

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 4. REGISTRATION
ARTICLE 6. ADMINISTRATIVE PENALTIES

ADDENDUM TO FINAL STATEMENT OF REASONS

SECTIONS AFFECTED

California Code of Regulations (CCR), Title 3, Division 4, Chapter 1, Subchapter 1, Articles 1, 4, and 6, Sections 2300, 2300.1, 2302, 2303, 2311, 2320.1, 2320.2, 2322.2, and 2322.3.

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

The Initial Statement of Reasons (OAL File 2023-1129-01S) remains valid. Please reference the Addendum to the Initial Statement of Reasons for updated information. No public hearing was held or requested.

A 45-day notice was published from August 18, 2023 to October 3, 2023. In order ensure clarity and consistency under the Administrative Procedure Act, a 15-day notice was published from April 10, 2024 to April 25, 2024 that included:

1) modifications to the originally proposed regulatory text

Substantive changes to the originally proposed text include:

- 3CCR §2300(c) – Improves transparency by establishing criteria and parameters for how the Department adopts analytical laboratory methods
- 3CCR §2322.2(c) – Establishes improved flexibility for the location of administrative penalty hearings, based on the convenience of both the Department and respondent
- 3CCR §2322.3(g)(1) – Creates an option of a payment plan for administrative penalties when a respondent demonstrates financial hardship

SUMMARY AND RESPONSE TO WRITTEN COMMENTS RECEIVED DURING THE 15-DAY PUBLIC COMMENT PERIOD ENDING APRIL 25, 2024

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 Fertilizer Inspection Advisory Board, and FMIP staff. For Section 2300.1(m), the Department relied upon 2023 Official Publication, Association of American Plant Food Control Officials, No. 76, page 100.

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.