

SOIL AMENDMENT ACT

§ 2-8-85.1. Short Title.

This subarticle shall be known and may be cited as the Soil Amendment Act.

§ 2-8-85.2. Power Vested in Board.

The Soil Amendment Act shall be administered by the State Board of Agriculture.

§ 2-8-85.3. Definitions.

As used in the Soil Amendment Act:

1. "**Active ingredient**" or "**soil amending ingredient**" means:

- a. the ingredient or ingredients that affect the physical, chemical, or other characteristics of the soil and improve soil condition, or
- b. any natural or synthetic substance when applied to plants or seeds that is intended to improve crop production, germination, growth, yield, product quality, reproduction, flavor or other desirable characteristics of plants;

2. "**Adulterated**" means and shall apply to any soil amendment if:

- a. it contains any deleterious or harmful agent in sufficient amount to render it injurious to beneficial plants, animals, or aquatic life when applied in accordance with the directions for use shown on the label; or if adequate warning statements and directions for use, necessary to protect plants, animals, or aquatic life are not shown on the label,
- b. its composition falls below purported labeling requirements, or
- c. it contains noxious weed seed;

3. "**Bulk**" means in nonpackaged form;

4. "**Distribute**" means to import, consign, manufacture, blend, offer for sale, sell, barter, or to supply soil amendments to any person in this state;

5. "**Distributor**" means any person who imports, consigns, manufactures, blends, sells, offers for sale, barter or supplies soil amendments in this state;

6. "**Inert ingredient**" or "**other ingredient**" means the ingredients with no beneficial effect that are present in the product;

7. "**Label**" means the display of written, printed, or graphic matter upon the immediate container of a soil amendment;

8. "**Labeling**" means all written, printed, or graphic matter upon or accompanying any soil amendment, and all advertisements, brochures, posters, television, or radio announcements used in promoting the sale of a soil amendment;

9. "**Manufacturer**" means any person who produces, compounds, mixes, or blends soil amendments;

10. "**Misbranded**" means and shall apply if:

- a. any soil amendment bears a label that is false or misleading in any particular,
- b. any soil amendment is distributed under the name of another soil amendment,
- c. any material is represented as a soil amendment or is represented as containing a soil amendment, unless the soil amendment conforms to the definition of identity, if any, prescribed by rules,
- d. the active ingredient in any soil amendment is not shown in the approved ingredient form, or
- e. the labeling on any soil amendment is false or misleading in any particular;

11. "**Name**" means the specific designation under which the individual product is offered for sale;

12. "**Percent**" or "**percentage**" means the portion of each one hundred (100) units of weight;

13. "**Registrant**" means any person who registers a soil amendment under the provisions of the Soil Amendment Act; and

14. "**Soil amendment**" means any substance which is intended to improve the physical, chemical, or other characteristics of the soil, horticultural growing media, or any natural or synthetic substance applied to plants or seeds that is intended to improve crop-production, germination, growth, yield, product quality, reproduction, flavor or other desirable characteristics of plants except the following: commercial fertilizers, agricultural liming materials, agricultural gypsum, unmanipulated animal manures, unmanipulated vegetable manures, and pesticides; provided, that commercial fertilizer shall be included if it is represented to contain, as an active ingredient, a substance other than a recognized plant food element or is represented as promoting plant growth by other than supplying a recognized plant food element.

§ 2-8-85.4. Labeling.

- A. Each container of a soil amendment shall be labeled on the face or display side in a readable and conspicuous form to show the following information:
 - 1. The net weight of the contents;
 - 2. The name of the product;
 - 3. The guaranteed analysis;
 - 4. A statement as to the purpose of the product;
 - 5. Adequate directions for use; and
 - 6. The name and address of the registrant.
- B. Bulk lots shall be labeled by attaching a copy of the label to the invoice that shall be furnished to the purchaser.
- C. The State Board of Agriculture may require proof of claims made for any soil amendment. If no claims are made the Board may require proof of usefulness and value of the soil amendment. For evidence of proof the Board may rely on experimental data, evaluations, or advice supplied from sources including but not limited to the Director of the Agricultural Experiment Station. The experimental design shall be related to Oklahoma conditions for which the product is intended. The Board may accept or reject other sources of proof as additional evidence in evaluating soil amendments.
- D. No soil amending ingredient may be listed or guaranteed on the labels or labeling of soil amendments without Board approval.

- E. The Board may allow a soil amending ingredient to be listed or guaranteed on the label or labeling if satisfactory supportive data is provided the Board to substantiate the value and usefulness of the soil amending ingredients. The Board may rely on outside sources including but not limited to the Director of the Agricultural Experiment Station for assistance in evaluating the data submitted.
- F. If the Board approves the listing of guarantee of a soil amending ingredient it shall be subject to inspection and analysis.
- G. The Board may prescribe methods and procedures of inspection and analysis of the soil amending ingredient. The Board may stipulate, by rule, the quantities of the soil amending ingredient or soil amending ingredients required in soil amendments.

§ 2-8-85.5. Registration — Fee.

- A. Each soil amendment product shall be registered with the State Board of Agriculture before it is distributed in this state. Application for registration shall be submitted to the Board, on a form, showing the information required on the label, as provided in Section 8-85.4 of this title and rules promulgated pursuant thereto, except net weight of product.
- B. The registration fee shall be One Hundred Dollars (\$100.00) for each product.
- C. All registrations shall expire on December 31 of the year for which the soil amendment product is registered.
- D. The applicant shall submit with the application for registration a copy of the label and a copy of all advertisements, brochures, posters, and television and radio announcements to be used in promoting the sale of the soil amendment.
- E. If the Board finds any soil amendment product that has not been registered, the registration was falsely submitted, or the registration was late, the Board may establish and assess a penalty. The penalty shall be assessed per product and added to the registration fee and payment shall be made within thirty (30) days after receipt of notice.

§ 2-8-85.7. Stop Sale, Stop Use or Removal Order.

The State Board of Agriculture may issue and enforce a written or printed stop sale, stop use, or removal order to the owner or custodian of any lot of soil amendment, and shall hold such lot of soil amendment at a designated place

when the Board finds a soil amendment is being offered or exposed for sale that is not registered, is not labeled, is misbranded, or is adulterated, until the time when the product or labeling complies with this act. The soil amendment may then be released in writing by the Board.

§ 2-8-85.8. Violations.

It shall be a violation of the Soil Amendment Act for any person:

1. To distribute a soil amendment that is not registered with the State Board of Agriculture;
2. To distribute a soil amendment that is not labeled;
3. To distribute a soil amendment that is misbranded;
4. To distribute a soil amendment that is adulterated;
5. To fail to comply with a stop sale, stop use, or removal order; or
6. To violate any other provision of the Soil Amendment Act.

§ 2-8-85.9. Duties of Agents.

- A. The State Board of Agriculture may inspect, sample, analyze, and test soil amendments distributed in this state at any time and place, and to the extent necessary to determine whether the soil amendments are in compliance with the Soil Amendment Act.
- B. The Board and its employees or agents are authorized to enter upon public or private property during regular working hours to access soil amendments for the purpose of administering the Soil Amendment Act.

§ 2-8-85.10. Promulgation of Rules.

The State Board of Agriculture shall promulgate rules necessary to administer the Soil Amendment Act, including but not limited to methods of sampling, methods of analysis, designation of ingredients, and promulgate definitions of identity of products, acceptable ingredients for registration, and labeling formats.

§ 2-8-85.11. Revocation of Registration — Hearing.

The State Board of Agriculture shall refuse to register any product that does not comply with the Soil Amendment Act and rules promulgated thereto. The Board may revoke any registration upon satisfactory evidence that the registrant or any of its agents used fraudulent or deceptive practices. A registration shall not be revoked by the Board until the registrant has been given an opportunity for a hearing before the Board in compliance with the provisions of Article II of the Administrative Procedures Act.

§ 2-8-85.12. Deposit of Funds.

The State Board of Agriculture shall remit at least monthly all monies received pursuant to the Soil Amendment Act to the State Treasurer. Upon receipt of the monies the State Treasurer shall deposit the entire amount in the State Treasury and shall credit the monies to an appropriate State Department of Agriculture Fund.

SOIL AMENDMENT RULES

35:30-30-1. Definitions

The following words or terms shall have the meaning set forth herein when used in these rules and regulations:

- (1) "**Aged**" means exposed to weathering or natural decay.
- (2) "**Biosolid**" means a primary organic solid material produced by wastewater treatment processes that can be beneficially recycled for its plant nutrient content and soil amending characteristics, as regulated pursuant to 40 CFR 503, as amended.
- (3) "**Brand**" or "**product name**" means a specific designation applied to an individual soil amendment.
- (4) "**Compost**" A biologically stable material derived from the composting process.
- (5) "**Composting**" means the biological decomposition of organic matter accomplished by mixing and piling in such a way to promote aerobic or anaerobic decay and inhibits pathogens, viable weed seeds and odors.
- (6) "**Custom media**" means a horticultural growing medium that is prepared to exact specifications of the person utilizing the medium.
- (7) "**Forest products**" means untreated wood and its untreated byproducts generated from the harvest of timber and includes but is not limited to lumber, sawdust, bark, and similar materials, but in no case shall include reprocessed wood from fabricated consumer or industrial products.
- (8) "**Horticultural growing media**" means any substance or mixture of substances promoted as or is intended to function as a growing medium for the managed growth of horticultural crops in containers and shall be considered a soil amendment for the purposes of this chapter.
- (9) "**Inorganic based**" refers to all substances that do not fall under the definition of organic based or microbial based.
- (10) "**Landscape materials**" means green waste derived from landscape operations and includes but is not limited to grass clippings, plants, shrubs, and tree trimmings not more than six inches (6") in diameter.

(11) "**Microbial based**" means a biological substance or mixture of substances distributed to be applied to the soil, plants, or seeds for corrective soil purposes; intended to improve germination, growth yield, product quality, reproduction, flavor, or other desirable characteristics of plants; or intended to produce any chemical, biochemical, biological, or physical change in the soil.

(12) "**Mulch**" means any organic or inorganic soil surface cover used to help retain moisture longer in the soil by retarding evaporation, to discourage weed growth, to help maintain a constant temperature by insulating the soil, to discourage runoff and soil erosion by shielding the soil surface from water abrasion or to promote water absorption and retention.

(13) "**Organic based**" means only naturally occurring substances generally recognized as the hydrogen compounds of carbon and their derivatives.

(14) "**Processed**" means deliberately treated or manipulated to modify or transform physical, chemical, or biological characteristics of the natural state of the substance.

(15) "**Raw**" means in the natural state, and not prepared, modified or manipulated for use.

(16) "**Registration document**" means the information required by the Board for registering a soil amendment for distribution into or within Oklahoma. The Registration Document may be made available by the registrant to the purchaser upon request, but shall not be part of the product label or labeling.

(17) "**Wood**" means a hard, fibrous material located beneath the bark, which constitutes the greatest part of the stems of trees and shrubs.

35:30-30-2. Registration and fees

(a) Each soil amendment product shall be registered with the Board prior to distribution on a registration document supplied by the Board.

(b) All registrations expire on December 31st of the year registered.

(c) No product name shall be registered that misrepresents the product's primary component or component formulation.

(d) Each product name shall refer to a specific formulation; different product names may refer to the same specific formulation. Products for which formulations change or are modified beyond the ranges reported in the registration document shall either be reregistered with a name that distinguishes

them from the previous formulation, or production and distribution of the previous formulation shall cease.

(e) Reregistered products shall be accompanied by a new registration document for that formulation.

(f) Each product registration document shall be accompanied by a label or facsimile of a label for that product as named. If the same product is sold in more than one size, only one label sample shall be submitted.

(g) The Board shall not issue and may revoke any soil amendment registration if the Board determines the registration is for the primary purpose of disposal of the product or substance.

(h) The registration fee shall be One Hundred Dollars (\$100.00) for each product.

(i) If the Board finds that any soil amendment product is not registered, a penalty of One Hundred Dollars (\$100.00) per product shall be assessed. The penalty shall be added to the registration fee and payment shall be made within thirty (30) days after receipt of notice.

35:30-30-3. Contents of the label

(a) Label information may be printed on the primary or secondary display panel on the bag containing the product, printed on a sticker placed on the bag, printed on a flyer or tag attached to the bag, or in the case of bulk bags or bulk, any of the above or printed on a fact sheet accompanying the shipment.

(b) The Board shall require each label to contain the following minimum information. Additional information of an instructional or explanatory nature may be provided at the discretion of the registrant.

(1) The product name as registered.

(2) The quantity of the product in quarts, cubic feet, yards, or metric equivalents or the weight of the product in ounces, pounds, tons or metric weights or the fluid measure in fluid oz, quarts or gallons or metric equivalents as determined by the dominant method of sale by the industry and as registered.

(3) The guaranteed analysis for inorganic based soil amendments shall include the name and the percentage of each active ingredient, and the percentage of inert ingredients.

(4) The guaranteed analysis for microbiological based soil amendments intended as an inoculum shall include the expiration date, state the number and kind of viable organisms per milliliter, or, if the product is other than liquid, state the number and kind of viable organisms per gram. If the product is not intended as an inoculum, then the product label shall state that the product is not a viable culture.

(5) In lieu of a guaranteed analysis for organic based soil amendments an ingredient list shall show all components whether organic or inorganic. Components shall be listed in order of decreasing volume, if they comprise at least three percent (3%) or more of the total volume of the product. Components shall be described as follows:

(A) Bark products shall be described as raw, aged, processed, or composted. Bark shall also be specified as pine or softwood (meaning Gymnosperm), or hardwood (not Gymnosperm), and may include no more than fifteen per cent (15%) wood by volume.

(B) Peat products shall be described in accordance with ASTM standards as to whether they are sphagnum, hypnum, reed-sedge, humus, or other peat.

(C) Wood products shall be described as raw, aged, processed, reprocessed or composted.

(D) Readily degradable organic substances shall be listed and described as raw, aged, processed or composted.

(E) The base material for any other composted product shall be described as listed.

(F) Mulches shall be described as listed in the components.

(G) Manures shall be described as listed in the components.

(6) Application rates and intended use statements such as general recommendations for product use. If cautionary warnings of uses not recommended are made, they should be stated in this section of the label.

(7) An address where further product information may be obtained, and a telephone number available during normal business hours for further product information.

(8) For products intended for use by commercial growers, the date of manufacture, or the month and year of manufacture, stated at any location on the bag. If the date or month and year of manufacture is coded, sufficient

information must be provided to determine the date or month and year of manufacture from the code.

(9) The Board may require a registrant to include a warning or caution statement to ensure safety.

35:30-30-4. Sampling and Analyses.

The Board may require the registrant to provide physical and chemical analyses of products if it has reason to believe the product does not conform with the label or labeling. The analyses shall include but not be limited to all information required by the label section of this Chapter, the Registration Document, and any other supporting documentation.

35:30-30-5. Unlawful Acts.

It shall be an unlawful act to:

- (1) Distribute an unregistered soil amendment, except one exempted from the requirements of this Chapter.
- (2) Distribute a soil amendment if the label or labeling does not accurately reflect its composition.
- (3) Distribute an adulterated product.
- (4) Fail to supply the Board with analyses of a soil amendments when requested by the Board.
- (5) Fail to cease distribution of any soil amendment for which the Board has issued a Stop Sale order.
- (6) Obstruct the Board in the performance of its duties.
- (7) To fail to supply any analyses of the soil amendment upon request of the Board.
- (8) To fail to disclose on the label sources of potentially deleterious components.

35:30-30-6. Exemptions

(a) Distribution of horticultural growing media planted with live plant material is exempt from the labeling and registration requirements.

(b) Distribution of custom media is exempt from registration requirements imposed provided it is prepared for a single end user.

(c) Distribution of a soil amendment that is registered pursuant to the Oklahoma Fertilizer Act may be exempt from the registration requirement, but shall not be exempt from any requirements other than registration.