

# HOUSE BILL No. 5402

March 11, 2014, Introduced by Reps. Potvin, McBroom, Graves, Schmidt, Goike, LaFontaine, Clemente, Jacobsen, Bumstead, Kivela, Zorn, Rendon, Dianda, Foster, MacGregor, Glardon, Victory, Kesto, Haveman, Poleski, Forlini, Haugh, Lane, Brunner, Durhal, Santana and Crawford and referred to the Committee on Natural Resources.

A bill to amend 1955 PA 162, entitled

"An act to provide for the licensing and inspection of agricultural liming material and to regulate the sale thereof; and to prescribe penalties for the violations of the provisions of this act,"

by amending section 2 (MCL 290.532).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 2. (1) Before any liming material is sold or offered for  
2       sale, the manufacturer, importer or party who causes it to be sold  
3       or offered for sale within this state shall file with the director  
4       of **THE DEPARTMENT OF** agriculture **AND RURAL DEVELOPMENT** a certified  
5       copy of the analysis and certificate referred to in section 1. The  
6       certified copy of analysis shall be accompanied, ~~when~~**IF** the  
7       director ~~of agriculture~~ so requests, by a sealed package containing  
8       not less than 2 pounds of ~~such~~**THE** liming material, with an  
9       affidavit that it is a representative sample of the liming material

1 ~~thus~~ to be sold or offered for sale.

2 (2) IF THE LIMING MATERIAL IS A BENEFICIAL USE BY-PRODUCT  
3 INTENDED FOR BENEFICIAL USE 3 AS THOSE TERMS ARE DEFINED IN SECTION  
4 11502 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT,  
5 1994 PA 451, MCL 324.11502, THE FILING UNDER SUBSECTION (1) SHALL  
6 INCLUDE ALL OF THE FOLLOWING:

7 (A) A FORM LABEL INVOICE OR FORM BILL OF LADING THAT INCLUDES  
8 ALL OF THE FOLLOWING:

9 (i) A BLANK DESIGNATED FOR THE NAME AND ADDRESS OF THE  
10 PURCHASER.

11 (ii) A BLANK DESIGNATED FOR THE DATE OF SALE OR TRANSFER.

12 (iii) DIRECTIONS FOR USE TO ENSURE THAT THE LIMING MATERIAL IS  
13 APPLIED AT AN AGRONOMIC RATE CONSISTENT WITH GENERALLY ACCEPTED  
14 AGRICULTURAL AND MANAGEMENT PRACTICES, BASED ON THE ANALYSIS UNDER  
15 SUBDIVISION (B) (ii) .

16 (B) A LABORATORY ANALYSIS REPORT THAT CONTAINS ALL OF THE  
17 FOLLOWING, SUBJECT TO SUBSECTION (3):

18 (i) SAMPLING TEST RESULTS THAT DEMONSTRATE THAT THE LEVEL OF  
19 METALS IN THE LIMING MATERIAL DOES NOT POSE A RISK OF HARM TO HUMAN  
20 HEALTH OR THE ENVIRONMENT. THIS REQUIREMENT CAN BE SATISFIED BY  
21 COMPLYING WITH THE LEVELS ESTABLISHED PURSUANT TO THE ASSOCIATION  
22 OF AMERICAN PLANT FOOD CONTROL OFFICIALS' STATEMENT OF UNIFORM  
23 INTERPRETATION AND POLICY NUMBER 25.

24 (ii) BOTH OF THE FOLLOWING:

25 (A) THE PERCENTAGE OF DRY SOLIDS IN THE LIMING MATERIAL.

26 (B) THE LEVELS OF CALCIUM, MAGNESIUM, SULFATE, CHROMIUM,  
27 COPPER, SILVER, AND BORON IN THE LIMING MATERIAL.

1 (C) SUBJECT TO SUBSECTION (3), SCIENTIFICALLY ACCEPTABLE DATA  
2 THAT GIVE REASONABLE ASSURANCE THAT THE LIMING MATERIAL WILL  
3 CORRECT SOIL ACIDITY.

4 (3) THE SAME LABORATORY ANALYSIS REPORT UNDER SUBSECTION  
5 (2)(B) AND SCIENTIFICALLY ACCEPTABLE DATA UNDER SUBSECTION (2)(C)  
6 INCLUDED WITH AN APPLICATION FOR 1 YEAR MAY BE INCLUDED WITH AN  
7 APPLICATION FOR A SUBSEQUENT YEAR UNLESS THE RAW MATERIALS OR  
8 PROCESSES USED TO GENERATE THE SPECIALTY LIMING MATERIAL HAVE  
9 CHANGED IN A WAY THAT CAN REASONABLY BE EXPECTED TO MATERIALLY  
10 AFFECT THE LABORATORY ANALYSIS REPORT OR SCIENTIFICALLY ACCEPTABLE  
11 DATA.

12 Enacting section 1. This amendatory act does not take effect  
13 unless Senate Bill No. \_\_\_\_ or House Bill No. 5400 (request no.  
14 00948'13 \*\*) of the 97th Legislature is enacted into law.