**Section 211.50 Deficient Analysis and Penalties**

a) If the official analysis shows that any soil amendment falls short of the guaranteed analysis in any one soil amendment ingredient or in total soil amendment ingredients, a penalty shall be assessed 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 20.1% 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 subsections (a)(1) and (a)(2) of this Section, only the larger penalty shall be assessed.

b) All penalties assessed under this Section shall be due and payable to the Department within thirty days after the date of written notice from the Director to the registrant. The Department shall deposit the amount of the penalty in the General Revenue Fund.

c) For the purpose of determining commercial values to be applied under the provisions of this Section, the Department 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 Department shall use comparable products to determine values. The values so determined shall be used in determining and assessing penalties.

d) The methods of analysis and sampling shall be those as set forth by the Association of Official Analytical Chemists, 15th Edition − 1990, Suite 400, 2200 Wilson Boulevard, Arlington, Virginia 22201-3301. This incorporation by reference shall not include any later amendments or additions.