

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
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1977

INTRODUCED BY YAHNER, BRANDT, MORRIS, ZELLER, SHUMAN,
D. R. WRIGHT, WENGER, W. W. FOSTER, STAIRS, SWEET, BROWN,
DeWEESE, COLE, CALTAGIRONE AND STUBAN, JUNE 15, 1977

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
JUNE 15, 1977

AN ACT

1 To regulate the sale and distribution for agricultural purposes
2 of ground limestone, burned and hydrated lime and related
3 products in the Commonwealth of Pennsylvania; conferring
4 powers and imposing duties on the Secretary of Agriculture;
5 establishing fees; making an appropriation and prescribing
6 penalties.

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5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the "Agricultural
9 Liming Materials Act."

10 Section 2. Enforcing official.

11 This act shall be administered by the Pennsylvania Secretary
12 of Agriculture hereinafter referred to as the "Secretary".

13 Section 3. Definitions.

14 The following words and phrases when used in this act shall
15 have, unless the context clearly indicates otherwise, the
16 meanings given to them in this section:

17 "Agricultural liming materials." A product whose calcium and
18 magnesium compounds are capable of neutralizing soil acidity.

19 "Brand." The term, designation, trademark, product name or
20 other specific designation under which individual agricultural
21 liming material is offered for sale.

22 "Bulk." In nonpackaged form.

23 "Burnt lime." A material made from limestone which consists
24 predominantly of calcium oxide or combination of calcium oxide
25 with magnesium oxide.

26 "Calcium carbonate equivalent." The acid neutralizing
27 capacity of an agricultural liming material expressed as weight
28 percentage of calcium carbonate.

29 "Effective neutralizing power." A value representing the
30 product of particle size of the limestone sample times its

1 calcium and magnesium carbonate content.

2 "Fineness." The percentage by weight of the material which
3 will pass United States Standard sieves of specified sizes. (The
4 secretary shall promulgate regulations relating to fineness and
5 shall be guided by ASTM specification for sieve sizes).

6 "Hydrated lime." A material made from burnt lime which
7 consists predominantly of calcium hydroxide or a combination of
8 calcium hydroxide with magnesium oxide and/or magnesium
9 hydroxide.

10 "Industrial by-product." Any industrial waste or by-product
11 containing calcium or calcium and magnesium in forms that will
12 neutralize soil acidity.

13 "Label." Any written or printed matter on or attached to the
14 package or on the delivery slips which accompanies bulk
15 shipments.

16 "Limestone." A material consisting predominantly of calcium
17 carbonate with magnesium carbonate capable of neutralizing soil
18 acidity.

19 "Marl." A granular or loosely consolidated earthy material
20 composed predominantly of seashell fragments and calcium
21 carbonate.

22 "Percent" or percentage." By weight.

23 "Person." Individual, partnership, association, firm or
24 corporation.

25 "Secretary." The Secretary of Agriculture or his authorized
26 agent.

27 "Ton." A net weight of 2,000 pounds avoirdupois or 907
28 kilograms.

29 "Weight." The weight of undried material as offered for
30 sale.

1 Section 4. Labeling.

2 (a) Agricultural liming materials sold, offered or exposed
3 for sale in the Commonwealth shall have affixed to each package
4 in a conspicuous manner on the outside thereof a plainly
5 printed, stamped or otherwise marked label or tag, or, in the
6 case of bulk sales, a delivery slip setting forth at least the
7 following information:

8 (1) The name and principal office address of the
9 manufacturer or distributor.

10 (2) The brand or trade name of the material.

11 (3) The identification of the product as to the type of
12 the agricultural liming material.

13 (4) The net weight of the agricultural liming material.

14 (5) The minimum percentage of calcium oxide and
15 magnesium oxide and/or calcium carbonate and magnesium
16 carbonate.

17 (6) Calcium carbonate equivalent as determined by
18 methods prescribed by the Association of Official Analytical
19 Chemists. Minimum calcium carbonate equivalents as prescribed
20 by regulation.

21 (7) The minimum percent by weight passing through United
22 States Standard sieves as prescribed by regulations.

23 (b) No information or statement shall appear on any package,
24 label, delivery slip or advertising matter which is false or
25 misleading to the purchaser as to the quality, analysis, type or
26 composition of the agricultural liming material.

27 (c) If any material is added to any agricultural liming
28 material, excluding water, subsequent to packaging, labeling or
29 loading thereof and before delivery to the consumer, a plainly
30 marked notice to that effect shall be affixed by the vendor to

1 the package or delivery slip to identify the kind and degree of
2 such added material.

3 (d) At every site from which agricultural liming materials
4 are delivered in bulk and at every place where consumer orders
5 for bulk deliveries are placed, there shall be conspicuously
6 posted a copy of the delivery slip required by this section for
7 each brand of material.

8 (e) The secretary may, after a public hearing, require by
9 regulation thereafter that the minimum percentage of calcium
10 oxide and magnesium oxide shall be expressed in the following
11 form:

12 Total Calcium (Ca) _____percent

13 Total Magnesium (Mg) _____percent

14 The secretary may not impose such regulatory standards if they
15 conflict with labeling requirements of other states and if they
16 would thereby constitute an economic hardship on the industry
17 due to dual labeling requirements. The effective date of said
18 regulation shall not be less than 18 months following the
19 adoption of regulations. For a period of two years following the
20 effective date of the regulations the equivalent of calcium and
21 magnesium may also be shown in the form of calcium oxide and
22 magnesium oxide.

23 Section 5. Effective neutralizing power.

24 The Secretary of Agriculture shall by rules and regulations
25 establish standards and procedures to be utilized in the
26 determination of the effective neutralizing power of
27 agricultural liming materials. Any agricultural liming material
28 that is below the standard of effective neutralizing power
29 established by the secretary shall not be sold or offered for
30 sale in the Commonwealth as an agricultural liming material

1 unless it is labeled "substandard." Such labeling shall not be
2 smaller than the largest labeling found elsewhere on the package
3 and shall be prominently visible to the buyer.

4 Section 6. Licensing.

5 No agricultural liming materials shall be manufactured or
6 distributed in this Commonwealth until a license has been
7 obtained by both the manufacturer and the person whose name
8 appears on the label of the agricultural liming material. The
9 annual license fee shall be \$25 payable on or before July 1 of
10 each year or prior to the distribution in such year.

11 Section 7. Denial or revocation of a license.

12 The secretary may refuse to issue or may revoke a license
13 issued pursuant to this act if he finds, after a hearing, that
14 the applicant or the license holder has violated any provisions
15 of this act or the rules and regulations adopted hereunder.

16 Section 8. Inspection fee; report of tonnage.

17 (a) Each licensee whose name appears on the label of
18 agricultural liming material shall file, with the secretary, a
19 semi-annual statement not later than the last day of January and
20 July of each year in a form prescribed by the secretary setting
21 forth the number of net tons of agricultural liming material
22 distributed in this Commonwealth during the prior six months'
23 period. Upon filing such statement the licensee whose name
24 appears on the label shall pay an inspection fee at the rate of
25 three cents per ton, except that no semi-annual payment shall be
26 less than \$12.50. Failure to make an accurate statement of
27 tonnage or to pay the control fee shall constitute sufficient
28 cause for the revocation of the license.

29 (b) Sales of agricultural liming materials to manufacturers
30 or exchanges between them are hereby exempted from the control

1 fee.

2 (c) If the tonnage report is not filed by February 15 or
3 August 15, a penalty amounting to 10% of the inspection fee or
4 \$10, whichever is greater, shall be added to the amount of the
5 inspection fee when payment is made. This penalty fee shall not
6 prevent the secretary from taking other actions as provided in
7 this act.

8 Section 9. Inspection, sampling, analysis.

9 (a) It shall be the duty of the secretary to sample,
10 inspect, make analyses of and test agricultural liming materials
11 distributed within this Commonwealth and to determine whether
12 such agricultural liming materials are in compliance with the
13 provisions of this act. The secretary is authorized to enter
14 upon any public or private premises or carriers at any
15 reasonable time in order to have access to the agricultural
16 liming materials and to the records relating to their
17 distribution.

18 (b) The methods of analysis and sampling shall be those
19 approved by the secretary, and he shall be guided by the
20 Association of Analytical Chemists procedures.

21 (c) The secretary shall publish annually the results of the
22 official analysis of agricultural liming material samples.

23 Section 10. Stop sale orders.

24 When the secretary finds that agricultural liming material is
25 being offered or exposed for sale in violation of any of the
26 provisions of this act, the secretary may issue a written or
27 printed "Stop Sale, use, or removal" order to the owner or
28 custodian of such agricultural liming material. The secretary
29 shall not release the agricultural liming material so withdrawn
30 until the requirements of the provisions of this act have been

1 complied with and all costs and expense incurred in connection
2 with the withdrawal have been paid by the violator.

3 Section 11. Prohibited acts.

4 (a) No agricultural liming material shall be sold or offered
5 for sale in this Commonwealth unless it complies with provisions
6 of this act and the secretary's rules and regulations.

7 (b) No agricultural liming material shall be sold or offered
8 for sale in this Commonwealth which contains toxic materials in
9 quantities injurious to plants or animals.

10 Section 12. Rules and regulations.

11 The secretary is empowered to promulgate and enforce such
12 reasonable rules and regulations relating to the sale of
13 agricultural liming materials as is deemed necessary to carry
14 out the provisions of this act.

15 Section 13. Penalties.

16 (a) Any person violating any of the provisions of this act
17 or the rules and regulations issued thereunder, upon conviction
18 thereof in a summary proceeding, shall be fined not less than
19 \$100 nor more than \$300 for the first violation, and not less
20 than \$500 nor more than \$1,000 for subsequent violations. In all
21 prosecutions under this act involving the composition of a lot
22 of agricultural liming materials, a certified copy of the
23 official analysis signed by the secretary shall be accepted as
24 prima facie evidence of the composition.

25 (b) Public notice shall be made of violations resulting in
26 convictions.

27 Section 14. Disposition of fees and fines.

28 All licensing and inspection fees and fines, when collected,
29 shall be paid into the State Treasury, and shall be credited to
30 the general government operations appropriation of the

1 Department of Agriculture for the payment of the costs of
2 inspection, sampling, analysis and other expenses necessary for
3 the administration of this act.

4 Section 15. Repeal.

5 The act of August 8, 1961 (P.L.971, No.435), known as the
6 "Pennsylvania Agricultural Lime Act," is repealed.

7 Section 16. Effective date.

8 This act shall take effect July 1, 1977. However, registrants
9 shall be allowed not more than one year to use existing
10 inventories of labeled or labeling materials.