showing the tons of agricultural liming material sold in Oklahoma. This report shall in no way divulge the operation of any registrant, distributor, or licensee.

§ 2-8-80.8. Analysis and Sampling.

- A. The State Board of Agriculture is authorized to sample, inspect, make analyses of and test agricultural liming materials distributed within this state as necessary to determine whether the agricultural liming materials are in compliance with the provisions of the Oklahoma Agricultural Liming Materials Act. The Board through its authorized agent is authorized to enter upon any public or private premises or carriers during regular business hours in order to have access to agricultural liming material subject to the provisions of the Oklahoma Agricultural Liming Materials Act and rules pertaining thereto, and to the records relating to their distribution.
- B. The methods of analysis and sampling shall be those approved by the Board as established by the Association of Official Analytical Chemists.
- C. The Board may annually publish the results of official analysis of agricultural liming materials.

§ 2-8-80.9. Stop-Sale Orders.

- A. The State Board of Agriculture may issue and enforce a written or printed "stop-sale order" to the owner or custodian of any agricultural liming materials, to hold the materials at a designated place when it finds agricultural liming materials are being offered or exposed for sale in violation

of any of the provisions of the Oklahoma Agricultural Liming Materials Act or rules until:

1. The owner or custodian is in compliance with the Oklahoma Agricultural Liming Materials Act; and
 2. The agricultural liming materials are released in writing by the Board or its authorized agent; or
 3. The violation has been legally disposed of by written authority.
- B. The Board or its authorized agent shall release the agricultural liming materials when the requirements of the provisions of the Oklahoma Agricultural Liming Materials Act have been complied with and all costs and expenses incurred in connection with the stop-sale order have been paid.

SUBCHAPTER 31. AGRICULTURAL LIMING MATERIAL RULES

35:30-31-1. Lime terminology

- (a) Gypsum (CASO_4) shall not be considered as an agricultural liming material.
- (b) "Fineness" of a product shall be determined by passing a sample through a number eight (8) and number sixty (60) U.S. Standard Sieve, and calculating the percentage of weight of the material which passes through each sieve. The minimum "fineness" for any agricultural liming material distributed for use in Oklahoma shall be that 98% must pass through a four (4) mesh, 90% must pass through an eight (8) mesh and 30% through a sixty (60) mesh sieve.
- (c) The "fineness factor" of a product shall be calculated as one-half ($1/2$) the percent passing through a number eight (8) sieve plus one-half ($1/2$) the percent passing through a number sixty (60) sieve equals "fineness factor".

35:30-31-2. Lime vendor requirements

Lime vendors shall be responsible:

- (1) To purchase, haul, and spread only limestone or other liming materials from manufacturers or producers who are registered in Oklahoma and reporting the inspection fee.
- (2) To make sure all limestone or liming material is properly labeled when purchased from the manufacturer or producer; also that the product is properly labeled when delivered to the consumer.

35:30-31-3. Inspection, sampling and analyses

- (a) Analysis of official inspector samples of limestone or other liming materials taken subject to the Oklahoma Agricultural Liming Materials Act and Rules and Regulations and this section shall show:
 - (1) The percent of CCE (neutralizing value of product).
 - (2) The percent of material passing through a number eight (8) and number sixty (60) mesh sieve.

- (3) The "fineness factor" ($1/2$ the percentage passing through a number 8 mesh sieve plus $1/2$ the percentage passing through number 60 sieve).
 - (4) The percent of ECCE (CCE X fineness factor).
- (b) Analysis of unofficial samples of limestone or other liming materials for the manufacturer, producer, distributor, lime vendor, or consumer taken by them for their own information shall not be the responsibility of the State Department of Agriculture Chemical Laboratory.