

**Chapter 40-31
Soil Amendments**

**Subject 40-31-1
General Provisions**

~~Rule 40-31-1-.01~~ — Soil Amendment Sampling

~~The Commissioner or his duly designated agent is authorized to collect samples of a soil amendment upon demand without charge or cost from any public or private premises within this state in which a soil amendment is manufactured, processed, packed, stored, distributed or held for distribution and from any vehicle used to transport or hold such a soil amendment. Methods of sampling shall be those prescribed by the Commissioner.~~

~~Authority: O.C.G.A. § 2-12-80.~~

Rule 40-31-1-.01 Definitions

As used in this Chapter, the term:

(1) "Adulterated" means any soil amendment:

(a) Which contains any deleterious or harmful agent in sufficient quantity to be injurious to beneficial plants, animals, or aquatic life when applied in accordance with the directions for use shown on the label;

(b) Whose composition differs substantially from that offered in support of registration or shown on the label;

(c) Which contains noxious weed seed.

(2) "Applicant" means the owner or operator of a site who either applies or contracts for the applying of a soil amendment;

(3) "Bulk" means in non-packaged form;

(4) "Commissioner" means the Georgia Commissioner of Agriculture;

(5) "Compost" means a biologically stable material derived from the composting process;

(6) "Composting" means the controlled biological decomposition of organic matter accomplished by mixing and piling in a way to promote aerobic decay and inhibit pathogens, viable weed seeds, and odors;

(7) "Distribute" means to import, consign, offer for sale, sell, barter, or otherwise supply a soil amendment to any person in Georgia;

(8) "Distributor" means any person who imports, consigns, offers for sale, sells, barter, or otherwise supplies a soil amendment to any person in Georgia;

(9) "Domestic septage" will have the same meaning defined in Ga. Comp. R. and Regs. 391-3-6-.23;

(10) "Industrial by-product" means any industrial waste which is capable of beneficial use, reuse, or recycling as a soil-amendment;

(11) "Industrial waste" means any discarded material generated through industrial, commercial, mining, manufacturing, or agricultural operations. Industrial waste includes solid, liquid, semisolid, contained gaseous material, or a combination thereof. Industrial waste does not include un-manipulated manure or sewage sludge;

(12) "Label" means the display of written, printed, or graphic matter upon the immediate container of the soil amendment;

(13) “Labeling” means all written, printed, or graphic matter accompanying any soil amendment and all advertisements, brochures, posters, and television, radio, and oral claims used in promoting its sale;

(14) “Mulch” means any organic or inorganic soil surface cover used to help retain moisture longer in the soil by impeding 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. Mulch is a soil amendment only when its product labeling claims to be a soil amendment or provides directions for incorporation into the soil;

(15) “Other ingredients” means non-soil-amending ingredients present in a soil amendment;

(16) “Owner” means any person owning land where a soil amendment will be or is applied;

(17) “Percent” or “Percentage” means the parts per 100 by weight;

(18) “Person” means an individual, partnership, association, corporation, or other organized body;

(19) “Processed” means deliberately treated or manipulated to modify or transform physical, chemical, or biological characteristics of the natural state of the substance;

(20) “Product name” means the designation under which a soil amendment is offered for distribution;

(21) “Registrant” means any person who registers a soil amendment under these rules;

(22) “Sewage sludge” will have the same meaning defined in Ga. Comp. R. and Regs. 391-3-6-.17;

(23) “Soil-amending ingredient” means a substance which will improve the soil’s physical, chemical, biochemical, biological, or other characteristics;

(24) “Soil amendment” means any substance intended for changing the characteristics of soil or other growth medium for the purposes of: increasing penetrability of water or air; increasing water-holding capacity; alleviating or decreasing soil compaction; or otherwise altering the soil or other medium in such manner that the physical properties are materially enhanced. The term “soil amendment” does not include any substance for which nutritional claims are made, such as, but not limited to, commercial fertilizers, liming materials, or un-manipulated vegetable or animal manures. With respect to sewage sludge, the term “soil amendment” will only include “exceptional quality sludge” and “Class A Sewage Sludge”, as those terms are defined and used in Ga. Comp. R. and Regs. 391-3-6-.17;

(25) “Un-manipulated manure” means the excreta of animals when not artificially mixed with any material other than that which has been used for bedding, sanitary, or feeding

purposes for the manure-producing animals or for the preservation of the manure, or when the excreta has not been subjected to processing other than composting, and provided such composted products are distributed in bulk only;

(26) "Value" means a product's marketability.

Authority: O.C.G.A. § 2-12-70, et seq.

Rule 40-31-1-.02 Prohibitions

(1) Prohibition regarding registration – In addition to all other requirements set forth by O.C.G.A. § 2-12-70, et seq., and this subject, a person must not register domestic septage as a soil amendment or register an industrial by-product mixed with any amount of domestic septage as a soil amendment.

(2) Prohibitions regarding distribution – In addition to all other requirements set forth by O.C.G.A. § 2-12-70, et seq., and this subject, a person must not:

(a) distribute an unregistered soil amendment;

(b) distribute an unlabeled or improperly labeled soil amendment;

(c) distribute a misbranded soil amendment; or

(d) distribute an adulterated soil amendment;

(3) Prohibitions regarding application – In addition to all other requirements set forth by O.C.G.A. § 2-12-70, et seq., and this subject, a person must not:

(a) apply an adulterated soil amendment derived from an industrial by-product;

(b) apply a soil amendment derived from an industrial by-product produced by a restaurant, kitchen, slaughterhouse, or food processing facility or from an industrial by-product which contains animal, fruit, or vegetable matter, liquid or otherwise, in any manner other than subsurface injection at a rate which leaves no significant amount of soil amendment on the soil's surface within one hour following injection;
or

(c) apply a soil amendment derived from an industrial by-product in a manner which harms beneficial plants, animals, or aquatic life.

(4) Additional prohibitions – In addition to all other requirements set forth by O.C.G.A. § 2-12-70, et seq., and this subject, a person must not:

(a) utilize a pit or lagoon for storage of a soil amendment derived from sewage sludge or an industrial by-product produced by a restaurant, kitchen, slaughterhouse, or food processing facility or from an industrial by-product which contains animal, fruit, or vegetable matter, liquid or otherwise, which does not meet the design and construction criteria prescribed by Natural Resources Conservation Service standard practices acceptable to the Commissioner;

(b) transport or store a soil amendment derived from an industrial by-product or sewage sludge in a manner which fails to prevent the falling, leaking, spilling, or leaching of the soil amendment;

(c) fail to produce complete and accurate records as required under this subject;

(d) fail to comply with a stop sale, use, or removal order; or

(e) store a soil amendment derived from an industrial by-product or sewage sludge on an application site for longer than 180 days, unless prior written approval has been received from the Commissioner.

Authority: O.C.G.A. §§ 2-12-73, 2-12-76, 2-12-77, 2-12-80, and 2-12-81.

Rule 40-31-1-.03 Sampling and Analysis

(1) The Commissioner or his duly designated agent is authorized to collect samples of a soil amendment upon demand without charge or cost from any public or private premises within this state in which a soil amendment is manufactured, processed, packed, stored, distributed, held for distribution, applied, or held for application and from any vehicle used to transport, hold, or apply such a soil amendment. Methods of sampling will be those prescribed by the Commissioner.

(2) The methods of analysis and sampling must be those prescribed by the Commissioner from sources such as the AOAC International or other sources acceptable to the Commissioner.

Authority: O.C.G.A. §§ 2-12-78 and 2-12-80.

Rule 40-31-1-.04 Registration and Renewal

(1) Each registrant of a soil amendment must submit a copy of each soil amendment's label to the Commissioner alongside the registration request.

(2) The Commissioner may rely on outside sources, such as but not limited to, research agronomists, crop and soil scientists, the Georgia Cooperative Extension Service, and the Georgia Experiment Station of the University of Georgia for assistance and advice in evaluating data submitted.

(3) The registrant must identify a soil amendment as "derived from an industrial by-product" in the registration application if the soil amendment contains any amount of industrial by-product. In addition to the requirements identified in (1) above, the registrant of a soil amendment derived from an industrial by-product must also submit the following as part of the registration request:

(a) The SIC Code or NAICS Code of every industry producing industrial by-product which has been incorporated into the soil amendment;

(b) A description of the soil amendment and the industry process or processes producing industrial by-product which has been incorporated into the soil amendment;

(c) The intended use of the soil amendment and the suitable rates and frequency of application to a site; and

(d) A current representative analysis of the soil amendment.

(4) The registrant must identify a soil amendment as "derived from sewage sludge" in the registration application if the soil amendment contains any amount of sewage sludge. In addition to the requirements identified in (1) above, the registrant of a soil amendment derived from sewage sludge must also submit the following as part of the registration request:

(a) The classification of all sewage sludge which has been incorporated into the soil amendment, as set forth in Ga. Comp. R. and Regs. 391-3-6-.17;

(b) The identification of each facility generating sewage sludge which has been incorporated into the soil amendment;

(c) The intended use of the soil amendment and the suitable rates and frequency of application to a site; and

(d) A current representative analysis of the soil amendment.

(5) A registrant seeking renewal of a soil amendment derived from an industrial by-product or a soil amendment derived from sewage sludge must include a current

representative analysis with the renewal request only if the soil amendment or the process or processes generating the soil amendment have changed since registration.

(6) The Commissioner will review every new registration request and renewal request for soil amendments derived from industrial by-products for value. A determination of no value will result in the denial of registration.

(7) To be considered a “current representative analysis”, such analysis must have been conducted within six months of submission. Each analysis must be performed on a dry weight basis and conducted by an accredited laboratory exercising good laboratory practices. Results from each laboratory analysis must appear on the laboratory’s letterhead and indicate the specific analytical method utilized. Based upon the uniqueness of the waste and the extent to which the relevant properties and characteristics of the waste have been previously studied, additional tests and analysis may be required to fully characterize the waste product and its suitability for distribution and application to agricultural lands and homeowners’ properties.

(8) Registration of a soil amendment with the Commissioner does not entitle a person using the product to violate laws or regulations administered by another authority holding jurisdiction, including but not limited to solid waste handling regulations and water quality control regulations administered by the Environmental Protection Division of the Department of Natural Resources.

Authority: O.C.G.A. §§ 2-12-73 and 2-12-80.

Rule 40-31-1-.05 Labeling

(1) Each soil amendment label must include the following:

(a) The product name;

(b) A statement of product benefit;

(c) The concentration of active and inert ingredients;

(d) Recommended directions for use;

(e) The net weight or volume; and

(f) The name and address of the registrant.

(2) Any soil amendment distributed in a bulk shipment must be accompanied by a label which must accompany the delivery and be available to the person supplied with the soil amendment at the time of delivery.

(3) Information or a statement must not 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.

Authority: O.C.G.A. §§ 2-12-76 and 2-12-80.

Rule 40-31-1-.06 Records

(1) Each person who distributes a soil amendment derived from an industrial by-product or sewage sludge in Georgia must maintain records of each distribution. Each distribution record must be maintained for one year and must be made available to the Commissioner or the Commissioner's designated agent immediately upon demand. Each distribution record must include the following:

(a) Product name of each distributed soil amendment;

(b) Quantity in English or metric units of each distributed soil amendment;

(c) Date and time of distribution;

(d) Name and contact information, including phone number and email address, of person supplying the soil amendment, if different from the distributor; and

(e) Name and contact information of each person receiving the soil amendment.

Authority: O.C.G.A. §§ 2-12-75 and 2-12-80.