

PART 4
LIMING MATERIALS

43-11-401. Short title.

This part shall be known and may be cited as the "**Tennessee Agricultural Liming Materials Act.**"

History

[Acts 1989, ch. 7, § 2.]

43-11-402. Definitions.

As used in this part, unless the context requires otherwise:

- (1) "Agricultural liming materials" means a product whose calcium and magnesium compounds are capable of neutralizing soil acidity, and including, but not limited to, "limestone, burnt lime, hydrated lime, marl, industrial by-products, calcitic limestone, dolomatic limestone, and ground shells";
- (2) "AOAC" means the Association of Official Analytical Chemists;
- (3) "Brand" means the term, designation, trademark, product name or other specific designation under which individual agricultural liming material is offered for sale;
- (4) "Bulk" means material or product in nonpackaged form;
- (5) "Calcium carbonate equivalent" means the acid neutralizing capacity of an agricultural liming material expressed as weight percentage of calcium carbonate;
- (6) "Commissioner" means the commissioner of agriculture or the commissioner's duly authorized representatives;
- (7) "Fineness" means the percentage by weight of the material which will pass United States standard sieves of specified sizes as established by regulations pursuant to this part;
- (8) "Label" means any written or printed matter on or attached to the package or on the delivery ticket which accompanies bulk shipments;
- (9) "Manufacturer" means any person in the business of making, shaping, or packaging an agricultural liming material into a form

which will remain virtually unaltered until it reaches the hands of the final consumer;

(10) "Percent" or "percentage" means percent or percentage as measured by weight;

(11) "Person" means an individual, partnership, association, firm or corporation;

(12) "Ton" means a net weight of two thousand pounds (2,000 lbs.) avoirdupois; and

(13) "Weight" means the weight of undried material as offered for sale.

History

[Acts 1989, ch. 7, § 3.]

43-11-403. Labeling and identification.

(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, 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 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;
- (5) The minimum percentage of calcium oxide and magnesium oxide and/or calcium carbonate and magnesium carbonate;
- (6) Calcium carbonate equivalent as determined by methods prescribed by the Association of Official Analytical Chemists. Minimum calcium carbonate equivalents will be as prescribed by regulation;
- (7) The minimum percent by weight passing through United States standard sieves as prescribed by regulations; and
- (8) The minimum guaranteed content of available potassium (expressed as soluble Potash, K₂O) or phosphorous (expressed as phosphoric acid, P₂O₅) if claimed.

(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.

(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) When the commissioner finds, after public hearing following due notice, that the requirement for expressing the calcium and magnesium in elemental form would not impose an economic hardship on distributors and users of agricultural liming materials by reason of conflicting label requirements among the states, the commissioner may require by regulation thereafter that the minimum percentage of calcium oxide and magnesium oxide and/or calcium carbonate and magnesium carbonate shall be expressed in the following form:

(f) Total calcium (CA) ____ percent
Total magnesium (Mg) ____ percent
provided, that the effective date of such regulation shall be not less than six (6) months following the issuance thereof; and provided further, that for a period of two (2) years following the effective date of the regulation, the equivalent of calcium and magnesium may also be shown in the form of calcium oxide and magnesium oxide and/or calcium carbonate and magnesium carbonate.

History

[Acts 1989, ch. 7, § 4.]

43-11-404. Prohibited sales - Toxic materials.

(a) No agricultural liming material shall be sold or offered for sale in this state unless it complies with provisions of this part and regulations pertaining 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.

History

[Acts 1989, ch. 7, § 5.]

43-11-405. License applications - Manufacturers.

(a) Every manufacturer distributing liming materials in this state shall submit an application for a license to the commissioner on or before July 15 of each year, or prior to the manufacture or distribution of the liming material. All applications shall be submitted on forms furnished by the commissioner.

(b) All license applications must be accompanied by a fee of one hundred dollars (\$100). All licenses expire on June 30 of the following year.

History

[Acts 1989, ch. 7, § 6.]

43-11-406. Reporting of manufacturers' sales.

(a) Within thirty (30) days following the expiration of the manufacturer's license, each licensee shall submit on a form furnished or approved by the commissioner an annual statement setting forth by counties, the number of net tons of each agricultural liming material sold by such licensee for use in the state during the previous twelve-month period. Such statement shall be accompanied by payment of the inspection fee at the rate of ten cents (10¢) per ton.

(b) The commissioner shall publish and distribute annually to each agricultural liming material licensee and other interested persons a composite report showing the tons

of agricultural liming material sold in each county of the state. This report shall in no way divulge the operation of any licensee.

History

[Acts 1989, ch. 7, § 7.]

43-11-407. Sampling and testing of materials.

(a) It is the duty of the commissioner, who may act through an authorized agent to sample, inspect, make analyses of, and test agricultural liming materials distributed within this state as the commissioner or the commissioner's agent may deem necessary to determine whether such agricultural liming materials are in compliance with the provisions of this part. The commissioner, individually or through the commissioner's 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 this part and regulations pertaining thereto, and to the records relating to their distribution.

(b) The methods of analysis and sampling shall be those approved by the commissioner and shall be guided by AOAC procedures.

History

[Acts 1989, ch. 7, § 8.]

43-11-408. Stop sale, or use or removal order.

When the commissioner finds any lot of agricultural liming materials is being offered or exposed for sale in violation of any of the provisions of this part, the commissioner may issue a "stop sale, or use or removal" order to the owner of the lot of materials. The commissioner may hold the lot at a designated place until the law has been complied with or otherwise legally disposed of by written permission of the commissioner.

History

[Acts 1989, ch. 7, § 9.]

43-11-409. License suspension or revocation.

The commissioner shall have the authority to suspend or revoke any license in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, the provisions of this part, and the rules and regulations promulgated under this part.

History

[Acts 1989, ch. 7, § 10.]

43-11-410. Rules and regulations.

The commissioner is authorized to promulgate rules and regulations to effectuate the purposes of this part. All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

History

[Acts 1989, ch. 7, § 12.]

43-11-411. Violations - Penalties.

Statute text

A violation of this part, or any rule or regulation promulgated thereunder, is a Class C misdemeanor.

History

[Acts 1989, ch. 7, § 11; 1989, ch. 591, § 113.]

Annotations

Cross-References. Penalty for Class C misdemeanor, § 40-35-111.