

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

PROPOSED REGULATION TEXT

Text proposed to be added is displayed in underline type.
Text proposed to be deleted is displayed in ~~strikethrough~~ type.

ARTICLE 1. STANDARDS AND LABELING

§ 2303. Label Requirements.

The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code, shall include the following:

...

(b) Measurement.

(1) Net weight, of dry materials (not required for beneficial substances described in Section 2303(j)~~not required for soil amendments~~). ~~US and metric units are required on dry materials, except those distributed with a weight certificate.~~

(2) Volume of ~~organic input material bulk soil amendments, packaged soil amendments, and liquid materials~~ and the beneficial substances described in Section 2303(j). ~~US and metric units are required on organic input material bulk soil amendments, packaged soil amendments, and liquid materials, except those distributed with a weight certificate.~~

(3) Net weight and volume measurement statements require US and metric units, except those distributed with a weight certificate.

~~(3)~~(4) Density, (pounds per gallon at 68 degrees Fahrenheit), for bulk liquids only.

...

- (e) Purpose of the product (for ~~beneficial substances~~~~auxiliary soil and plant substances~~, packaged agricultural minerals, ~~packaged soil amendments~~, and specialty fertilizers).
- (f) Directions for use (for ~~beneficial substances~~~~auxiliary soil and plant substances~~, packaged agricultural minerals, ~~packaged soil amendments~~, and specialty fertilizers).
- (g) ~~The statement "NONPLANT FOOD INGREDIENT" printed in capital letters (for auxiliary soil and plant substance products).~~
- (~~h~~) A statement of composition showing the amount ~~percent~~ of each ~~active~~ ingredient, which is the agent in a product primarily responsible for the intended effects (for ~~auxiliary soil and plant substances~~ beneficial substances) using the following format:

CONTAINS BENEFICIAL SUBSTANCE(S)

| <u>Name of beneficial substance</u> | <u>% (or acceptable units)</u> |
|-------------------------------------|--|
| <u>Species of microorganism</u> | <u>viable CFU/cm³, /mL, /g, or</u> <u>other acceptable units</u> |

(Identify and list all beneficial substances. Substances shall include ingredient source, if applicable. Ex. "humic acid from leonardite or saponin from Yucca schidigera").

NONPLANT FOOD INGREDIENT(S):

~~X% Humic Acids (state the source of the humic acids)~~

~~X% Polymers (state the name of the specific polymer)~~

~~X% Wetting Agents (state the name of the specific wetting agent)~~

(~~i~~)(h) A guaranteed analysis using the following format, terminology, and order presented (if claimed):

GUARANTEED ANALYSIS:

(1) Total Nitrogen (N).....%

_____ % Ammoniacal Nitrogen

_____ % Nitrate Nitrogen

_____ % Water Soluble Nitrogen or Other recognized and determinable forms of nitrogen

_____ % Water Insoluble Nitrogen

Available Phosphoric Acid (P₂O₅).....%

Soluble Potash (K₂O).....%

(2) Secondary and micronutrient guarantee minimums. ~~(if claimed)~~

| | |
|-------------------|---------|
| Calcium (Ca)..... | 1.0000% |
|-------------------|---------|

Magnesium (Mg).....0.5000%

Sulfur (S).....1.0000%

Boron (B).....0.0200%

Chlorine (Cl).....0.1000%

Cobalt (Co).....0.0005%

Copper (Cu).....0.0500%

_____ % Chelated Copper

Iron (Fe).....0.1000%

_____ % Chelated Iron

Manganese (Mn).....0.0500%

_____ % Chelated Manganese

Molybdenum (Mo).....0.0005%

Sodium (Na).....0.1000%

Zinc (Zn).....0.0500%

_____ % Chelated Zinc

(3) Liming material guarantees: ~~(if claimed)~~

Compound(s) composing material.....%
(state specific compounds)

Calcium carbonate equivalent (CCE).....%

Lime Score (BULK ONLY).....%

Sieve Analysis (BULK ONLY): Minimum % Passing:

10 mesh..... %

20 mesh..... %
 40 mesh..... %
 60 mesh..... %
 100 mesh..... %
 Moisture, maximum (BULK ONLY)..... %

(A) The Lime Score is a numerical expression of the quality of lime and shall be determined in accordance with the equations and calculations set forth in the Oregon State University Fertilizer Guide for Fertilizer and Lime Materials, FG 52, reprinted 1998, as revised June 1990, which is hereby incorporated by reference.

(4) Gypsum guarantees: ~~(if claimed)~~

Calcium Sulfate Dihydrate ($\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$).....X%
 Calcium (Ca).....X%
 Sulfur (S).....X%

(5) Gypsum equivalent guarantees: ~~(if claimed)~~

Gypsum Equivalent.....X%
 Calcium (Ca).....X%
 Sulfur (S).....X%

(6) Other guarantees: ~~(if claimed, and~~ approved by the secretary)

~~(j)~~(i) *[re-lettering, no change]*

~~(k)~~(j) For beneficial substances intended to condition soils solely through physical means, in lieu of a statement of ingredient composition as required in 2303(g) or (k), the label shall include aA list of non-nutritive ingredients in decreasing amounts present. ~~(for packaged soil amendments and organic input material bulk soil amendments)~~

(1) This includes, but is not limited to:

(A) Hay, straw, peat moss, leaf mold, sand, gravel, coir, humus, rice hulls, perlite, vermiculite, wood products, and biochar.

- (B) Manures, meals, mulches, and composts without guarantees for plant nutrients.
- (C) Any product or mixture of products intended for use as a potting medium, planting mix, or soilless growing media.

(2) This list of ingredients may also include wetting agents and/or tackifiers.

(A) The claim “wetting agent added” and/or “tackifier added” can be made without guaranteeing the specific wetting agent/tackifier or the percentage of such, but the chemical name of the wetting agent and/or tackifier must be submitted at the time of registration along with the analytical method.

(k) The following format and guarantees, as applicable for the following products or ingredients, shall appear after the derivation statement of agricultural mineral and commercial fertilizer labels:

ALSO CONTAINS BENEFICIAL SUBSTANCE(S)

| | |
|------------------------------|--|
| Name of beneficial substance | % (or acceptable units) |
| Species of microorganism | viable CFU/cm ³ , /mL, /g or <u>other acceptable units</u> |

(Identify and list all beneficial substances. Substances shall include ingredient source, if applicable. Ex. “humic acid from leonardite or saponin from Yucca schidigera”).

~~ALSO CONTAINS NONPLANT FOOD INGREDIENT(S):~~

~~X% Humic Acids (state the source of the humic acids)~~

~~X% Polymers (state the name of the specific polymer—required for auxiliary soil and plant substances only)~~

~~X% Wetting Agents (state the name of the specific wetting agent on company letterhead and note if confidential— not required on the label)~~

~~(m)(l)~~ [re-lettering, no change]

~~(n)(m)~~ [re-lettering, no change]

~~(o)(n)~~ [re-lettering, no change]

~~(p)(o)~~ For packaged products, the information found in section 2303(a) through ~~(en)~~ shall either:

- (1) Appear on the label, or
- (2) Be printed on a tag and attached to the package. The information shall be in a conspicuous form.

~~(q)(p)~~ For bulk products, the information found in section 2303(a) through ~~(en)~~ shall be in written or printed form and shall accompany the delivery. This information shall be in a conspicuous form.

~~(r)~~(q) [re-lettering, no change]

~~(s)~~(r) [re-lettering, no change]

~~(t)~~(s) Testing methodology for the informational statement of laboratory test results shall conform to either sample preparation method 3050B or 3051 and conform to analysis methods as described in US EPA Publication SW-846 (Revision 3, December 1996), which is hereby incorporated by reference.

(1) The heavy metal testing results shall be no more than five (5) years old. Fertilizing material manufacturers shall provide results to the Department, when requested, at the time of registration renewal approval.

~~(u)~~(t) [re-lettering, no change]

~~(v)~~(u) [re-lettering, no change]

~~(w)~~(v) [re-lettering, no change]

Note: Authority cited: Sections 407, 14502, 14601 and 14631, Food and Agricultural Code. Reference: Section 14513, 14631, Food and Agricultural Code.

§ 2306. Biochar.

(a) When biochar appears on the label ~~in the statement of composition or in an~~ ingredient list, the feedstock shall be designated by prefixing the term biochar with the feedstock from which it was produced. When more than one feedstock is used, all feedstocks greater than 10% shall be listed in order of decreasing amounts present.

Note: Authority cited: Sections 407, 14502, 14601 and 14631, Food and Agricultural Code. Reference: Section 14513, 14513.5, 14631, Food and Agricultural Code.

§ 2308. ~~Packaged Soil Amendments~~ Beneficial Substances Through Physical Means.

For reference to beneficial substances intended to condition soils solely through physical means, refer to CCR Sections 2303(j).

~~(a) Soil amendments shall be measured by volume.~~

~~(b)~~(a) No claim shall be made for chemical composition or nutritive [constituents], except as provided in (c) and (d), ~~(e)~~, and ~~(f)~~ of this section.

~~(c)~~(b) When ~~soil amendment~~ a beneficial substance labeled as a single-ingredient specific material, such as peat moss or leaf mold, the product shall consist of not less than 95 percent of that material.

~~(d)~~(c) Organic products such as bark, wood chips, wood sawdust and peat or peat moss claimed to be nitrogen fortified, nitrogen stabilized, or with other terms to inform that the product contains nitrogen added to compensate for nitrogen likely to be taken

from soil due to the ~~ingredient's~~amendments decomposition therein, are ~~soil~~amendmentsbeneficial substances when such additional nitrogen is 0.5 percent or less. Any claim for such nitrogen stabilization or fortification or similar term made on the label of a ~~soil amendment~~beneficial substance shall be accompanied by a statement of the total percent of nitrogen contained therein.

~~(e)~~ Soil ~~amendments~~ may contain ~~wetting agents and/or tackifiers~~.

~~(1) The claim "wetting agent added" and/or "tackifier added" can be made without guaranteeing the specific wetting agent/tackifier or the percentage of such, but the chemical name of the wetting agent and/or tackifier must be submitted at the time of registration along with the analytical method.~~

~~(f)~~(d) Iron (Fe), may be guaranteed at less than 0.1 percent.

~~(g)~~(e) If reference is made to the acidity or alkalinity of the product, or its influence on the soil, the range or specific pH of the product must be guaranteed.

Note: Authority cited: Sections 407, 14502, 14601 and 14631, Food and Agricultural Code. Reference: Sections 14513, 14601 and 14631, Food and Agricultural Code

2309. Phosphorus Materials.

(a) Products that contain phosphorous acid shall state on the label the percentage of "Total Phosphoric Acid", upon conversion of phosphorous acid.

Total Phosphoric Acid (P₂O₅) _____ %

In addition, the label shall state the following text:

(1) "*Phosphorous acid products are for use as a supplemental fertilizer treatment.

~~(2)~~ Upon foliar application, the phosphite ions are taken up directly by the plant foliage and may undergo a degree of conversion to phosphate ions, or will be used directly by plants, as phosphite ions.

~~(3)~~ As a soil application to annual crops, a lesser response from the initial crop, with a corresponding superior response from succeeding crops, may be observed. In addition, placement close to seeds or root zones may be injurious to crops. The effect may be aggravated by a soil pH below 6.5."

(A) The grade of a product containing phosphorous acid shall either possess an asterisk by the available phosphoric acid percentage expressed as total phosphoric acid (X – X* – X) or it shall represent the amount of guaranteed available phosphoric acid ("0", if no available phosphoric acid is guaranteed). The asterisk from the grade shall also appear in front of the statement described in subsection (1), ~~(2)~~, and ~~(3)~~ of ~~this section~~.

(b) Products that contain both phosphoric acid and phosphorous acid shall state on the label the percentage of “Available Phosphoric Acid” and “Total Phosphoric Acid”. ~~If, in addition, a percentage of “Total Phosphoric Acid” is stated, the percentage of “Insoluble Phosphoric Acid” (Citrate-Insoluble Phosphorus), if greater than zero, must be stated immediately below. For example:~~

Available Phosphoric Acid (P_2O_5) _____ %
_____ % Total Phosphoric Acid (P_2O_5)
_____ % Insoluble Phosphoric Acid (P_2O_5)

Note: Authority cited: Sections 407, 14502, and 14631, Food and Agricultural Code.
Reference: Section 14631, Food and Agricultural Code.

ARTICLE 2. SAMPLES

2317.5. Investigational Allowances.

...

(b)(2) The investigational allowances are applied as follows:

(A) For zinc guaranteed at 0.75 percent Zn, the investigational allowance is calculated as $0.005 + 0.1(0.75) = 0.08$ percent. An analyzed value for zinc of 0.66 percent ($0.75 - 0.08 = 0.67$) or less would be declared deficient and in violation. An analyzed value for zinc of 0.67 percent or more is within the investigational allowance for a zinc guarantee of 0.75 percent Zn.

(B) For zinc guaranteed at 36.0 percent Zn, the investigational allowance is calculated as $0.005 + 0.1(36.0) = 3.605$ percent. ~~However, the maximum allowance is 1 unit (one percentage point). Therefore, the investigational allowance for 36.0 percent Zn guarantee is 1.0 percentage point.~~ An analyzed value for zinc of 34.99-32.394 percent Zn or less would be declared deficient and in violation. An analyzed value for zinc of 35.0-32.395 percent ($36.0 - 3.605 = 32.395$) or more is within the investigational allowance for a 36.0 percent zinc guarantee.

...

Note: Authority cited: Sections 407, 14502, 14645, 14647, Food and Agricultural Code.
Reference: Section 14645 and 14646, Food and Agricultural Code.

ARTICLE 4. REGISTRATION

§ 2320. Registration.

In addition to requirements found in Section 14601 of the Food and Agricultural Code, the following information is required.

Each ~~beneficial substance, auxiliary soil and plant substance, packaged agricultural mineral, packaged soil amendment,~~ specialty fertilizer, and organic input material shall be registered in the name of the legal entity or person whose name appears on the label before being distributed in this state.

These materials shall not be distributed or sold unless the product is registered.

Note: Authority cited: Sections 407, 14502 and 14601, Food and Agricultural Code.
Reference: Section 14601, Food and Agricultural Code.

§ 2320.1. Fertilizing Material Product Labels Submitted for Registration.

(a) The fee for each organic input material product label submitted for registration is ~~one thousand five hundred~~ dollars (\$~~1,000~~500). The fee for renewing each organic input material product label is also ~~one thousand five hundred~~ dollars (\$~~1,000~~500). Excluding organic input materials, the fee for each specialty fertilizer, packaged agricultural mineral, and beneficial substance product label submitted for registration is two hundred dollars (\$200). The fee for renewing these specialty fertilizer, packaged agricultural mineral, and beneficial substance product labels is also two hundred dollars (\$200).

(b) Each product label registration shall be valid for ~~up to a four~~two-year period based on the beginning of the designated group registration cycle. Registrations are divided into four groups, based on the first letter or number of the firm name. The registration period for each group shall begin on January 1 every four years based on the table below. Group 1's registration shall be renewed on January 1 of even numbered years; group 2's registration shall be renewed on July 1 of even numbered years; group 3's registration shall be renewed on January 1 of odd numbered years; and group 4's registration shall be renewed on July 1 of odd numbered years. The chart below displays what group a firm is in, based on the first letter or number of the firm name. This revised registration cycle is effective January 1, 2025~~18~~. During the registration renewal cycle transition, firm's registration fees may be prorated.

| Group | Firm Name | Cycle <u>Every four years beginning,</u> |
|-------|--|---|
| 1 | R – Z | January 1 – <u>2027 (e.g. 2031, 2035, 2039, etc.)</u> even numbered years |
| 2 | A – C and firms starting with numerals | <u>January 1 – 2028 (e.g. 2032, 2036, 2040, etc.)</u> July 1 – even numbered years |
| 3 | D – I | January 1 – <u>2025 (e.g. 2029, 2033, 2037, etc.)</u> odd numbered years |
| 4 | J – Q | <u>January 1 – 2026 (e.g. 2030, 2034, 2038, etc.)</u> July 1 – odd numbered years |

(c) If the Secretary returns an incomplete application for product registration to the applicant, the applicant has 180 days from the date the Secretary initially returned the application to resubmit a complete application without payment of a new registration fee. A new registration fee must accompany applications resubmitted after 180 days from the date the Secretary returned the application.

(d) For approved product label registrations, any revision to a registered fertilizing material label requires updated re-review and approval prior to distribution of the revised label. Per Section 14601 of the Food and Agricultural Code, changes in the guaranteed analysis, derivation statement, or anything that implies a different product, requires a new registration for specialty fertilizer, packaged agricultural mineral, ~~auxiliary soil and plant substance~~, organic input material, and beneficial substance~~packaged soil amendment~~. There is no fee for updated re-review, unless a new registration is determined to be required. Product label registration update requests require the following:

- (1) A copy of the updated product label.
- (2) For Organic Input Material, documentation for any change in formula, ingredient suppliers, and/or manufacturing processes.
- (3) Additional supporting documentation may be required for any new label claims.

Note: Authority cited: Sections 407, 14502, 14601, 14603, and 14604, Food and Agricultural Code. Reference: Section 14601, Food and Agricultural Code.

ARTICLE 6. ADMINISTRATIVE PENALTIES

§ 2322. Administrative Penalty Guidelines.

...

(b) Table A: Violations Matrix provides the level of severity of a particular violation and the corresponding penalty range for serious, moderate, and minor violation classes. Except where specific violation parameters are provided, the description of violation column in Table A: Violations Matrix is an abbreviated description of the corresponding section in Division 7, Chapter 5 of the California Food and Agricultural Code and Title 3, Division 4, Chapter 1 of the California Code of Regulations.

Table A: Violations Matrix

| Section Code | Description of Violation | Min. | Mod. | Ser. | Penalty |
|--|---|------|------|------|---|
| ... | | | | | |
| 3 CCR § 2303(b)(1) Net Weight (Dry) | The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code shall include the net weight of dry materials (not required for soil amendments). US and metric units are required on dry materials, except those distributed with a weight certificate. | X | | | <p>First violation shall receive a notice of warning / notice of violation with 30 days to comply. For each subsequent violation, the violations matrix for FAC § 14681(a) and/or (c) applies as follows: \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</p> <p>Sources: FAC §§ 14533, 14540, 14542, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)</p> |

| Section Code | Description of Violation | Min. | Mod. | Ser. | Penalty |
|------------------------------|--|------|------|------|---|
| 3 CCR § 2303(b)(2) Volume | <p>The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code shall include the volume of organic input material bulk soil amendments, packaged soil amendments, and liquid materials and the <u>beneficial substances described in CCR 2303 (j).</u></p> <p>US and metric units are required on organic input material bulk soil amendments, packaged soil amendments, and liquid materials, except those distributed with a weight certificate.</p> | X | | | <p>First violation shall receive a notice of warning / notice of violation with 30 days to comply. For each subsequent violation, the violations matrix for FAC § 14681(a) and/or (c) applies as follows: \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</p> <p>Sources: FAC §§ 14533, 14540, 14542, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)</p> |

| Section Code | Description of Violation | Min. | Mod. | Ser. | Penalty |
|---|---|------|------|------|---|
| 3 CCR § 2303(b)(3) <u>US and Metric Units</u> | <u>The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code shall include net weight and measurement statements required in US and metric units, except those distributed with a weight certificate.</u> | X | | | <p><u>First violation shall receive a notice of warning / notice of violation with 30 days to comply. For each subsequent violation, the violations matrix for FAC § 14681(a) and/or (c) applies as follows: \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u></p> <p><u>Sources: FAC §§ 14533, 14540, 14542, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)</u></p> |
| 3 CCR § 2303(b)(3)(4) <u>Density and Temperature (Liquid Bulk)</u> | The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code shall include the density (pounds per gallon at 68 degrees Fahrenheit), for bulk liquids only. | X | | | <p>First violation shall receive a notice of warning / notice of violation with 30 days to comply. For each subsequent violation, the violations matrix for FAC § 14681(a) and/or (c) applies as follows: \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</p> <p>Sources: FAC §§ 14533, 14540, 14542, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)</p> |

| Section Code | Description of Violation | Min. | Mod. | Ser. | Penalty |
|---------------------------------------|---|------|------|------|---|
| ... | | | | | |
| 3 CCR § 2303(e) Purpose Statement | The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code shall include the purpose of the product (for <u>beneficial substances</u> auxiliary soil & plant substances , packaged agricultural minerals, packaged soil amendments , and specialty fertilizers). | X | | | <p>First violation shall receive a notice of warning / notice of violation with 30 days to comply. For each subsequent violation, the violations matrix for FAC § 14681(a) and/or (c) applies as follows: \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</p> <p>Sources: FAC §§ 14533, 14540, 14542, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)</p> |
| 3 CCR § 2303(f) Directions for Use | The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code shall include the directions for use (for <u>beneficial substances</u> auxiliary soil & plant substances , packaged agricultural minerals, packaged soil amendments , and specialty fertilizers). | X | | | <p>First violation shall receive a notice of warning / notice of violation with 30 days to comply. For each subsequent violation, the violations matrix for FAC § 14681(a) and/or (c) applies as follows: \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</p> <p>Sources: FAC §§ 14533, 14540, 14542, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)</p> |

| Section Code | Description of Violation | Min. | Mod. | Ser. | Penalty |
|---|--|--------------|------|------|---|
| 3 CCR § 2303(g) Non Plant Food Ingredient Statement | The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code shall include the statement "NONPLANT FOOD INGREDIENT" printed in capital letters (for auxiliary soil & plant substance products). | X | | | <p>First violation shall receive a notice of warning / notice of violation with 30 days to comply. For each subsequent violation, the violations matrix for FAC § 14681(a) and/or (c) applies as follows: \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</p> <p>Sources: FAC §§ 14533, 14540, 14542, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)</p> |
| 3 CCR § 2303(h)(g) Statement of Composition | The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code shall include a statement of composition showing the percent of each active ingredient, which is the agent in the product primarily responsible for the intended effects (for <u>beneficial substances</u> auxiliary soil & plant substance products).The statement shall follow the required format. | X | | | <p>First violation shall receive a notice of warning / notice of violation with 30 days to comply. For each subsequent violation, the violations matrix for FAC § 14681(a) and/or (c) applies as follows: \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</p> <p>Sources: FAC §§ 14533, 14540, 14542, 14651.5, 14681 3 CCR §§ 2300.1(b), 2322(a)(3), 2322(a)(2), 2322(a)(1)</p> |

| Section Code | Description of Violation | Min. | Mod. | Ser. | Penalty |
|---|--|------|------|------|---|
| 3 CCR § 2303(i)(h) Guaranteed Analysis on Label | The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code shall include a guaranteed analysis using the correct format, terminology and order <u>(if claimed)</u> . | X | | | <p>First violation shall receive a notice of warning / notice of violation with 30 days to comply. For each subsequent violation, the violations matrix for FAC § 14681(a) and/or (c) applies as follows: \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</p> <p>Sources: FAC §§ 14533, 14536, 14540, 14542, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)</p> |
| 3 CCR § 2303(i)(h)(2) Secondary and Micronutrients | The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code shall include a guaranteed analysis of secondary and micronutrients (if claimed) using the correct format at or above the established minimum values. | X | | | <p>First violation shall receive a notice of warning / notice of violation with 30 days to comply. For each subsequent violation, the violations matrix for FAC § 14681(a) and/or (c) applies as follows: \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</p> <p>Sources: FAC §§ 14533, 14540, 14542, 14546, 14559, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)</p> |

| Section Code | Description of Violation | Min. | Mod. | Ser. | Penalty |
|--|---|------|------|------|--|
| 3 CCR § 2303(i)(h)(3) Liming Material Guarantees | The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code shall include a guaranteed analysis of liming material guarantees (if claimed) using the correct format at or above the established minimum values. | X | | | <p>First violation shall receive a notice of warning / notice of violation with 30 days to comply. For each subsequent violation, the violations matrix for FAC § 14681(a) and/or (c) applies as follows: \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</p> <p>Sources: FAC §§ 14533, 14540, 14542, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)</p> |
| 3 CCR § 2303(i)(h)(4) Gypsum Guarantees | The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code shall include a guaranteed analysis of gypsum guarantees (if claimed) using the correct format. | X | | | <p>First violation shall receive a notice of warning / notice of violation with 30 days to comply. For each subsequent violation, the violations matrix for FAC § 14681(a) and/or (c) applies as follows: \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</p> <p>Sources: FAC §§ 14533, 14537, 14540, 14542, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)</p> |

| Section Code | Description of Violation | Min. | Mod. | Ser. | Penalty |
|--|---|------|------|------|--|
| 3 CCR § 2303 (+) <u>(h)</u> (5) Gypsum Equivalent Guarantees | The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code shall include a guaranteed analysis of gypsum equivalent guarantees (if claimed) using the correct format. | X | | | <p>First violation shall receive a notice of warning / notice of violation with 30 days to comply. For each subsequent violation, the violations matrix for FAC § 14681(a) and/or (c) applies as follows: \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</p> <p>Sources: FAC §§ 14533, 14537, 14540, 14542, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)</p> |
| 3 CCR § 2303 (+) <u>(i)</u> Derivation Statement | The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code shall include a derivation statement directly following the last nutrient guarantee (for commercial fertilizers and agricultural mineral labels). | X | | | <p>First violation shall receive a notice of warning / notice of violation with 30 days to comply. For each subsequent violation, the violations matrix for FAC § 14681(a) and/or (c) applies as follows: \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</p> <p>Sources: FAC §§ 14527, 14533, 14540, 14542, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)</p> |

| Section Code | Description of Violation | Min. | Mod. | Ser. | Penalty |
|--|---|------|------|------|---|
| 3 CCR § 2303(j)(i)(1) Abbreviations | Abbreviations shall not appear in the derivation statement, with the exception of chelating agents. | X | | | <p>First violation shall receive a notice of warning / notice of violation with 30 days to comply. For each subsequent violation, the violations matrix for FAC § 14681(a) and/or (c) applies as follows: \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</p> <p>Sources: FAC §§ 14520, 14527, 14533, 14540, 14542, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)</p> |
| 3 CCR § 2303(j)(i)(2) Liming Materials | For liming materials, the derivation statement shall follow the last guarantee. | X | | | <p>First violation shall receive a notice of warning / notice of violation with 30 days to comply. For each subsequent violation, the violations matrix for FAC § 14681(a) and/or (c) applies as follows: \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</p> <p>Sources: FAC §§ 14527, 14533, 14540, 14542, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)</p> |

| Section Code | Description of Violation | Min. | Mod. | Ser. | Penalty |
|--|---|------|------|------|---|
| 3 CCR § 2303(k)(i) List of Ingredients | <u>For beneficial substances intended to condition soils solely through physical means, in lieu of a statement of ingredient composition as required in 2303(g) or (k), the label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code shall include a list of non-nutritive ingredients in decreasing amounts present (for packaged soil amendments and organic input material bulk soil amendments).</u> | X | | | First violation shall receive a notice of warning / notice of violation with 30 days to comply. For each subsequent violation, the violations matrix for FAC § 14681(a) and/or (c) applies as follows: \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation. Sources: FAC §§ 14533, 14540, 14542, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1) |
| 3 CCR § 2303(h)(k) Non plant Food Ingredient Statement | The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code shall include that the format and guarantees shall appear after the derivation statement of agricultural mineral and commercial fertilizer labels: "ALSO CONTAINS <u>BENEFICIAL SUBSTANCE</u> NONPLANT FOOD INGREDIENT(S)". | X | | | First violation shall receive a notice of warning / notice of violation with 30 days to comply. For each subsequent violation, the violations matrix for FAC § 14681(a) and/or (c) applies as follows: \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation. Sources: FAC §§ 14533, 14540, 14542, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1) |

| Section Code | Description of Violation | Min. | Mod. | Ser. | Penalty |
|--|---|------|------|------|--|
| 3 CCR § 2303 (m) <u>(l)</u> Additional Information within Guaranteed Analysis | Additional information, other than secondary or micronutrient guarantees, shall not appear in the guaranteed analysis statement. | X | | | <p>First violation shall receive a notice of warning / notice of violation with 30 days to comply. For each subsequent violation, the violations matrix for FAC § 14681(a) and/or (c) applies as follows: \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</p> <p>Sources: FAC §§ 14533, 14536, 14540, 14542, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)</p> |
| 3 CCR § 2303 (n) <u>(m)</u> Forms of nitrogen (N) adding to Total N | The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code shall include that the guarantees for the forms of nitrogen must add up to the total nitrogen guarantee claimed and are recommended in the order appearing in the format shown in section 2303 (h) <u>(i)</u> (1). | X | | | <p>First violation shall receive a notice of warning / notice of violation with 30 days to comply. For each subsequent violation, the violations matrix for FAC § 14681(a) and/or (c) applies as follows: \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</p> <p>Sources: FAC §§ 14533, 14540, 14542, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)</p> |

| Section Code | Description of Violation | Min. | Mod. | Ser. | Penalty |
|---|---|------|------|------|--|
| 3 CCR § 2303(e)(<u>n</u>) Zeros Before Decimal Point | The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code shall include that zeros are required before the decimal points when less than one percent. | X | | | <p>First violation shall receive a notice of warning / notice of violation with 30 days to comply. For each subsequent violation, the violations matrix for FAC § 14681(a) and/or (c) applies as follows: \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</p> <p>Sources: FAC §§ 14533, 14540, 14542, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)</p> |
| 3 CCR § 2303(p)(<u>o</u>) Labels for Packaged Products | The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code shall include that, for packaged products, the information found in section 2303(a) through (e <u>n</u>) shall either: (1) Appear on the label, or (2) Be printed on a tag and attached to the package. This information shall be in a conspicuous form. | X | | | <p>First violation shall receive a notice of warning / notice of violation with 30 days to comply. For each subsequent violation, the violations matrix for FAC § 14681(a) and/or (c) applies as follows: \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</p> <p>Sources: FAC §§ 14533, 14540, 14542, 14551, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)</p> |

| Section Code | Description of Violation | Min. | Mod. | Ser. | Penalty |
|--|--|------|------|------|--|
| 3 CCR § 2303(e)(p) Labels for Bulk Products | The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code shall include that, for bulk products, the information found in section 2303(a) through (e) shall be in written or printed form and shall accompany the delivery. This information shall be in a conspicuous form. | X | | | <p>First violation shall receive a notice of warning / notice of violation with 30 days to comply. For each subsequent violation, the violations matrix for FAC § 14681(a) and/or (c) applies as follows: \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</p> <p>Sources: FAC §§ 14517, 14533, 14540, 14542, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)</p> |
| 3 CCR § 2303(r)(q) Heavy Metal Statement (Base Ingredients) | The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code shall include that the manufacturer of any base fertilizing material ingredient that claims iron, manganese, zinc or phosphates shall provide a guarantee statement that the product does not exceed standards established for arsenic, cadmium and lead, located in 3 CCR Section 2302. | X | | | <p>First violation shall receive a notice of warning / notice of violation with 30 days to comply. For each subsequent violation, the violations matrix for FAC § 14681(a) and/or (c) applies as follows: \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</p> <p>Sources: FAC §§ 14533, 14540, 14542, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)</p> |

| Section Code | Description of Violation | Min. | Mod. | Ser. | Penalty |
|---|---|------|------|------|--|
| 3 CCR § 2303 (s) (r) (1) Heavy Metal Informational Statement on the Label, or a Website or Phone Number for the data | In lieu of stating the metals on the label, provide either a licensee maintained website that contains no advertising or company specific information, direct link to a government website or provide a toll free number. | X | | | <p>First violation shall receive a notice of warning / notice of violation with 30 days to comply. For each subsequent violation, the violations matrix for FAC § 14681(a) and/or (c) applies as follows: \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</p> <p>Sources: FAC §§ 14533, 14540, 14542, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)</p> |
| 3 CCR § 2303 (u) (t) Inaccurate Heavy Metals Information | The publication of inaccurate information regarding the contents and levels of metals is a misbranding violation pursuant to Section 14681 of the Food and Agricultural Code. | X | | | <p>First violation shall receive a notice of warning / notice of violation with 30 days to comply. For each subsequent violation, the violations matrix for FAC § 14681(a) and/or (c) applies as follows: \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</p> <p>Sources: FAC §§ 14533, 14540, 14542, 14651.5, 14681(a) 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)</p> |

| Section Code | Description of Violation | Min. | Mod. | Ser. | Penalty |
|-------------------------|--|------|------|------|--|
| ... | | | | | |
| 3 CCR § 2306 Biochar | <p>a) When biochar appears on the label in the statement of composition or in an ingredient list, the feedstock shall be designated by prefixing the term biochar with the feedstock from which it was produced. When more than one feedstock is used, all feedstocks greater than 10% shall be listed in order of decreasing amounts present.</p> <p>b) A laboratory analysis for total carbon is required for registration to verify that the ingredient meets the definition of biochar as stated in §14513.5 of the FAC. The laboratory analysis results shall be no more than five (5) years old at the time of registration/renewal approval.</p> | X | | | <p>First violation shall receive a notice of warning / notice of violation with 30 days to comply. For each subsequent violation, the violations matrix for FAC § 14681(a) and/or (c) applies as follows: \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</p> <p>Sources: FAC §§ 14513.5, 14533, 14540, 14542, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)</p> |

| Section Code | Description of Violation | Min. | Mod. | Ser. | Penalty |
|--|---|--------------|------|------|---|
| 3 CCR § 2308(a) Packaged Soil Amendments (Volume) | Packaged soil amendment shall be measured by volume (quarts/cubic feet). If other measurement information is shown, it shall be in parentheses following the volume statement. | X | | | First violation shall receive a notice of warning / notice of violation with 30 days to comply. For each subsequent violation, the violations matrix for FAC § 14681(a) and/or (c) applies as follows: \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation. Sources: FAC §§ 14533, 14540, 14542, 14552, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1) |
| 3 CCR § 2308(b)(a) <u>Packaged Soil Amendments Beneficial Substances Through Physical Means</u> (Composition Claims) | No claim shall be made for chemical composition or nutritive constituents, except as provided in <u>(c)</u> and <u>(d)</u> and <u>(f)</u> of this section. | X | | | First violation shall receive a notice of warning / notice of violation with 30 days to comply. For each subsequent violation, the violations matrix for FAC § 14681(a) and/or (c) applies as follows: \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation. Sources: FAC §§ 14533, 14540, 14542, 14552, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1) |

| Section Code | Description of Violation | Min. | Mod. | Ser. | Penalty |
|--|---|------|------|------|--|
| 3 CCR § 2308(c)(b) Packaged Soil Amendments <u>Beneficial</u> <u>Substances</u> <u>Through</u> <u>Physical Means</u> (Composition) | When a packaged soil amendment <u>beneficial substance</u> is labeled <u>as a single-ingredient</u> specific material, such as peat moss or leaf mold, the product shall consist of not less than 95 percent of that material. | X | | | <p>First violation shall receive a notice of warning / notice of violation with 30 days to comply. For each subsequent violation, the violations matrix for FAC § 14681(a) and/or (c) applies as follows: \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</p> <p>Sources: FAC §§ 14533, 14540, 14542, 14552, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)</p> |

| Section Code | Description of Violation | Min. | Mod. | Ser. | Penalty |
|--|---|------|------|------|--|
| 3 CCR § 2308(d)(c) Packaged Soil Amendments <u>Beneficial</u> <u>Substances</u> <u>Through</u> <u>Physical Means</u> (Nitrogen Fortification) | Organic products such as bark, wood chips, wood sawdust and peat or peat moss claimed to be nitrogen fortified, nitrogen stabilized, or with other terms to inform that the product contains nitrogen added to compensate for nitrogen likely to be taken from soil due to the ingredient's amendments decomposition therein, are soil amendments <u>beneficial substances</u> when such additional nitrogen is 0.5 percent or less. Any claim for such nitrogen stabilization or fortification or similar term made on the label of a packaged soil amendment <u>beneficial substance</u> shall be accompanied by a statement of the total percent of nitrogen contained therein. | X | | | <p>First violation shall receive a notice of warning / notice of violation with 30 days to comply. For each subsequent violation, the violations matrix for FAC § 14681(a) and/or (c) applies as follows: \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</p> <p>Sources: FAC §§ 14533, 14540, 14542, 14552, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)</p> |

| Section Code | Description of Violation | Min. | Mod. | Ser. | Penalty |
|--|---|------|------|------|--|
| 3 CCR § 2308(e)(1) Packaged Soil Amendments (Wetting Agents) | The claim "wetting agent added" can be made without guaranteeing the specific wetting agent or the percentage of such, but the chemical name of the wetting agent must be submitted at the time of registration along with the analytical method. | X | | | <p>First violation shall receive a notice of warning / notice of violation with 30 days to comply. For each subsequent violation, the violations matrix for FAC § 14681(a) and/or (c) applies as follows: \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</p> <p>Sources: FAC §§ 14533, 14540, 14542, 14552, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)</p> |

| Section Code | Description of Violation | Min. | Mod. | Ser. | Penalty |
|---|---|------|------|------|--|
| 3 CCR § 2308(g)(e) Packaged Soil Amendments <u>Beneficial</u> <u>Substances</u> <u>Through</u> <u>Physical Means</u> (pH guarantee) | If reference is made to the acidity or alkalinity of the product, or its influence on the soil, the range or specific pH of the product must be guaranteed. | X | | | <p>First violation shall receive a notice of warning / notice of violation with 30 days to comply. For each subsequent violation, the violations matrix for FAC § 14681(a) and/or (c) applies as follows: \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</p> <p>Sources: FAC §§ 14533, 14540, 14542, 14552, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)</p> |

| Section Code | Description of Violation | Min. | Mod. | Ser. | Penalty |
|---------------------------------------|---|------|------|------|--|
| 3 CCR § 2309 Phosphorous materials | <p>Products that contain phosphorous acid shall state on the label the percentage of "Total Phosphoric Acid", upon conversion of phosphorous acid. In addition, the label shall state the following:</p> <p>(1) "*Phosphorous acid products are for use as a supplemental fertilizer treatment.</p> <p>(2) Upon foliar application, the phosphite ions are taken up directly by the plant foliage and may undergo a degree of conversion to phosphate ions, or will be used directly by plants, as phosphite ions.</p> <p>(3) As a soil application to annual crops, a lesser response from the initial crop, with a corresponding superior response from succeeding crops, may be observed. In addition, placement close to seeds or root zones may be injurious to crops. The effect may be aggravated by a soil pH below 6.5."</p> <p>(A) The grade of a product containing phosphorous acid shall either possess an asterisk by the available phosphoric acid percentage expressed as total phosphoric acid (X – X* – X) or it shall represent the amount of guaranteed available phosphoric acid ("0", if no available phosphoric acid is guaranteed). The asterisk from the grade shall also appear in front of the statements described in <u>subsection (1), (2), and (3) of this section.</u></p> | X | | | <p>First violation shall receive a notice of warning / notice of violation with 30 days to comply. For each subsequent violation, the violations matrix for FAC § 14681(a) and/or (c) applies as follows: \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</p> <p>Sources: FAC §§ 14533, 14540, 14542, 14552, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)</p> |

| | | | | |
|--|---|----------|--|---|
| <p>3 CCR § 2309 Phosphorous materials <i>(continued)</i></p> | <p>(b) Products that contain <u>both</u> pPhosphoric acid <u>and</u> <u>phosphorous acid</u> shall state on the label the percentage of "Available Phosphoric Acid" and "Total Phosphoric Acid". If, in addition, a percentage of "Total Phosphoric Acid" is stated, the percentage of "Insoluble Phosphoric Acid" (Citrate-Insoluble Phosphorus), <u>if greater than zero</u>, must be stated immediately below.</p> | <p>X</p> | | <p>First violation shall receive a notice of warning / notice of violation with 30 days to comply. For each subsequent violation, the violations matrix for FAC § 14681(a) and/or (c) applies as follows: \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</p> <p>Sources: FAC §§ 14533, 14540, 14542, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)</p> |
|--|---|----------|--|---|

| ... | | | | | |
|------------------------------|---|------|------|------|---|
| Section Code | Description of Violation | Min. | Mod. | Ser. | Penalty |
| 3 CCR § 2320 Registration | In addition to requirements found in Section 14601 of the Food and Agricultural Code, the following information is required. Each <u>beneficial substance</u> auxiliary soil and plant substance , packaged agricultural mineral, packaged soil amendment , specialty fertilizer, and organic input material shall be registered in the name of the legal entity or person whose name appears on the label before being distributed in this state. These materials shall not be distributed or sold unless the product is registered. | X | | | The penalties shown in the violations matrix for FAC § 14601 apply as follows: Notice of warning / notice of violation for the first violation with 30 days to comply, after which penalties for the second and subsequent violations would apply. \$500 for the second violation. \$1,000 for each subsequent violation. Sources: FAC §§ 14533, 14601 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1) |

Note: Authority cited: Sections 407, 14502, 14651, 14651.5 and 14655, Food and Agricultural Code. Reference: Sections 14601, 14613, 14623, 14641, 14651.5, 14653, 14655, 14681 and 14682, Food and Agricultural Code.

2322.4. Written Appeals Process for Refusal to Issue a License or Registration.

- (a) Pursuant to Food and Agricultural Code § 14651.7, notwithstanding any other provision of Chapter 5 (commencing with section 14501) of Division 7 of the Food and Agricultural Code, the Department shall refuse to issue a license pursuant to Article 4 (commencing with Section 14591), or registration pursuant to Article 5 (commencing with Section 14601), or both a license and registration, to a person if the person has a fine, fee, assessment, or penalty levied by the Department for a violation of Chapter 5 that remains unpaid after 30 days of the issuance of a hearing officer's decision, a superior court judgment pursuant to subdivision (e) of Section 14651.5, a stipulated settlement payment deadline, or any combination thereof, and until that fine, fee, assessment, or penalty is paid in full.
- (b) A person may appeal the decision of the Department to refuse to issue a license, registration, or both pursuant to Food and Agricultural Code section 14651.7 by

submitting a written appeal request, within 30 calendar days of Department notice, to the Legal Office of Hearings and Appeals of the California Department of Food and Agriculture, 1220 N Street, Suite 315, Sacramento, California 95814.

- (c) The appeal request shall be in writing, signed by the appellant or his or her authorized agent, and shall state the grounds for the appeal.
- (d) Pursuant to Food and Agricultural Code section 14651.7(c) the appeal shall be limited to the issue of whether the appellant has unpaid fines, fees, assessments, or penalties as described in section 14651.7(a).
- (e) Any party to the appeal, at the time of filing the appeal, or within 10 calendar days thereafter, may submit written evidence and a written argument to the Department regarding the issue of whether the appellant has unpaid fines, fees, assessments, or penalties as described in section 14651.7(a).
- (f) The Department shall decide the appeal on any written arguments and evidence that the Department receives regarding the issue of whether the appellant has unpaid fines, fees, assessments, or penalties as described in section 14651.7(a).
- (g) The Department shall render a written decision within 45 calendar days of the date the appeal is received by the California Department of Food and Agriculture's Legal Office of Hearings and Appeals. A copy of the Department's decision shall be delivered via regular mail and/or electronic mail to the parties.
- (h) The appellant may seek a review of the decision of the Department pursuant to Section 1094.5 of the Code of Civil Procedure.

Note: Authority cited: Sections 407, 14501, 14502, 14651, and 14651.5, 14651.5, and 14651.7 Food and Agricultural Code; and Section 11400.20, Government Code.
Reference: Sections 14591, 14601, 14653, 14655, 14681 and 14682, Food and Agricultural Code; and Sections 11425.50 and 11445.10, Government Code; and Section 1094.5 of the Code of Civil Procedure.