

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES AGRICULTURAL
CHEMISTRY
ADMINISTRATIVE CODE

CHAPTER 80-1-7
SALE OF AGRICULTURAL LIME

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80-1-7-.01 Subject.

Subject rules governing the sale and regulation of agricultural liming material, to include standards, penalties and fees.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-23-9.

History: Filed April 19, 1982.

80-1-7-.02 Purpose.

The purpose of this regulation is to implement the provisions of the Alabama Agricultural Liming Materials Act codified into Code of Ala. 1975, §§ 2-23-1 through 2-23-11.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-23-9.

History: Filed April 19, 1982.

80-1-7-.03 Previous Regulation Withdrawn And Amended.

Regulation entitled **Agricultural Chemistry Division Revised Regulations Governing the Sale of Agricultural Liming Materials**, adopted on November 6, 1975, December 10, 1975, and December 19, 1978; dated February 2, 1979; and effective January 1, 1979; is

hereby withdrawn and repealed. The following regulation amending the above is submitted in its place.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-23-9.

History: Filed April 19, 1982.

80-1-7-.04 Screening Standards Of Liming Materials.

(1) All agricultural liming materials except chalk, offered for sale, sold, or distributed in this state shall be crushed or ground to such a degree of fineness, that not less than 90% of the material will pass a 10 mesh screen, and not less than 50% of the material will pass a 60 mesh screen.

(2) Chalk offered for sale, sold, or distributed in this state as an agricultural liming material shall be processed to such a degree of fineness that not less than 90% of the material will pass a 10 mesh screen.

(3) When an agricultural liming material is mixed with enough water to be applied as a spray and is offered for sale, sold, or distributed in this state, 100% of the material shall pass a 100 mesh screen.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-23-9.

History: Filed April 19, 1982.

80-1-7-.05 Neutralizing Value Requirements.

(1) Limestone and Ground Shells used as agricultural liming materials shall have a neutralizing value of not less than 90% calcium carbonate equivalent.

(2) Chalk used as agricultural liming material shall have a neutralizing value of not less than 80% calcium carbonate equivalent.

(3) Burnt lime, hydrated lime, and industrial by-products used as agricultural liming material shall have a calcium carbonate equivalent neutralizing value of not less than that guaranteed on the label of the product.

(4) An agricultural liming material of 100 mesh fineness when mixed with enough water for application as a spray shall have a neutralizing value of not less than 44% calcium carbonate equivalent on a net weight basis.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-23-9.

History: Filed April 19, 1982.

80-1-7-.06 Penalties For Deficiency In Screening, Neutralizing Value And Guarantees.

If any agricultural liming material sold in this state shall upon official analysis prove to be deficient in meeting the screening and neutralizing value standards established herein or shall be deficient from its guarantee, as stated on the bag or other container, the penalties as hereinafter provided shall be assessed against the packer. Where sales are made in bulk form, such monetary penalties shall be assessed against the final responsible seller. The penalties for such deficiencies shall be as follows:

(a) For agricultural liming materials deficient from the minimum calcium carbonate equivalent as guaranteed on the labeling, the penalty shall be \$.20 (twenty cents) per ton for each percentage point below the labeling guarantee with a tolerance of 5%. If the deficiency exceeds the 5% tolerance, then the \$.20 (twenty cents) per ton penalty shall be assessed upon the total deficiency. See Table (1) Paragraph (g) below.

(b) For agricultural liming material deficient in material passing a 10 mesh screen, the penalty shall be \$.20 (twenty cents) per ton for each percentage point below the labeling guarantee. See Table (2), Paragraph (g) below.

(c) For agricultural liming material deficient in material passing a 60 mesh screen, the penalty shall be \$.20 (twenty cents) per ton for each percentage point below the label guarantee with a tolerance of 5%. If the deficiency exceeds the 5% tolerance, then the \$.20 (twenty cents) per ton penalty shall be assessed upon the total deficiency. See Table (3), Paragraph (g) below.

(d) For an agricultural liming material that is mixed with enough water for application as a spray and is deficient in passing a 100 mesh screen, the penalty shall be \$.20 (twenty cents) per ton of solution for each percentage point below the label guarantee. For deficiency in required neutralizing value, the penalty shall be \$.20 (twenty cents) per ton of solution for each percentage point below the label guarantee.

(e) For agricultural liming material deficient in the guaranteed magnesium, available phosphorus (P205), soluble potassium (K20), or other elements guaranteed by the label, the penalty shall be \$.50 (fifty cents) per ton for each 10% deficient from the guaranteed analysis. See Table (4), Paragraph (7) below.

(f) Agricultural liming material sold in Alabama shall have a moisture content as guaranteed on the label. When the maximum

moisture content exceeds the guarantee a penalty of \$.20 (twenty cents) per percentage point per ton shall be assessed. See Table (5), Paragraph (g) below.

(g) The following tables are for use as guidelines to determine the amount of penalty assessments:

Table (1)**Calcium Carbonate Equivalent**

Guarantee	Found	Penalty Per Ton
90%	85% or higher	0
	84-84.9%	\$1.20
	83-83.9%	\$1.40
	82-82.9%	\$1.60
	81-81.9%	\$1.80
	80-80.9%	\$2.00
	79-79.9%	\$2.20
	75-75.9%	\$3.00
	70-70.9%	\$4.00

Table (2)**Fineness 10 Mesh**

Guarantee	Found	Penalty Per Ton
90%	89-89.9%	\$.20
	88-88.9%	.40
	85-85.9%	1.00
	84-84.9%	1.20
	80-80.9%	2.00
	79-79.9%	2.20
	75-75.9%	3.00

Table (3)**Fineness 60 Mesh**

Guarantee	Found	Penalty Per Ton
50%	45 or higher	0
	44-44.9%	\$1.20
	43-43.9%	1.40
	42-42.9%	1.60
	41-41.9%	1.80
	40-40.9%	2.00
	39-39.9%	2.20

Guarantee	Found	Penalty Per Ton
	35-35.9%	3.00

Table (4)

Element Guarantee - example magnesium

Guarantee	Found	Penalty Per Ton
6%	5.4-5.9%	\$.50
	4.8-5.39%	1.00
	4.2-4.79%	1.50
	3.6-4.19%	2.00
	3.0-3.59%	2.50

Table (5)

Moisture

Guarantee	Found	Penalty Per Ton
10%	10.1-11%	\$.20
	11.1-12%	.40
	12.1-13%	.60
	13.1-14%	.80
	14.1-15%	1.00

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-23-9.

History: Filed April 19, 1982.

80-1-7-.07 Payment Of Penalties.

(1) Penalties assessed under Rule 80-1-7-.06 above shall be paid to the consumer-user by the final responsible seller within 60 days of the date of penalty notice from the Commissioner of Agriculture and Industries where the consumer-user can be located. Payment of penalties shall be verified to the Commissioner by means of a certificate of receipt signed by the consumer-user, a photostatic copy of the instrument of payment, or a copy of any memos of credit extended the consumer-user in satisfaction of the assessed penalty.

(2) When the consumer-user of agricultural liming material who is due a penalty cannot be located, the penalty due shall be paid to the Commissioner of Agriculture and Industries within 60 days of the date of the penalty statement and shall be deposited into the Agricultural Fund of the State Treasury.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-23-9.

History: Filed April 19, 1982.

80-1-7-.08 Inspection Fee Required.

An inspection fee of 25 cents per ton of gross sales shall accompany the monthly gross sales report, required under the provisions of Code of Ala. 1975, §2-23-5, for each manufacturer or distributor of agricultural liming materials, to be sent to the Commissioner of Agriculture and Industries.

Author: Charles H. Barnes, Robert J. Russell

Statutory Authority: Code of Ala. 1975, §2-23-9.

History: Filed April 19, 1982. **Amended:** Filed August 16, 2004; effective September 20, 2004. **Amended:** Filed August 10, 2011; effective September 14, 2011.

80-1-7-.09 Sampling And Sample Retention.

All official samples of agricultural liming materials obtained and analyzed under the provisions of Code of Ala. 1975, §2-23-6, shall be retained by the Department of Agriculture and Industries at the conclusion of the analysis, as follows:

(a) Samples, where no deficiency has been determined, may be discarded at any time following the conclusion of the analysis.

(b) Samples, where a deficiency has been determined by analysis, shall be retained for a period of 180 days. This period may be extended for a reasonable period upon the request of any concerned or interested party, timely made, to the Department of Agriculture and Industries.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-23-9.

History: Filed April 19, 1982.

80-1-7-.10 Requirements Of Applicants For Permits.

(1) Every manufacturer or distributor selling agricultural liming materials in this state shall, on or before October 1 of each year or prior to manufacture or distribution of such liming material in the State of Alabama, apply for and obtain an annual permit for such purpose on a form to be furnished by the commissioner. Such application shall be accompanied by a permit fee of \$250.00 and shall show the brand name under which the liming material will be sold. If more than one type of agricultural liming material is manufactured or distributed or the product or the brand name is

changed by a manufacturer or distributor, an additional permit fee of \$125.00 for each additional brand or type of liming material must be paid. All permits shall expire on September 30 of the following year. When the manufacturer and the distributor are not the same, only one permit shall be required unless the brand name is changed, as it is hereby intended that the permit fee be paid only once on the same brand.

(2) Applicants for an agricultural liming materials permit shall furnish with the application for the permit a complete and accurate copy of the label to be attached to the container of agricultural liming materials sold in this state, or if sold in bulk, a true copy of the labeling information which is required to be placed on the delivery slip and made available to the vendor in sufficient quantities to accompany each load of liming material sold.

(3) Only one permit will be required unless the Brand name is changed.

Author: Charles H. Barnes, John P. Hagood, Robert J. Russell

Statutory Authority: Code of Ala. 1975, §2-23-3, -23-9.

History: Filed April 19, 1982. **Amended:** Filed August 16, 2004; effective September 20, 2004. **Amended:** Filed August 10, 2011; effective September 14, 2011. **Amended:** Filed August 10, 2011; effective September 14, 2011.

80-1-7-.11 Penalty For Violation Of Regulation.

Any person violating any provisions of this regulation shall be guilty of a misdemeanor as provided under the provisions of Code of Ala. 1975, §2-23-11.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-23-9.

History: Filed April 19, 1982.

Ed. Note: The following is a history by the Department of Agriculture and Industries prior to the enactment of the Alabama Administrative Procedure Act. **HISTORY:** This Chapter was first promulgated on November 6, 1975. It was amended on December 19, 1978 and June 9, 1980. It became effective on October 1, 1980.