

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE

CALIFORNIA CODE OF REGULATIONS
TITLE 3. FOOD AND AGRICULTURE
DIVISION 4. PLANT INDUSTRY
CHAPTER 1. CHEMISTRY
SUBCHAPTER 1. FERTILIZING MATERIALS
ARTICLE 1. STANDARDS AND LABELING
ARTICLE 2. SAMPLES
ARTICLE 4. REGISTRATION
ARTICLE 6. ADMINISTRATIVE PENALTIES

FINAL STATEMENT OF REASONS

SECTIONS AFFECTED

California Code of Regulations (CCR), Title 3, Division 4, Chapter 1, Subchapter 1, Articles 1, 2, 4, and 6, Sections 2303, 2306, 2308, 2309, 2317.5, 2320, 2320.1, 2322, and 2322.4.

UPDATE OF INITIAL STATEMENT OF REASONS & ADDENDUM TO INITIAL STATEMENT OF REASONS (*incorporated by reference*)

The Initial Statement of Reasons overview is still valid. Please refer to the Addendum to the Initial Statement of Reasons for updated and additional information.

A 45-day notice was published from March 21, 2025 to May 6, 2025. In response to comments received and to ensure consistency under the Administrative Procedure Act, and a 15-day notice was published from August 28, 2025 to September 12, 2025.

1) modifications to the originally proposed regulatory text

Substantive changes to the originally proposed text include:

- 3CCR Section 2300.1(x) and (y) – The Department identified re-lettering of these subsections to (w) and (x), respectively, to account for a deletion of an earlier subsection.
- 3CCR Section 2306 – The Department added a parentheses to the left of “a)” and “b)” so they are consistent with how subsections appear throughout the rest of the articles (e.g. “(a)” and “(b)”).
- 3CCR Section 2320.1(b) – The Department withdrew the initially proposed term “up to”. Instead, the Department is changing “period” to “cycle,” to better indicate that a registration cycle is four years in total, but if a firm receives registration mid-cycle, the registration would not be for a full four years.
 - In the same section, the Department also changed the starting date from January 1, 2025 to January 1, 2026, so the date would not be retroactive. Similarly, within the table for Group 3, the starting date was changed from January 1, 2025 to January 1, 2029 for the same reason.

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Fertilizing Materials – CCR 2303 – 2322.4

- 3CCR Section 2322.4 – The Department added “...Due to Unpaid Fines, Fees, Assessments, or Penalties” within the section’s heading to more clearly identify the specific scenarios that this license or registration refusal appeals process applies to.
- Additional justification for necessity are provided within the Addendum to the Initial Statement of Reasons for 3CCR Section 2320.1(b) and 3CCR Section 2322.4.

SUMMARY AND RESPONSE TO WRITTEN COMMENTS RECEIVED DURING THE 45-DAY PUBLIC COMMENT PERIOD ENDING MAY 6, 2025

Comment 1: The submitter states their support for this rulemaking and “appreciates the open and collaborative process that CDFA has utilized in developing this proposal, the improvements to the registration process it will provide, and the clarity and certainly it will provide to both beneficial substance product providers and consumers.”

CDFA Response: CDFA thanks the submitter for their participation in the rulemaking process.

Comment 2: The submitter states their support for this rulemaking and “are pleased that the CDFA has moved so quickly to implement last year’s Senate Bill 1522... especially the provisions codifying the Association of American Plant Food Control Officials’ (AAPFCO) definitions of the terms “beneficial substance” and “plant biostimulant. We are especially encouraged by and supportive of proposed Section 2303(g) (re-lettered from (h)), which adopts a standardized labeling format that was unanimously approved by state fertilizer control officials within AAPFCO’s Uniform Beneficial Substances Bill.”

CDFA Response: CDFA thanks the submitter for their participation in the rulemaking process.

SUMMARY AND RESPONSE TO WRITTEN COMMENTS RECEIVED DURING THE 15-DAY PUBLIC COMMENT PERIOD ENDING SEPTEMBER 12, 2025

No comments were received.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The proposed regulatory changes are based upon feedback from the fertilizing materials industry, the CDFA Fertilizer Inspection Advisory Board, the Association of American Plant Food Control Officials (AAPFCO), and FMIP staff. The Department relied upon Senate Bill 1522 – Approved by the Governor and filed by the Secretary of State on August 26, 2024, as well as the AAPFCO Uniform Beneficial Substances Bill (2024 Official Publication, AAPFCO, No. 77, pages 66-72).

LOCAL MANDATE DETERMINATION

The proposed regulations do not impose any mandate on local agencies or school districts.

ALTERNATIVES DETERMINATION

The Department has determined that no alternative it considered or was otherwise identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

No reasonable alternatives to the regulations were identified in addition to those described in the Initial Statement of Reasons or Addendum to the Initial Statement of Reasons.

DUPLICATION OR CONFLICT WITH FEDERAL REGULATIONS

The proposed regulations do not duplicate or conflict with federal regulations.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Brittnie Williams at brittnie.williams@cdfa.ca.gov.