

UNIFORM SOIL AMENDMENT BILL
(Official 1975)

An Act to regulate the distribution, labeling, and sale of soil amendments.

Section 1. Title

This act shall be known as the "Soil Amendment Act of _____."

Section 2. Enforcing Official

This Act shall be administered by the _____.

Section 3. Definitions of terms used in this Act

- (a) "Soil Amendment" means any substance for a mixture of substances which is intended to improve the physical chemical, biochemical, biological or other characteristics of the soil, except commercial fertilizers, agricultural liming materials, unmanipulated animal manures, unmanipulated vegetable manures, pesticides and other materials exempted by regulation [(Tentative 2009)]
- (b) "Soil Amending Ingredient Form" means the chemical compound such as salt, chelate, oxide, acid, etc., of an ingredient or the physical form of an ingredient. [(Tentative 2009)]
- (c) "Brand" means the term, designation, trade mark, product name or other specific designation under which individual soil amendments are offered for sale.
- (d) "Bulk" means in non-packaged form.
- (e) "Distribute" means to import, consign, manufacture, produce, compound, mix, or blend soil amendments, or offer for sale, sell, barter, or otherwise supply soil amendments in this state.
- (f) "Distributor" means any person who imports, consigns, manufactures, produces, compounds, mixes, or blends soil amendments, or who offers for sale, sells, barter, or otherwise supplies soil amendments in this state.
- (g) "Investigational Allowance" means an allowance for variations inherent in the taking, preparation and analysis of an official sample of soil amendment.
- (h) "Label" means the display of all written, printed or graphic matter upon the immediate container or statement accompanying a soil amendment.
- (i) "Labeling" means all written, printed or graphic matter, upon or accompanying any soil amendment, or advertisements, brochures, posters, or television or radio announcements used in promoting the sale of such soil amendment.
- (j) "Minimum Percentage" means that percent of soil amending ingredient that must be present in a product before the product will be accepted for registration when mentioned in any form or manner.
- (k) "Official Sample" means any sample of soil amendment taken by the _____ or his agent and designated as "Official" by the _____.
- (l) "Other Ingredients" means the non-soil amending ingredients present in soil amendments.
- (m) "Percent" or "Percentage" means by weight.
- (n) "Person" means individual, partnership, association, firm or corporation.
- (o) "Registrant" means the person who registers soil amendments under the provisions of this Act.

- (p) "Soil Amending Ingredient" means a substance which will improve the physical [chemical, biochemical, biological or other] characteristics of the soil. [(Tentative 2009)]
- (q) "Ton" means a net weight of 2,000 pounds avoirdupois.
- (r) "Weight" means the weight of material as offered for sale.

Section 4. Labeling

- (a) Soil Amendment Labels - [Except for materials exempted by regulation,] If/it he following information shall appear on the face or display side in a readable and conspicuous form, and shall be considered the label: [(Tentative 2009)]
- (1) Net Weight
 - (2) Brand Name
 - (3) Guaranteed Analysis

Soil amending ingredients	
"Name of ingredient"	_____ %
(identify and list all)	
Total Other Ingredients.....	_____ %
 - (4) Purpose of product
 - (5) Directions for application
 - (6) Name and address of registrant

In case of bulk shipments, this information in written or printed form shall accompany delivery and be supplied to the purchaser at time of delivery. (Official 1999)

- (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 use, value, quality, analysis, type, or composition of the soil amendment.
- (c) The _____ may require proof of claims made for any soil amendment. If no claims are made he may require proof of usefulness and value of the soil amendment. For evidence of proof the _____ may rely on experimental data, evaluations, or advice supplied from such sources as the Director of the Agricultural Experiment Station. The experimental design shall be related to state conditions for which the product is intended. The _____ 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 labels or labeling of soil amendments without the permission of the _____. The _____ may allow a soil amending ingredient to be listed or guaranteed on the label or labeling if satisfactory supportive data is provided the _____ to substantiate the value and usefulness of the soil amending ingredients. The _____ may rely on outside sources such as the Director of the Agricultural Experiment Station for assistance in evaluating the data submitted. When a soil amending ingredient is permitted to be listed or guaranteed it must be determinable by laboratory methods and is subject to inspection and analysis. The _____ may prescribe methods and procedures of inspection and analysis of the soil amending ingredient. The _____ may stipulate by regulation, the quantities of the soil amending ingredient or soil amending ingredients required in soil amendments.
- (e) The _____ may allow labeling by volume rather than weight in Section 4 (a). The _____ may allow payment of inspection fees on a calculated equivalent of volume to tons.

Section 5. Registration

- (a) Each separately identified product shall be registered before being distributed in this State. The application for registration shall be submitted to the _____ on the form furnished or approved by the _____ and shall be accompanied by a fee of \$ _____ per product. Upon approval by the _____ a certified copy of the registration shall be furnished to the applicant. All registrations expire on _____ of the following year. Each manufacturer shall submit to the _____ a copy of labels and advertising literature with the registration request for each soil amendment.
- (b) A distributor shall not be required to register any brand of soil amendment which is already registered under this Act by another person, providing the label does not differ in any respect.
- (c) Before registering any soil amendment the _____ may require evidence to substantiate the claims made for the soil amendment and proof of the value and usefulness of the soil amendment as in Section 4 (c) and (d).
- (d) The _____ may by regulation set the minimum amount of a soil amendment ingredient and soil amendment ingredients that must be present before a soil amendment can be registered and sold.
- (e) If the application for renewal of the soil amendment registration provided for in this section is not filed prior to _____ of any one year, a penalty of _____ shall be assessed and added to the original fee and shall be paid by the applicant before the renewal soil amendment registration shall be issued. PROVIDED, that such penalty shall not apply if the applicant furnished an affidavit that he/she has not distributed this soil amendment subsequent to the expiration of his prior registration.

Section 6. Inspection Fee

- (a) There shall be paid to the _____ for all soil amendments distributed in this State an inspection fee of \$ _____ per ton.
- (b) Every person who distributes a soil amendment in this State shall file with the _____ on forms furnished by the _____ quarterly statements for periods ending September 30, December 31, March 31, and June 30 setting forth the number of net tons of each soil amendment distributed in the State during such quarter. Such statement shall be accompanied by a payment of the inspection fee at the rate of \$ _____ per ton.
- (c) When more than one distributor is involved in the distribution of a soil amendment product, the last registrant who distributes to a non-registrant (dealer or consumer) is responsible for reporting the tonnage and paying the inspection fees unless the reporting and paying of fees have been made by a prior distributor of the soil amendment product. If the report is not filed or is filed falsely or the inspection fee is not paid within 30 days following each quarter, the _____ may revoke the registration of such persons and a penalty of \$ _____ per day for each subsequent day shall be assessed. The inspection fee and the penalty shall constitute a debt and become the basis for a judgment against such person which may be collected by the _____ in any court of competent jurisdiction without prior demand.
- (d) The report required by this section shall not be a public record and it shall be a misdemeanor for any person to divulge any information given in such report which would reveal the business operations of a person making the report. PROVIDED, that nothing contained in this subsection shall be construed to prevent or make unlawful the use of information concerning the business operation of any person in any action, suit or proceeding instituted under the authority of this Act including any civil action for collection of unpaid inspection fees, which action is hereby authorized and which shall be an action at law in the name of the _____.

Section 7. Inspection, Sampling, Analysis

- (a) It is the duty of the _____, who may act through his authorized agent, to sample, inspect, make analyses of, and test soil amendments distributed within this State at any

time and place to such an extent he may deem necessary to determine whether such soil amendments are in compliance with the provisions of this Act. The _____, individually or through his agent, is authorized to enter upon any public or private premises or carriers during regular business hours in order to have access to soil amendments subject to the provisions of this Act and the rules and regulations pertaining thereto, and to the records relating to their distribution.

- (b) The methods of analysis and sampling shall be those adopted by the _____ from sources such as the AOAC International, or other sources acceptable to the _____.
- (c) The results of official analyses of soil amendments and portions of official samples shall be distributed by the _____ as provided in the regulations.

Section 8. Penalties for Deficient Analysis

- (a) If the analysis shall show that any soil amendment falls short of the guaranteed analysis in any one soil amending ingredient or in total soil amending ingredients, a penalty shall be assessed in favor of the _____ in accordance with the following provisions:
 - (1) A penalty of three times the value of the deficiency if such deficiency in any one soil amending ingredient is more than:
 - (A) 20% of the guarantee on any one soil amendment in which the soil amending ingredient is guaranteed up to and including 20%.
 - (B) 4% under guarantee on any one soil amendment in which the soil amending ingredient is guaranteed 20 and 1/10 percent and above.
 - (2) A penalty of three times the value of the total soil amending ingredient deficiency shall be assessed when such total deficiency is more than 2% under the calculated total soil amending ingredient guarantee.
 - (3) When a soil amendment is subject to penalties under both (1) and (2) above, only the larger penalty shall be assessed.
- (b) All penalties assessed under this section shall be paid to the _____ within three months after the date of notice from the _____ to the registrant. The _____ shall deposit the amount of the penalty in the _____ account.
- (c) Nothing contained in this section shall prevent any person from appealing to a court of competent jurisdiction for a judgment as to the justification of such penalties imposed under subsections (a) and (b) above.
- (d) The penalties payable in (a) and (b) above shall in no manner be construed as limiting the consumer's right to bring a civil action in damage against the registrant paying said civil penalties.
- (e) For the purpose of determining commercial values to be applied under the provisions of this section, the _____ shall determine from the registrant's sales invoice the values charged for the soil amending ingredients. If no invoice is available or if the invoice fails to provide sufficient information the _____ may use other methods to determine values. The values so determined shall be used in determining and assessing penalties.

Section 9. Misbranding

No person shall distribute a misbranded soil amendment. A soil amendment shall be deemed to be misbranded:

- (a) If its labeling is false or misleading in any particular, or
- (b) If it is distributed under the name of another soil amendment, or

- (c) If it is not labeled as required in Sections 4 and 5 of this Act and in accordance with regulations prescribed under this Act, or
- (d) If it purports to be or is represented as a soil amendment or represented as containing a soil amendment unless such soil amendment conforms to the definitions of identity, if any, prescribed by regulation of the _____. In the adopting of such regulations, the _____ shall give due regard to commonly accepted definitions and official terms such as those issued by the Association of American Plant Food Control Officials.
- (e) If it does not conform to ingredient form, minimums, labeling, and investigational allowances in the regulations adopted by the _____.

Section 10. Stop Sale

The _____ may issue and enforce a written or printed "stop sale, use or removal" order to the owner or custodian of any lot of soil amendment and to hold at a designated place when the _____ finds said soil amendment is being offered or exposed for sale in violation of any of the provisions of this Act until the law has been complied with and said soil amendment is released in writing by the _____ or said violation has been otherwise legally disposed of by written authority. The _____ shall release the soil amendment so withdrawn when the requirements of the provisions of the Act have been complied with and all costs and expense incurred in connection with the withdrawal have been paid.

Section 11. Penalties for Violations of this Act

- (a) Any person convicted of violating any provision of this Act or the rules and regulations promulgated thereunder shall be subject to a penalty of not less than \$_____ or more than \$_____ to be enforced by a summary proceedings in a court of competent jurisdiction. Nothing in this Act shall be construed as requiring the _____ or his authorized agent to report for prosecution or for the institution of seizure proceedings as a result of minor violations of this Act when he believes that the public interest will best be served by a suitable written warning.
- (b) The _____ is hereby authorized to apply for and the court to grant a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this Act or any rule or regulation promulgated under this Act notwithstanding the existence of other remedies at law. Said injunction to be issued without bond.

Section 12. Rules and Regulations

The _____ is authorized pursuant to _____ to adopt and enforce such rules and regulations relating to sampling, analytical methods, form, minimum percentages, soil amending ingredients, exempted materials, investigational allowances, definitions, records, labels, labeling, liability bond, misbranding, mislabeling and the distribution of soil amendments as may be necessary to carry into effect the full intent and meaning of this Act.

Section 13. Adulteration

No person shall distribute an adulterated soil amendment. A soil amendment shall be deemed to be adulterated:

- (a) If it contains any deleterious or harmful substance in sufficient amount to render it injurious to beneficial plant life, animals, humans, aquatic life, soil, or water when applied in accordance with directions for use on the label; or, if adequate warning statements and directions for use, which may be necessary to protect plant life, animals, humans, aquatic life, soil, or water are not shown upon the label; or, (Official 1997)
- (b) If its composition falls below or differs from that which it is purported to possess by its labeling; or,

- (c) If it contains unwanted crop or weed seed, or primary noxious or secondary noxious weed seed.

Section 14. Cancellation or Refusal of Registration

The _____ is authorized and empowered to refuse registration of any brand of soil amendment if he finds the brand of soil amendment violates any section of this Act or rules and regulations promulgated under this Act. The _____ is authorized and empowered to cancel the registration of any brand of soil amendment upon satisfactory evidence that the registrant has used fraudulent or deceptive practices in the evasions or attempted evasions of the provisions of this Act, or any rules or regulations promulgated thereunder: Provided, that no registration shall be revoked until the registrant shall have been given the opportunity to appear for a hearing by the _____.

Section 15. Constitutionality

If any clause, sentence, paragraph, or part of this Act shall for any reason be judged invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confirmed in its controversy in which such judgment shall have been rendered.

Section 16. Effective Date

This Act shall take effect and be in force from and after the first day of _____.

Note No. 1. It may be a legal requirement in a particular state that some terms used in this bill must be defined in this bill regardless of their being defined in other laws. The terms to be redefined may include agricultural liming material, fertilizer, pesticides, plant regulators, vegetable manures, and animal manures. Therefore, if these definitions are needed they should be copied from the state's Fertilizer Law, Liming Materials Law, Pesticide Law, or from other state laws that pertain. The definition may be defined directly or indirectly. For example: the term "agricultural liming material" means a product as defined in the _____ Agricultural Liming Materials Law of _____.

Note No. 2. If it is the desire to regulate labeling of material that changes or claims to change the chemical characteristics of the soil but which is not a fertilizer or other exempted material, the word "chemical" should be added to Section 3(a) and (p).

Note No. 3. The suggested registration period is for a calendar year with a registration fee of \$25 per soil amendment and a tonnage fee of 25 cents per ton.

Note No. 4. (To be used in Section 3 when the bill is intended to cover plant amendments and such phraseology is incorporated.) "plant amendment" means any substance applied to plants or seeds which is intended to improve germination, growth, yield, product quality, reproduction, flavor, or other desirable characteristics of plants except fertilizers, soil amendments, agricultural liming materials, animal and vegetable manures, pesticides, plant regulators, and other materials which may be exempted by regulation.

RULES AND REGULATIONS – SOIL AMENDMENTS

1. Definitions

- (a) **"Compost" means a biologically stable material derived from the composting process.**
- (b) **"Composting" means the biological decomposition of organic matter. It is to be accomplished by mixing and piling in such a way to promote aerobic and/or anaerobic decay. The process inhibits pathogens, viable weed seeds, and odors.**
- (c) **"Ingredient Statement" means a collective and contiguous listing of the ingredients of which the soil amendment is composed. Such ingredients shall be listed in**

descending order by their predominance by volume or weight as appropriate in non-quantitative terms.

- (d) "Landscape soil" or "garden soil" means any substance or mixture of substances promoted as or intended to function as a growing medium for plants or crops not in containers.
- (e) "Microbe(s)" means any microbiological organism or mixture of microbiological organisms intended to produce any physical, chemical, biochemical, biological, physical or other change in the soil.
- (f) "Mulch" means any organic or inorganic soil surface cover used to help retain moisture longer in the soil by retarding evaporation, to act as a physical barrier 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, to promote water absorption and retention, or some other similar purpose.
- (g) "Peat" means partly decayed vegetable matter of natural occurrence and shall be described in accordance with ASTM standards as to whether it is sphagnum, hypnum, reed-sedge, humus, or other peat.
- (g) "Perlite" means a lightweight granular material made of a volcanic mineral expanded by heat treatment for use in growing media.
- (h) "Planting mix" means a material suitable for holding and growing plants and is usually made from natural materials.
- (i) "Potting soil" means a material suitable for holding and growing potted plants and is usually made from natural materials.
- (j) "Vermiculite" means a lightweight mica product expanded by heat treatment for use in growing media.

2. Exemptions

- (a) The following single ingredient soil amendments when clearly and conspicuously identified as such on the label are exempt from the guaranteed analysis as required in Section 4(a)(3) of the Act:

Peat
Perlite
Vermiculite
Gypsum
Vermicompost

- (b) In lieu of a guaranteed analysis as required in Section 4(a)(3) of the Act, the label of the following soil amendments when clearly and conspicuously identified as such on the label shall include an ingredient statement:

Compost
Garden Soil
Landscaping Soil
Mulch
Planting Mix
Potting Mix

- (c) In addition to those soil amendments listed in Rule 2(a) and (b), other products may be exempted from Section 4(a)(3) of the Act with permission from the _____.

(d) In lieu of a guarantee expressed as a percentage as required in Section 4(a)(3) of the Act, a product that claims the presence of a microbe(s) shall guarantee the microbe(s) as follows:

- (1.) Minimum number of each claimed viable organism at the genus and species level in colony forming units (CFU), spores or propagules per gram or milliliter (cm³); and**
- (2.) Expiration date; and**
- (3.) Storage & handling instructions**

3. Directions for Application

Minimum directions for application shall include:

- (a.) Recommended application rate or rates in units of weight or volume per unit of area coverage; and**
- (b.) Application timing and minimum intervals; and**
- (c.) The statement "Apply Only as Directed" or a statement of similar designation.**

4. Product Claims

Compost shall be exempt from providing proof of claims or proof of usefulness as required in Section 4(c) of the Act if the label and labeling bear a statement that the product is intended solely to be used for one or more of the following purposes:

- (a) Improves soil structure and porosity – creating a better plant root environment;**
- (b) Increases moisture infiltration and permeability, and reduces bulk density of heavy soils – improving moisture infiltration rates and reducing erosion and runoff;**
- (c) Improves the moisture holding capacity of light soils – reducing water loss and nutrient leaching, and improving moisture retention;**
- (d) Improves the cation exchange capacity (CEC) of soils;**
- (e) Supplies organic matter;**
- (f) Aids the proliferation of soil microorganisms;**
- (g) Allows plants to more effectively utilize nutrients, while reducing nutrient loss by leaching;**
- (h) Enables soils to retain nutrients longer;**
- (i) Contains humus – assisting in soil aggregation and making nutrients more available for plant uptake;**
- (j) Buffers soil pH. (Tentative 2009)]**