

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE

**CALIFORNIA CODE OF REGULATIONS
TITLE 3. FOOD AND AGRICULTURE
DIVISION 4. PLANT INDUSTRY
CHAPTER 2. FIELD CROPS
SUBCHAPTER 2. COMMERCIAL FEED
(Notice Published April 11, 2025)**

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (Department) proposes to adopt and amend regulations as described below within the California Code of Regulations Title 3 (3 CCR), Division 4, Chapter 2, Subchapter 2, Articles 1, 2, 3, 4, 5, 9, 11, 12, and 14, Sections 2675, 2675.1, 2676, 2680, 2683, 2688, 2691, 2694, 2695, 2696, 2697, 2702, 2704, 2705, 2706, 2707, 2709, 2734, 2735, 2750, 2751, 2760, 2770, 2771, 2773, 2773.1, 2773.5, 2774, 2774.5, 2775, 2776, 2777, 2778, 2781, 2782, 2783, 2783.5, 2785, 2787, 2788, 2789, 2790, 2790.5, 2790.7, 2791, 2792, 2793, 2794, 2795, 2795.5, 2796, 2796.5, 2797, 2798, 2798.5, 2799, 2800, 2801, 2802, 2803, 2804, 2805, 2806, 2807, 2808, 2809, 2810, and 2811.

PUBLIC HEARING

A public hearing is not scheduled. However, any interested person or his or her duly authorized representative may request a public hearing on this proposed action by submitting a written request no later than 15 days before the close of the written comment period noted below.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department by mail or email. The written comment period will close on **May 27, 2025**. The Department will only consider comments received by that date. Submit written comments to:

Erika Lewis, Research Data Specialist II
California Department of Food and Agriculture
Feed, Fertilizer, and Livestock Drugs Regulatory Services Branch
1220 N Street
Sacramento, CA 95814
Email: feed_lvstk@cdfa.ca.gov

Following the written comment period or public hearing, if one is requested, and after considering all comments, objections, and recommendations regarding the proposed actions, the Department, at its own motion or at the request of any interested person, may adopt the proposal substantially as set forth without further notice.

AUTHORITY AND REFERENCE

The Department is proposing to adopt changes to 3 CCR, Division 4, Chapter 2, Subchapter 2 pursuant to the authority vested by Sections 407, 14902, 14903, and 14992 of the Food and Agricultural Code (FAC) to adopt, implement, and enforce these regulations. The proposed regulations will implement, interpret, or make specific FAC Sections 14902, 14902.1, 14903, 14925, 14930, 14938, 14991, 14992, 14993, 14994, 15011, 15021, 15041, 15042, 15051, 15053, 15061, 15062, 15071, 15071.5, 15072, and 15073 of the Food and Agricultural Code.

INFORMATIVE DIGEST / POLICY STATEMENT

The Department's Commercial Feed Regulatory Program (CFRP) is responsible for the enforcement of California state law and regulations pertaining to the manufacturing, distribution and labeling of commercial feed while preventing adulterated feed from being consumed by livestock. Inspectors and investigators located throughout the state conduct routine feed sampling and inspections, quality assurance inspections of feed manufacturing facilities, respond to consumer complaints, and enforce the laws and regulations that govern the manufacturing, distribution, and labeling of commercial feed. The work of the CFRP helps to ensure a clean and wholesome supply of milk and meat, as well as providing assurance that the product received by the consumer is the quality and quantity purported by the manufacturer.

CFRP is proposing the adoptions and revisions to 3 CCR, Division 4, Chapter 2, Subchapter 2 described below. These proposed regulations govern various aspects of commercial feed, including specifying recognized official names of commercial feed ingredients and their acceptable uses, definitions, labeling requirements, production and manufacturing, and enforcement activities.

ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

Sections 2675 and 2675.1 are being amended to update terminology, correct outline structure, fix typographical issues, adopt definitions for complete feed, low nutrition ingredients, premix, and common foods, define terms used in FAC Section 15021, and define terms used in FAC Section 14902.1.

ARTICLE 2. COMMERCIAL FEED CONTAINING DRUGS, FOOD ADDITIVES, OR HARMFUL SUBSTANCES

Sections 2676 and 2680 are being amended to repeal outdated/duplicative provisions, correct outline structure, and update specified tolerances.

ARTICLE 3. CUSTOM FORMULA FEED.

Section 2683 is being amended to correct typographical issues and outline structure and update terminology.

ARTICLE 4. LABELING AND USE REQUIREMENTS

Sections 2688, 2691, 2694, 2695, 2696, and 2697 are being amended to update terminology, correct outline structure, repeal outdated/duplicative provisions, and update labeling requirements for consistency with national standards.

ARTICLE 5. COMMERCIAL FEEDS CONTAINING DRUGS AND SPECIAL PROVISIONS

Sections 2702, 2704, 2705, 2706, 2707, and 2709 are being amended to update terminology, correct typographical issues, update guarantee requirements for consistency with national standards, repeal outdated/duplicative provisions, correct outline structure, and create a section for labeling and use of feeds containing added selenium.

ARTICLE 9. MISBRANDING ADULTERATION

Sections 2734 and 2735 are being amended to correct outline structure, correct typographical issues, update section references, and update terminology.

ARTICLE 11. INSPECTION TAX AND PLANT LICENSES

Sections 2750 and 2751 are being amended to update terminology, define eligible human food by-products, and update section references.

ARTICLE 12. DAMAGED FEED

Section 2760 is being amended to correct typographical issues.

ARTICLE 14. DEFINITIONS AND STANDARDS

The title of Article 14 is being amended to "Recognized Official Names."

Sections 2770-2804 are being repealed.

Sections 2770-2811 are being adopted to define recognized official names and standards for ingredients that are acceptable for use in commercial feed in California, including Alfalfa Products, Almond Hull Products, Amino Acids and Related Products, Animal Products, Barley Products, Brewers Products, Citrus Products, Collective Terms, Corn Products, Cottonseed Products, Distillers Products, Enzymes, Fats and Oils, Fermentation Products, Grain Sorghums, Human Food By-Products, Lespedeza Products, Marine Products, Milk Products, Mineral Products, Miscellaneous Products, Molasses and Molasses Products, Non-Protein Nitrogen, Oat Products, Other Oilseed Products, Preservatives, Processed Animal Waste Products, Rice Products, Rye Products, Screenings, Sesame Products, Soybean Products, Special Purpose Products, Technical Additives, Vitamins, Wheat Products, Whole Grains, Yeast, Code of

Federal Regulations (CFR) Listed Feed Ingredients, and Generally Recognized as Safe (GRAS) Notified Substances Intended for Animal Food.

DOCUMENTS INCORPORATED BY REFERENCE

Official Methods of Analysis of the Association of Official Analytical Chemists, 13th edition (1980)

Food Chemicals Codex, third edition (1981)

ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

Anticipated benefits of the proposed regulations include increased consistency with national standards. This will ensure the Department remains consistent with FDA requirements and result in increased clarity for the regulated industry. This will also ensure there are no disruptions to interstate commerce resulting from the expiration of MOU 225-07-7001, as well as reducing the burden on industry resulting from inconsistent labeling requirements among states. In addition, specifying all ingredient names in regulation will give the Department additional oversight to ensure that any feed safety or consumer protection concerns are addressed through the inclusion of additional requirements for ingredients, as well as the exclusion of ingredients determined to be unacceptable for use in California.

INCONSISTENCY/INCOMPATIBILITY WITH EXISTING REGULATIONS

The Department evaluated the proposed regulations and made several determinations required by Government Code Section 11346.5(a)(3)(A) to 11346.5(a)(3)(D). The Department determined that there are no existing state laws or regulations related directly to the proposed action and the effect of the proposed action; the proposed regulations are not inconsistent or incompatible with existing state regulations.

PLAIN ENGLISH REQUIREMENT

The Department prepared the proposed regulations pursuant to the standard of clarity provided in Government Code Section 11349 and the plain English requirements of Government Code Sections 11342.580 and 11346.2, subdivision (a)(1). The proposed regulations are written to be easily understood by the individuals that will use them.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None.

Other nondiscretionary costs or savings imposed upon local agencies: None.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative person or business: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: None.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

California Government Code Section 11346.3 requires state agencies to assess the potential economic impacts on California businesses and individuals when proposing to adopt or amend any administrative regulation. The Department has initially determined that the proposed regulatory action will not have an economic impact on any business. The proposed regulatory actions are technical in nature and will provide clarity to the regulated industry. These clarifying changes will not have an economic or fiscal impact on the commercial feed industry, related businesses, or the general public.

The Department concludes that these regulations:

- (1) Will not require any additional ongoing expenses for compliant individuals or businesses.
- (2) Will not create or eliminate jobs within the state.
- (3) Will not create new businesses or eliminate existing businesses within the State of California.
- (4) Will not affect the expansion of businesses currently operating within the State of California.
- (5) Will benefit the health and welfare of California residents utilizing feed for their livestock by increasing consistency with national standards, increasing clarity for the regulated industry, avoiding disruptions to interstate commerce, and enhancing feed safety and consumer protection.
- (6) Will not affect worker safety, or the state's environment.

SMALL BUSINESS DETERMINATION

The Department has determined that the proposed regulations will affect small businesses but will not have an economic impact on those businesses. The proposed actions do not involve any area that would increase fees or result in any increased costs to these businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Department must determine that no reasonable alternative considered or that has otherwise been 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. The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Written comments and inquiries concerning the substance of the proposed regulation, initial statement of reasons, proposed actions, location of the rulemaking file, or a request for a public hearing should be directed to:

Erika Lewis, Research Data Specialist II
California Department of Food and Agriculture
Feed, Fertilizer, and Livestock Drugs Regulatory Services Branch
1220 N Street
Sacramento, CA 95814
Email: feed_lvstk@cdfa.ca.gov
Phone: 916-900-5022

The backup contact person for these inquiries is:

Ashley James, Research Data Analyst II
California Department of Food and Agriculture
Feed, Fertilizer, and Livestock Drugs Regulatory Services Branch
1220 N Street
Sacramento, CA 95814
Email: feed_lvstk@cdfa.ca.gov
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AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process. A copy of this notice, the proposed regulation text, and the initial statement of reasons may be obtained by contacting Erika Lewis at the address provided in the “Contact Persons” section.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the notice of proposed action, the initial statement of reasons, and the proposed regulation text in underline and strikethrough can be accessed through the Department’s website: https://www.cdfa.ca.gov/is/regulations/ffldrs_regulations.html.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received during the written comment period, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which differ, but are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days prior to amendment. Please send requests for copies of any modified regulations to the attention of Erika Lewis at the address provided in the “Contact Persons” section. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the final statement of reasons may be obtained by contacting Erika Lewis at the address provided in the “Contact Persons” section.