

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 September 4, 2026)**

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, and 14, Sections 2675, 2676, 2677, 2678, 2679, 2680, 2680.1, 2683, 2687, 2688, 2689, 2690, 2691, 2692, 2693, 2694, 2695, 2696, 2697, 2698, 2699, 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2708, 2778, 2789, 2790, and 2791.

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 **October 19, 2026**. 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 14902.1, 14903, 14925, 14930, 14938, 14991, 14992, 14993, 14994, 15011, 15031, 15041, 15042, 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 is being amended to change the weight cutoff for bulk versus packaged feed and adopt definitions for feed through pesticide, supplement, free choice, livestock, and raw agricultural commodity.

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

The title of **Article 2** is being amended to **Prohibited Substances in Commercial Feed and Tolerances**.

Sections 2676, 2677, 2678, 2679, 2680, and 2680.1 are being amended to relocate all provisions pertaining to prohibited substances and tolerances from throughout the subchapter, correct outline structure, update section titles, incorporate Food and Drug Administration Compliance Policy Guide 575.100 by reference, repeal outdated provisions, correct typographical errors, add daily fluorine intake limit, specify tolerances for mineral contaminants in ingredients, and specify tolerances for mineral contaminants in complete feed.

ARTICLE 3. CUSTOM FORMULA FEED.

Section 2683 is being amended to update labeling requirements, specify that the manufacturer is responsible for evaluating safety, and to require the purchaser, or a nutritionist on behalf of the purchaser, to provide the manufacturer with the intended species, feeding rates, and mixing rates for feed that meets the specified criteria.

ARTICLE 4. LABELING AND USE REQUIREMENTS

Sections 2687, 2688, 2689, 2690, 2691, 2692, 2693, 2694, 2695, 2696, 2697, 2698, and 2699 are being amended to update section titles, relocate all provisions pertaining to labeling from throughout the subchapter, to split Section 2694 out into multiple numbered sections organized by label element, and update labeling requirements for consistency with national standards.

ARTICLE 5. COMMERCIAL FEEDS CONTAINING DRUGS AND SPECIAL PROVISIONS

The title of **Article 5** is being amended to **Commercial Feeds Containing Drugs or Food Additives**.

Sections 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2707, and 2708 are being amended to update section titles, relocate all provisions pertaining to drugs and food additives from throughout the subchapter, and add requirements for labeling and use of free choice feed, feed through pesticides, and feed containing added chromium.

ARTICLE 14. DEFINITIONS AND STANDARDS

Sections 2778, 2789, 2790, and 2791 are being amended to add acceptable collective terms and conditions for use, fix a typographical error, relocate labeling provisions for chromium ingredients to Article 5, remove the definition of charcoal (vegetable), and renumber subparagraphs.

DOCUMENTS INCORPORATED BY REFERENCE

FDA Compliance Policy Guide Sec. 575.100 Pesticide Residues in Food and Feed - Enforcement Criteria, March 1995. <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/cpg-sec-575100-pesticide-residues-food-and-feed-enforcement-criteria>

Publishing the document referenced above in the CCR would be cumbersome, unduly expensive, or otherwise impractical due to its length. Incorporation by reference is appropriate because this document is reasonably available to the affected public from a commonly known or specified source.

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 reduce the burden on industry resulting from inconsistent labeling requirements among states.

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 a negative 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 a negative 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
Phone: 916-900-5022

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.