

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1326

Session of  
1977

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

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AS REPORTED FROM COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 27, 1977

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## 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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2       Section 14.   Disposition of fees and fines.

3       Section 15.   Repeal.

4       Section 16.   Effective date.

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 "EFFECTIVE NEUTRALIZING POWER." A RELATIVE VALUE USING THE <—  
3 CALCIUM OXIDE CONTENT, MAGNESIUM OXIDE CONTENT AND FINENESS, TO  
4 EXPRESS THE EFFECTIVENESS OF A LIMESTONE IN NEUTRALIZING SOIL  
5 ACIDITY.

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

10 "Hydrated lime." A material made from burnt lime which  
11 consists predominantly of calcium hydroxide or a combination of  
12 calcium hydroxide with magnesium oxide and/or magnesium  
13 hydroxide.

14 "Industrial by-product." Any industrial waste or by-product  
15 containing calcium or calcium and magnesium in forms that will  
16 neutralize soil acidity.

17 "Label." Any written or printed matter on or attached to the  
18 package or on the delivery slips which accompanies bulk  
19 shipments.

20 "Limestone." A material consisting predominantly of calcium  
21 carbonate with magnesium carbonate capable of neutralizing soil  
22 acidity.

23 "Marl." A granular or loosely consolidated earthy material  
24 composed predominantly of seashell fragments and calcium  
25 carbonate.

26 "Percent" or percentage." By weight.

27 "Person." Individual, partnership, association, firm or  
28 corporation.

29 "Secretary." The Secretary of Agriculture or his authorized  
30 agent.

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

3 "Weight." The weight of ~~undried~~ material as offered for  
4 sale.

5 Section 4. Labeling.

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

12 (1) The name and principal office address of the  
13 manufacturer or distributor.

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

15 (3) The identification of the product as to the type of  
16 the agricultural liming material.

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

18 (5) The minimum percentage of calcium oxide and  
19 magnesium oxide and/or calcium carbonate and magnesium  
20 carbonate.

21 (6) Calcium carbonate equivalent as determined by  
22 methods prescribed by the Association of Official Analytical  
23 Chemists. Minimum calcium carbonate equivalents as prescribed  
24 by regulation.

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

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

1 (c) If any material is added to any agricultural liming  
2 material, ~~excluding water~~, subsequent to packaging, labeling or <—  
3 loading thereof and before delivery to the consumer, a plainly  
4 marked notice to that effect shall be affixed by the vendor to  
5 the package or delivery slip to identify the kind and degree of  
6 such added material.

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

12 (e) The secretary may, after a public hearing, require by  
13 regulation thereafter that the minimum percentage of calcium  
14 oxide and magnesium oxide shall be expressed in the following  
15 form:

16	Total Calcium (Ca)	_____percent
17	Total Magnesium (Mg)	_____percent

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

27 Section 5. Effective neutralizing power.

28 The Secretary of Agriculture ~~shall~~ MAY by rules and <—  
29 regulations establish standards and procedures to be utilized in  
30 the determination of the effective neutralizing power of

1 agricultural liming materials. Any agricultural liming material  
2 that is below the standard of effective neutralizing power  
3 established by the secretary shall not be sold or offered for  
4 sale in the Commonwealth as an agricultural liming material  
5 unless it is labeled "substandard." Such labeling shall not be  
6 smaller than the largest labeling found elsewhere on the package  
7 and shall be prominently visible to the buyer.

8 Section 6. Licensing.

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

15 Section 7. Denial or revocation of a license.

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

20 Section 8. Inspection fee; report of tonnage.

21 (a) Each licensee whose name appears on the label of  
22 agricultural liming material shall file, with the secretary, a  
23 semiannual statement not later than the last day of January and  
24 July of each year in a form prescribed by the secretary setting  
25 forth the number of net tons of agricultural liming material  
26 distributed in this Commonwealth during the prior six months'  
27 period. Upon filing such statement the licensee whose name  
28 appears on the label shall pay an inspection fee at the rate of  
29 3¢ per ton, except that no semiannual payment shall be less than  
30 \$12.50. Failure to make an accurate statement of tonnage or to

1 pay the control fee shall constitute sufficient cause for the  
2 revocation of the license.

3 (b) Sales of agricultural liming materials to manufacturers  
4 or exchanges between them are hereby exempted from the control  
5 fee.

6 (c) If the tonnage report is not filed by February 15 or  
7 August 15, a penalty amounting to 10% of the inspection fee or  
8 \$10, whichever is greater, shall be added to the amount of the  
9 inspection fee when payment is made. This penalty fee shall not  
10 prevent the secretary from taking other actions as provided in  
11 this act.

#### 12 Section 9. Inspection, sampling, analysis.

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

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

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

#### 27 Section 10. Stop sale orders.

28 When the secretary finds that agricultural liming material is  
29 being offered or exposed for sale in violation of any of the  
30 provisions of this act, the secretary may issue a written or

1 printed "Stop Sale, use, or removal" order to the owner or  
2 custodian of such agricultural liming material. The secretary  
3 shall not release the agricultural liming material so withdrawn  
4 until the requirements of the provisions of this act have been  
5 complied with and all costs and expense incurred in connection  
6 with the withdrawal have been paid by the violator.

7 Section 11. Prohibited acts.

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

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

14 Section 12. Rules and regulations.

15 The secretary is empowered to promulgate and enforce such  
16 reasonable rules and regulations relating to the sale of  
17 agricultural liming materials as is deemed necessary to carry  
18 out the provisions of this act.

19 Section 13. Penalties.

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

29 (b) Public notice shall be made of violations resulting in  
30 convictions.



1 Section 14. Disposition of fees and fines.

2 All licensing and inspection fees and fines, when collected,  
3 shall be paid into the State Treasury, and shall be credited to  
4 the general government operations appropriation of the  
5 Department of Agriculture for the payment of the costs of  
6 inspection, sampling, analysis and other expenses necessary for  
7 the administration of this act.

8 Section 15. Repeal.

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

11 Section 16. Effective date.

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