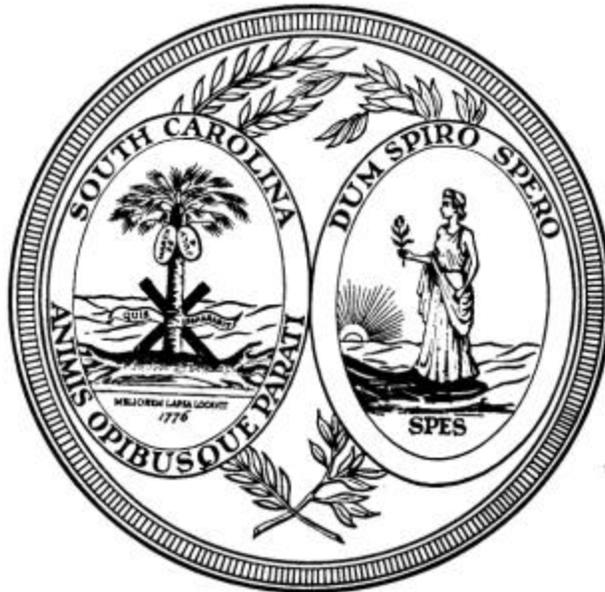


**South Carolina Fertilizer Law of 1954  
As Amended July 18, 1978  
As Amended June 1, 1988  
As Amended July 4, 2002  
And  
Rules and Regulations for the Enforcement of the  
South Carolina Soil Amendment Regulations**

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## Soil Amendment Regulations

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### 27-182. Requirements for Distribution, Labeling and Sale of “Soil Amendments”.

(Statutory Authority: 1976 Code Sections 46-25-20 et seq.)

#### A. Definition of terms.

(1) The term “board” means the board of trustees of Clemson University. For the purpose of the administration of this regulation the board is represented by the Head of Fertilizer Inspection and Analysis Department.

(2) The term “soil amendment” as described in Section 46-25-20 shall include any and every substance or mixtures of substances except those included under items of (2) and (3) of this section, imported, manufactured, prepared or sold for fertilizer, manurial, soil enriching or soil corrective purposes or intended to be used for promoting or stimulating the growth of plants (for beneficial purposes), increasing the productivity of crops or producing any chemical or physical change in the soil. The term “soil amendment” includes living organisms which are claimed to inoculate the soil, plants, or seed for the purpose of fixing nitrogen or promoting changes in plant or animal residues or promoting changes in the chemical content or physical properties of soils or plants; except it does not include Rhizobium organisms intended to inoculate legumes.

(3) “Soil Ingredient Form” means the chemical compound such as salt, chelate, oxide, acid, etc., of an ingredient or the physical form of an ingredient.

(4) The term “Brand” means the term, designation, trade mark, product name or other specific designation under which individual soil amendments are offered for sale.

(5) The term “Bulk” means in nonpackaged form.

(6) The term “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.

(7) The term “Distributor” means any person who imports, consigns, manufacturers, produces, compounds, mixes, or blends soil amendments, or who offers for sale, sells, barter, or otherwise supplies soil amendments in this state.

(8) “Investigational Allowance” means an allowance for variations inherent in the taking, preparation and analysis of an official sample of soil amendment.

(9) The term “Label” means the display of all written, printed or graphic matter upon the immediate container or statement accompanying a soil amendment.

(10) The term “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.

(11) “Minimum Percentage” means that percent of active ingredient that must be present in a product before the product will be accepted for registration when mentioned in any form or manner.

(12) The term “Official Sample” means any sample of Soil Amendment taken by the board or its representatives and designated as “Official” by the board.

(13) “Other Ingredients” means the non-active ingredients present in soil amendments.

(14) The term “Percent” or “Percentage” means by weight.

(15) The term “Person” means individual, partnership, association, firm or corporation.

(16) The term “Registrant” means the person who registers soil amendments under the provisions of this regulation.

(17) The term “Active Ingredient” is the ingredient or ingredients which bring about the changes claimed as a result of the application of the product.

(18) The term “Ton” means a net weight of 2,000 pounds avoirdupois.

(19) The term “Weight” means the weight of material as offered for sale.

## B. Labeling.

(1) "Soil Amendment Labels"--the following information shall appear on the face or display side in a readable and conspicuous form, and shall be considered the label:

(a) Net Weight

(b) Brand Name

(c) Guaranteed Analysis

Active Ingredients

Name of Ingredient--%

and continued until all soil amending ingredients are listed and percentages given.

Total percent of Other Ingredients.

(d) Purpose of Product

(e) Director for Application

(f) Name and Address of the Registrant

(2) 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.

(3) The board may require proof of claims made for any soil amendment. If no claims are made, proof of usefulness and value of the soil amendments may be required. For evidence of proof the board may rely on scientifically accepted, experimental data and evaluations. The experimental design shall be related to conditions applicable to South Carolina. The board may request assistance from the Director of the Agricultural Experiment Station or the Director of the Cooperative Extension Service or persons under their supervision for interpretation of data and for advice of the acceptability of data. Scientific data from any source may be used by the board as a basis for acceptance or rejection of claims.

(4) No ingredient may be listed or guaranteed on the labels or labeling of soil amendments without the permission of the board. The board may allow an active ingredient or precise combination of active ingredients 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 active ingredients or combination of active ingredients. When an active ingredient or precise combination of active ingredients is permitted to be listed or guaranteed it must be determinable by laboratory methods and is subject to inspection and analysis. The board may prescribe methods and procedures of inspection and analysis of the active ingredient. The board may stipulate by regulation, the quantities of the active ingredient or active ingredients required in soil amendments.

## C. Registration

(1) Each separately identified product shall be registered before being distributed in this State. The application for registration shall be submitted to the board on the form furnished or approved by the board and shall be accompanied by a fee of \$50.00 per product. This fee will be forwarded by the board to the South Carolina State Treasurer. Upon approval by the board a copy of the registration shall be furnished to the applicant. All registrations expire on June 30 of the following year. Each manufacturer shall submit to the board a copy of labels and advertising literature with the registration request for each soil amendment.

(2) A distributor shall not be required to register any brand of soil amendment which is already registered under this regulation by another person, providing the label does not differ in any respect.

(3) Before registering any soil amendment the board 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 B (3) and B (4).

(4) The board may set the minimum amount of an active ingredient or amending ingredients that must be present before a soil amendment can be registered and sold.

(5) If the application for renewal of the soil amendment registration provided for in this section is not filed prior to July 1 of any one year, a penalty of \$10.00 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 has not distributed this soil amendment subsequent to the expiration of his prior registration.

#### D. Inspection Fee.

(1) There shall be paid to the board for all soil amendments distributed in this state an inspection fee of \$5.00 per ton.

(2) Every person who distributes a soil amendment in the state shall file with the board on forms furnished by the board 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. The report shall be due within 30 days following each quarter. The report shall be due within 30 days following each quarter. Such statement shall be accompanied by a payment of the inspection fee at the rate of \$5.00 per ton.

(3) When more than one distributor is involved in the distribution of a soil amendment product, the last registrant who distributes to a nonregistrant (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 board may revoke the registration of such persons and a penalty of \$5.00 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 board in any court of competent jurisdiction without prior demand.

(4) 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 chapter including any civil action for collection of unpaid inspection fees, which action is hereby authorized and which shall be as an action at law in the name of the head of the department.

#### E. Inspection, Sampling, Analysis.

(1) It is the duty of the board, who may act through its authorized agent, to sample, inspect, make analyses of, and test soil amendments distributed within the State at any time and place and to such an extent he may deem necessary to determine whether such soil amendments are in compliance with the provisions of this regulation. The board, individually or through its 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 the rules and regulations pertaining thereto, and to the records relating to their distribution.

(2) The methods of analysis and sampling shall be those adopted by the board from sources such as the Association of Official Analytical Chemists, or other sources acceptable to the board.

(3) The results of official analyses of soil amendments and portions of official samples shall be distributed by the board as provided in the regulations.

#### F. Penalties for Deficient Analysis.

(1) 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 department in accordance with the following provisions:

(a) A penalty of three times the value of the deficiency if such deficiency in any one active ingredient is more than:

20% of the guarantee on any one soil amendment in which the soil amending ingredient is guaranteed up to and including 20%.

4% under guarantee on any one soil amendment in which the soil amending ingredient is guaranteed 20 and 1/10 percent and above.

(b) A penalty of three times the value of the total soil amending ingredients deficiency shall be assessed when such total deficiency is more than 2% under the calculated total soil amending ingredient guarantee.

(c) When a soil amendment is subject to penalty under both (1) and (2) above, only the larger penalty shall be assessed.

(2) All penalties assessed under this section shall be paid to the department within three months after the date of notice from the department to the registrant. The department shall transmit the amount of the penalty to the South Carolina State Treasurer.

(3) 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.

(4) For the purpose of determining commercial values to be applied under the provisions of this section, the board 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 board may use other methods to determine values. The values so determined shall be used in determining and assessing penalties.

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

(1) Its labeling is false or misleading in any particular, or

(2) If it is distributed under the name of another soil amendment, or

(3) If it is not labeled as required in Sections B and C of this regulation and in accordance with regulations, or

(4) 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 board; in the adopting of such regulations, the board shall give due regard to commonly accepted definitions and official terms such as those issued by the Association of American Plant Food Control Officials, or

(5) If it does not conform to ingredient form, minimums, labeling, and investigational allowances in the regulations adopted by the board. H. Stop Sale. The board 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 may hold at a designated place when the board finds said soil amendment is being offered or exposed for sale in violation of any of the provisions of this regulation until the regulation has been complied with and said soil amendment is released in writing by the board, or said violation has been otherwise legally disposed of by written authority. The board shall release the soil amendment so withdrawn when the requirements of the provisions of the regulations have been complied with and all costs and expenses incurred in connection with the withdrawn have been paid.

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

(1) It contains any deleterious or harmful agent in sufficient amount to render it injurious to beneficial plant, animal, or aquatic life 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, animal, or aquatic life are not shown upon the label, or

(2) If its composition falls below or differs from that which it is purported to possess by its labeling, or

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

J. Cancellation or Refusal of Registration. The board 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 the rules and regulations. The board 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 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 board.

K. The effective date is February 1, 1979.

Although the effective date of this regulation is shown as February 1, 1979 in paragraph K, under the Administrative Procedures Act, regulations become effective on the date of publication in the State Register in final form. This regulation was so published on April 27, 1979.

**27-183. Registration Revoked When Plant Nutrient Deficiencies are Excessive.**

(Statutory Authority: 1976 Code Section 46-25-250)

When the number of fertilizer samples taken from fertilizer sold by a registrant or a particular plant operated by a registrant is found to be deficient by more than 20 percent of the total samples taken during a fiscal year, the registrant will be considered for probation. If unusual circumstances contribute to the high incidences of deficiencies, probation may be deferred and a warning will be given. In the year following probation, the registrant will notify the Department of Fertilizer Inspection and Analysis when the plant will be in operation to give inspectors an opportunity to samples no less than 30 lots. If the ownership of a plant where 20 percent or more of the samples has been found to be deficient has been transferred, the plant is still considered to be under probation.

In this trial year, if more than 20 percent of samples taken are found to be deficient beyond the investigational allowance, the registrant will be given a hearing. If the registrant cannot show cause as to why registration should not be revoked or refused, the registrant or plant will not be granted registration or license.

A registrant who has had registration revoked for conditions described in this rule may apply for reinstatement of registration after a period of not less than 90 days by presenting in writing to the Board documentive evidence of corrective action which will reduce the number of deficiencies.

**27-184. Sampling.**

(Statutory Authority: 1976 Code 46-25-710)

Sampling equipment and procedures shall be those adopted by the Association of Official Analytical Chemists wherever applicable. Minor departure from those procedures may be authorized by the Board or its duly authorized agent.

**27-185. Analysis.**

(Statutory Authority: 1976 Code 46-25-710)

Methods of analysis shall generally be those adopted by the Association of Official Analytical Chemists. In cases not covered by such methods, or in cases where methods are not available in which improved applicability has been demonstrated, the Board or its duly authorized agent may adopt such appropriate methods.