

OKLAHOMA DEPARTMENT OF AGRICULTURE

PLANT INDUSTRY & CONSUMER SERVICES DIVISION

AGRICULTURAL LIMING MATERIALS ACT & RULES

**TITLE 2, OKLAHOMA STATUTES SECTIONS 2-1451 THROUGH 2-1460
OKLAHOMA ADMINISTRATIVE CODE 35:30-31-1 THROUGH 35:30-31-3**

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LIME RULES

SUBCHAPTER 31. LIME

SECTION

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CHAPTER 30
OKLAHOMA AGRICULTURAL LIMING MATERIALS ACT

§2-1451. Short title.

This act shall be known and may be cited as "The Oklahoma Agricultural Liming Materials Act."

Laws 1973, c. 61, § 1, operative July 1, 1973.

§2-1452. Definitions.

As 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 material made from limestone which consists essentially of calcium oxide or a combination of calcium oxide with magnesium oxide;
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 which will pass 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 under rules;
9. "**Hydrated lime**" means a material made from burnt lime which consists essentially of calcium hydroxide or a combination of calcium hydroxide with magnesium oxide and/or magnesium hydroxide;

10. "**Industrial by products**" means any industrial waste or by-product containing calcium or calcium and magnesium in forms that will neutralize soil acidity;
11. "**Label**" means any written or printed matter on or attached to the package or on the delivery ticket or invoice which accompanies bulk shipments;
12. "**Limestone**" means a material consisting essentially of calcium carbonate or a combination of calcium carbonate with magnesium carbonate capable of neutralizing soil acidity;
13. "**Marl**" means a granular or loosely consolidated earthy material composed largely of sea shell fragments and calcium carbonate;
14. "**Percent**" or "**percentage**" means by weight;
15. "**Person**" includes any individual, partnership, association, company, firm, corporation, manufacturer, distributor, organized group of persons whether or not incorporated, or any other legal entity;
16. "**Registrant**" means the person, firm, or corporation registering agricultural liming materials pursuant to the provisions of the Oklahoma Agricultural Liming Materials Act;
17. "**Board**" means the Oklahoma State Board of Agriculture;
18. "**Guarantor**" means that person who is responsible to the Board for any claims or guarantees associated with the manufacture, distribution, and use of agricultural liming materials; and
19. "**License**" means a written document issued to a person by the Board which shows that the person has met all of the licensing requirements established by the Oklahoma Agricultural Liming Materials Act.

Amended by Laws 1973, c. 61, § 2, operative July 1, 1973; Laws 1991, c. 89, § 1, eff. Sept. 1, 1991.

§2-1453. Distribution, labeling and sale of liming materials - Regulations.

- A. Agricultural liming materials sold, offered or exposed for sale in the state shall have affixed to each package in a conspicuous manner on the outside thereof, a plainly printed, stamped or otherwise marked label, tag or statement, or in the case of bulk sales, a delivery slip or invoice, setting forth at least the following information:
 1. The name and principal office address of the manufacturer or distributor;

2. The brand or trade name, if any, 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 matter which 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 material which has been adulterated subsequent to packaging, labeling or loading thereof and before delivery to the consumer, a plainly marked notice to that effect shall be affixed by the vendor to the package or delivery slip to identify the kind and degree of such adulteration therein.
- 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 and/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. Such registration shall contain the labeling information as set forth 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 which is already registered pursuant to the Oklahoma Agricultural Liming Materials Act by another person, providing the label does not differ in any respect.

Amended by Laws 1973, c. 61, § 3, operative July 1, 1973; Laws 1991, c. 89, § 2, eff. Sept. 1, 1991.

§2-1453.1. Information required by § 1453 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 1453 of Title 2 of the Oklahoma Statutes, 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 such 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 1453 of Title 2 of the Oklahoma Statutes, shall accompany delivery and be supplied to the purchaser.

Added by Laws 1991, c. 89, § 3, eff. Sept. 1, 1991.

§2-1454. 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 which 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 Board 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 under 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, receipts taken therefor and promptly forwarded to the Board. If such consumers cannot be found, the amount of the penalty shall be forwarded to the Board and be deposited in the State Board of Agriculture Revolving Fund.

Amended by Laws 1973, c. 61, § 4, operative July 1, 1973; Laws 1991, c. 89, § 4, eff. Sept. 1, 1991.

§2-1455. Vendor's license for spreading - Application - Fee.

It shall be unlawful for any person to engage in the spreading of liming materials on properties belonging to others unless such person has a current vendor's license issued by the Board. Application for such 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.

Amended by Laws 1973, c. 61, § 5, operative July 1, 1973; Laws 1991, c. 89, § 5, eff. Sept. 1, 1991.

§2-1456. Inspection fees - Reports.

- A. For the purpose of helping to defray the expenses of inspection and otherwise 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 Board on all agricultural liming material sold or distributed for use within this state. All such fees collected shall be deposited in the State Department of Agriculture Revolving Fund. 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, by counties, the number of net tons of agricultural liming material distributed in this state during the preceding six (6) calendar months. Such report shall be accompanied by payment of the inspection fee. The Board shall have authority to audit records of each person to determine the accuracy of said reports.
- B. Any agricultural liming material on which the inspection fee has not been paid shall be subject to a stop-sale, removal order, or seizure.
- C. 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 each county of Oklahoma. This report shall in no way divulge the operation of any registrant, distributor or licensee.

Amended by Laws 1973, c. 61, § 6, operative July 1, 1973; Laws 1991, c. 89, § 6, eff. Sept. 1, 1991.

§2-1457. Analysis and sampling.

- A. The Board, who may act through its authorized agent, is authorized to sample, inspect, make analyses of and test agricultural liming materials distributed within this state as it may deem necessary to determine whether such 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 results of official analysis of agricultural liming materials may be published annually by the Board.

Amended by Laws 1973, c. 61, § 7, operative July 1, 1973; Laws 1991, c. 89, § 7, eff. Sept. 1, 1991.

§2-1458. Stop-sale orders.

The Board through its authorized agent may issue and enforce a written or printed "stop-sale order" to the owner or custodian of any agricultural liming materials, to hold such materials at a designated place when it finds said 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. Such 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 otherwise legally disposed of by written authority.

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.

Amended by Laws 1973, c. 61, § 8, operative July 1, 1973; Laws 1991, c. 89, § 8, eff. Sept. 1, 1991.

§2-1459. Violations - Penalties.

- A. Any person, registrant, manufacturer, or agent who violates any of the provisions of the Oklahoma Agricultural Liming Materials Act or rules promulgated thereunder, upon conviction, shall be guilty of a misdemeanor. In all prosecutions of the Oklahoma Agricultural Liming Materials Act involving the composition of agriculture lime, a certified copy of the official analysis certified by the Board or the chemist in charge of making the analysis shall be accepted as prima facie evidence.

- B. If, after public hearing in accordance with the Administrative Procedures Act, the Board shall find any person to be in violation of the Oklahoma Agricultural Liming Materials Act, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00) for each violation.
- C. If the Board finds any deficient inspection fees due, as a result of an audit of the records of any person subject to the provisions of the Oklahoma Agricultural Liming Materials Act, the Board shall assess a penalty fee of ten percent (10%) maximum not to exceed Two Thousand Dollars (\$2,000.00) of amount due, or One Hundred Dollars (\$100.00), whichever is greater. The audit penalty shall be added to the deficient inspection fees due and payment made within thirty (30) days.
- D. All administrative penalties collected pursuant to this section shall be deposited in the State Department of Agriculture Revolving Fund.

Amended by Laws 1986, c. 151, § 4, eff. Nov. 1, 1986; Laws 1991, c. 89, § 9, eff. Sept. 1, 1991.

§2-1460. Promulgation and enforcement of rules.

The Board, after public notice and hearing, is empowered to promulgate and enforce rules for the administration of the Oklahoma Agricultural Liming Materials Act pursuant to the Administrative Act.

Amended by Laws 1973, c. 61, § 10, operative July 1, 1973; Laws 1991, c. 89, § 10, eff. Sept. 1, 1991.

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 ($CCE \times \text{fineness factor}$).
- (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.