

REQUEST FOR PUBLIC COMMENT Agricultural Lime – Five Year Rule Review

The Ohio Department of Agriculture will hold a public hearing for the purpose of accepting testimony on the proposed amendments made to Chapter 901:5-5 of the Ohio Administrative Code.

The rules in chapter 901:5-5 of the Ohio Administrative Code regulate the production and sale of agricultural lime and liming materials in the state of Ohio. Liming materials are defined as “all materials, the calcium and magnesium content of which is used to neutralize soil acidity.” The rules are governed by ORC 905.51 to 905.65. The rules ensure that individuals seeking to purchase agricultural liming material have the consumer confidence to expect that the product they seek to purchase meets their expectations.

The rules of this chapter are up for five year rule review and have been reviewed by the Department and have been proposed to be amended. Specifically, the rules increase the tolerances for the guaranteed neutralizing power, guaranteed percentages for calcium and magnesium, and the guaranteed sieve size. The proposed increase tolerances match the American Association of Plant Food Control Officials. Further, OAC 901:5-5-03 has been rescinded. This rule requires that the Department make at least two analyses of agricultural liming material for each licensed location annually. This is in contradiction to the statute which states that the Department may conduct analyses at any time. Rather than binding the Department to two analyses per year, this rule rescission provides the Department the flexibility in determining when samples are needed and when they are not.

The hearing will be held on: **August 29, 2018 at 9:00 A.M.**

**Ohio Department of Agriculture
Bromfield Administration Building
Hearing Room 129 (Seminar “A”)
8995 East Main Street
Reynoldsburg, Ohio 43068-3399**

The hearing will be conducted in accordance with Chapter 119 of the Revised Code. Any person affected by the no change rule package may appear and be heard in person, by his attorney, or both, may present his position, arguments, or contentions, orally or in writing, offer and examine witnesses, and present evidence tending to show that the no change rule package, if adopted or effectuated, will be unreasonable or unlawful.

More information on the rule package, including a business impact analysis and copies of the rules, can be found at www.agri.ohio.gov or by visiting the Register of Ohio at www.registerofohio.state.oh.us.



Any person who wishes to present his position, arguments, or contentions in writing, other than at the public hearing, may do so by either mailing his or her written comments to the Ohio Department of Agriculture, c/o Legal Section, 8995 East Main Street, Reynoldsburg, Ohio 43068; by email at ecomments@agri.ohio.gov, or by transmitting by facsimile at (614) 995-4585. Written comments sent by mail shall be postmarked no later than the day of the hearing. Written comments transmitted by facsimile shall be received no later than 5:00 p.m. on the day of the hearing.

