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
(Notice published November 20, 2026)

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the California Department of Food and Agriculture (Department) proposes to adopt or make changes to the California Code of Regulations (CCR), Title 3, Division 4, Chapter 1, Subchapter 1, Articles 1, 2, 4, and 6, Sections 2300, 2300.1, 2300.2, 2300.3, 2303, 2304, 2309, 2315, 2317.5, 2320.2, and 2322.

PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed action. However, the Department will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

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, fax, or email. The written comment period closes at 5:00 p.m. on January 5, 2027. The Department will only consider comments received by that time.

Submit comments to:

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Following the written comment period or public hearing, if one is requested, 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

Notice is hereby given that the California Department of Food and Agriculture, pursuant to the authority vested by Sections 407, 14502, 14601, 14631, 14643, 14645, 14646, 14647, 14651, 14651.5, and 14655 of the Food and Agricultural Code (FAC), proposes to make changes to Title 3, Division 4, Chapter 1 of the CCR to implement, interpret, or make specific FAC Sections 14501(b), 14502, 14513, 14550.5, 14594, 14601, 14613, 14623, 14631, 14641, 14642, 14643, 14645, 14646, 14651.5, 14653, 14655, 14681, and 14682.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department's Fertilizing Materials Inspection Program (FMIP) is statutorily tasked with licensing, product label registration, and field inspection of fertilizing materials in the State of California. The FMIP is responsible for reviewing and registering product labels, and ensuring fertilizing materials are safe, effective, and meet the nutrients guaranteed by the manufacturer. Producers of specialty fertilizers, packaged agricultural minerals, beneficial substances, and organic input materials (OIM) are statutorily mandated to register fertilizing materials with the FMIP.

Several of these rulemaking actions provide consistency and standardization with labeling standards recognized across the United States by the recognition of Soluble Silicon as a micronutrient, consistent with official adoption by the Association of American Plant Food Control Officials (AAPFCO). The rulemaking provides greater uniformity and standardization of soluble silicon claims, provides greater flexibility in the use of the registered OIM logo on labeling, provides greater clarity and specificity in warning or caution statements for molybdenum, provides greater consistency and clarity in fertilizing material ingredient definitions, provides greater clarity and specificity of the scope of labeling claim review, provides greater clarity and specificity for inspections of custom blends, provides greater clarity and specificity for inspections of fertilizing material sales, provides greater clarity and specificity for inspections of bulk totes, provides more specificity and clarity for guarantor addresses on labels, increases flexibility of labeling requirements for bulk OIM beneficial substances, increases flexibility of labeling for amino acid and amino acid complex product labels, provides more specificity and clarity of enzyme claims, provides more specificity and clarity for total phosphoric acid label claims, updates investigational sampling procedures, corrects misnumbered or updated references, corrects misspellings, corrects overlooked regulations that require updating for consistency with the previous adoption of the Beneficial Substances product category,

makes corresponding text changes within “Table A: Violations Matrix” for administrative penalties.

The proposed amendment to **Section 2300(b)(1)** provides additional guidance on labeling claims that may appear outside of registered or approved product labels (such as websites, advertisements, brochures, marketing or promotional material), and clarifies that such claims may also be subject to efficacy data requirements. This regulation clarifies that even if a product label is registered or approved, labeling cannot present additional claims if such claims are inconsistent with the reviewed label unless efficacy data substantiates those claims.

The proposed amendments to the current **Section 2300(g)** and **(g)(1)** and the adoption of **(g)(2)(A)** and **(g)(3)** provide clarity for product labels and labeling bearing the Registered Organic Input Material (OIM) logo. The amendment to Section 2300(g) provides an additional example of prohibited language as guidance to the requirement to avoid indications of official approval. The revisions to section 2300(g)(1) clarify that the registered OIM logo may appear on labeling if in specific reference to a registered OIM product. Previously, the regulation could be interpreted to forbid the appearance of the registered OIM logo anywhere except on a registered label. The adoption of section (g)(2)(A) clarifies that the registered OIM logo may vary in size and that the single-color logo may be printed in any color. Previously, the regulation to replicate the form and design of the logo could be interpreted to forbid variations in size or color. The adoption of section (g)(3) clarifies that the use of the registered OIM logo on unregistered labels or on labeling not in reference to registered label shall be considered false or misleading. This regulation provides guidance on the consequences of this logo appearing where it is not expressly allowed.

The proposed amendment of **Section 2300(i)** provides clearer labeling requirements for products containing Molybdenum at elevated quantities. The revision specifies that this applies to all fertilizing materials, rather than to specify the typical product categories (commercial fertilizer and agricultural minerals) that guarantee Molybdenum on labeling.

The proposed adoption of **Section 2300(i)(1)** provides clearer labeling requirements for products containing residues of the heavy metal Molybdenum but are not intended as sources of Molybdenum. Current regulations require a statement on labels containing high levels of Molybdenum. However, this may trigger additional labeling requirements, as a guarantee is required for any label claims referencing a plant nutrient. The proposed section (i)(1) would remove this additional labeling requirement for unintended Molybdenum impurities. It also revises the Molybdenum statement for such impurity-containing products.

The proposed amendment to the current **Section 2300(*l*)(2)** revises the regulation section reference from (1)(1) to (*l*)(1) for clarity and consistency.

The proposed adoption of **Section 2300(n)** provides direction and clarity that all sales must be accompanied by a bill of sale, invoice, or other transactional document.. Specifying that a sale of fertilizing materials requires a bill, invoice, or receipt ensures that firms fulfill the requirement to maintain accurate records of fertilizing material transactions subject to assessment.

The proposed amendment to the current **Section 2300.1(a)(3)** updates the citation of Government Code Section 6254.7(d) to Sections 7924.510(c) and/or 7924.510(f) to be consistent with the updated Government Code.

The proposed amendment to the current **Section 2300.1(d)** clarifies that the specific consumer request for a custom blend must be a written request. As currently written, this regulation could be interpreted as a verbal or other form of request that could be problematic to confirm by inspectors.

The proposed adoption of **Section 2300.1(n-q)**, provide definitions for “bat guano,” “seabird guano,” “ectomycorrhizal fungal propagule,” and “endomycorrhizal fungal propagule.” These definitions have previously been officially adopted by AAPFCO and are universally accepted in most or all states. Adopting these definitions into regulation will improve consistency in labeling between states.

The proposed adoption of **Section 2300.1(r)** provides a definition of “labeling claim.” Labeling claims are subject to review by the Department for accuracy and are often subject to requests for revision prior to approval or registration. However, without a definition, the exact scope of what labeling matter is considered a claim may be ambiguous. This definition provides clarity and guidance as to what labeling material may be subject to review as a claim.

The proposed addition of **Section 2300.1(s)**, **(s)(1)**, and **(s)(2)** provides a definition of bulk totes and specifies the characteristics of liquid and dry bulk totes. Current laws and regulations differentiate between bulk and packaged fertilizing materials. However, fertilizing materials are often sold or distributed in bulk totes, which fall within the bulk category (greater than 110 pounds) despite being distributed in containers. Providing a definition of bulk tote provides greater clarity to distributors of which products are considered bulk materials. This definition also allows inspectors to offer clearer communication and guidance to firms when determining whether their fertilizing materials are bulk or packaged.

The proposed amendments to the current **Sections 2300.2** and **2300.3** remove the authority cited reference from Government Code Section 6254.7(d) since that code was changed. Sections 7924.510(c) and 7924.510(f) were not added as a reference as the Department is not attempting to implement, interpret, or make these Government code sections specific.

The proposed amendment to the current **Section 2303(d)** specifies that the licensed label guarantor's address appearing on the fertilizing material label must be current and valid. This provides clarification of the meaning of guarantor's address, as an address that is out-of-date or no longer active cannot fulfill this requirement.

The adoption of **Section 2303(d)(2)** further specifies that the guarantor must provide notification within 30 days if the label is no longer current or valid and provide a new, valid address. This regulation addition prevents firms from maintaining labels with invalid or out-of-date addresses, which can be misleading to consumers and prevent necessary inspections.

The proposed amendment to the current **Section 2303(e)** specifies that Organic Input Material (OIM) Bulk Beneficial Substances intended for use in the physical conditioning of soils (formerly known as Bulk Soil Amendments) do not require a product purpose statement on the label. This exception was previously in effect for OIM bulk soil amendments but was mistakenly omitted when the Soil Amendment and Auxiliary Soil and Plant Substance (ASPS) product categories were replaced with the Beneficial Substance product category in 2025. This restores the exception that firms are familiar with for greater labeling consistency.

The proposed revision to the current **Section 2303(f)** specifies that Organic Input Material (OIM) Bulk Beneficial Substances intended for use in the physical conditioning of soils (formerly known as Bulk Soil Amendments) do not require directions for use on the label. This exception was previously in effect for OIM bulk soil amendments but was mistakenly omitted when the Soil Amendment and Auxiliary Soil and Plant Substance (ASPS) product categories were replaced by the Beneficial Substance product category in 2025. This restores the exception that firms are familiar with for greater labeling consistency.

The proposed amendment to the current **Section 2303(h)** adds the nutrient Soluble Silicon (Si) to the list of micronutrients that a firm may claim in the guaranteed analysis. Soluble Silicon is currently allowed as a Beneficial Substance ingredient. Guaranteeing Soluble Silicon as a plant nutrient has been officially adopted by AAPFCO and this label requirement is universally recognized in all other states. Adopting this change into regulation will improve consistency in labeling between states.

The proposed amendment to the current **Section 2303(k)** corrects the misspelling of "BENFICIAL" to "BENEFICIAL."

The proposed amendment to the current **Section 2303(m)** corrects the applicable regulation section reference from 2303(i)(1) to 2303(h)(1) for accuracy, as the November 14, 2025, rulemaking revisions renumbered the 2303 subsections.

The proposed amendment to the current **Section 2303(v)** corrects the applicable regulation section reference from 2303(s) to 2303(r) for accuracy, as the November 14, 2025, rulemaking revisions renumbered the 2303 subsections.

The proposed amendment to the current **Section 2303(w)** revises the conditions under which the terms "amino acid" or "amino" may be used in a product name to more generally apply when a reference to these terms may appear on a product label. While references to these terms were allowed on labels under more general provisions of claims that are not false or misleading, this regulation, as written, may appear ambiguous and appear to forbid reference anywhere but the product name. The revised regulation provides greater clarity and guidance to the use of these terms.

The proposed amendment to the current **Section 2303(w)(1)** clarifies the ambiguous instruction that "proof of purchase of each specific amino is submitted." The revision provides further guidance that the submission is to the Department and that the submission must be in support of the label claims (i.e., the specific amino acid ingredients).

The proposed amendment to the current **Section 2303(x)** revises the conditions under which the terms "amino acid complex" or "(secondary nutrient or micronutrient amino acid complex)" may be used in a product name to more generally apply when a reference to these terms may appear on a product label. While references to these terms were allowed on labels under more general provisions of claims that are not false or misleading, this regulation, as written, may appear ambiguous and appear to forbid reference anywhere but the product name. The revised regulation provides greater clarity and guidance to the use of these terms.

The proposed amendment to the current **Section 2304(a)(2)(B)** would require that, in addition to the guaranteed number of enzyme activity units, label guarantees for enzymes also provide a definition of one enzyme unit. Unlike many other measurements, enzyme units are often defined on a per-enzyme basis or may even have multiple unit definitions for the same enzyme. Requiring that these units be defined on the label provides greater clarity to consumers regarding product enzyme guarantees.

The proposed amendment to **Sections 2309(a)** provides clarity for products containing phosphorous acid and merges three disclosure statements into one (subsections (a)(1), (a)(2), and (a)(3)) to ensure that the statements appear together on a label instead of being potentially separated on other areas of a label. It should be noted that this revision was originally intended to be included as part of the changes to Section 2309 within the November 14, 2025, rulemaking package, but was inadvertently omitted between the originally proposed text and the 15-day comment period revisions.

The proposed amendment to the current **Section 2309(b)** corrects the misspelling of "Ffor" to "for."

The proposed amendment to the current **Section 2315(d)(3)** changes the term "other clear solutions" to "other solutions." This amendment more accurately reflects that fertilizing material solutions are often opaque and that liquids other than clear solutions may be sampled at a container outlet.

The proposed amendment to the current **Section 2317.5(b)** revises the order and format of the secondary and micronutrient investigational allowance list for consistency with labeling format guidance. The proposed regulation now includes the elemental symbol of each plant nutrient and rearranges the micronutrients to alphabetical order. Both changes are consistent with the format and order of secondary and micronutrients given in section 2303(h) and required on product labels. In addition, the list now includes the investigational allowance for Soluble Silicon (Si) to be consistent with the proposed change to move guarantees for this element from the Beneficial Substances statement of composition to the plant nutrient Guaranteed Analysis. This Soluble Silicon investigational allowance amount was revised to reflect the new value that was officially adopted by AAPFCO and is applied across all states.

The proposed amendment to the current **Section 2317.5(c)** removes the investigational allowance for Soluble Silicon (Si) to be consistent with the proposed change to move guarantees for this element from the Beneficial Substances statement of composition to the plant nutrient Guaranteed Analysis. Additionally, the investigational allowance for humic acid was increased from 10% to 20% to be more flexible and permissive. CDFA's Center for Analytical Chemistry performed analysis on humic acid products with higher percentage claims, mid-percentage claims, and low percentage claim and determined that an investigational allowance increase would be necessary due to more significant analytical variance that may occur at low levels of humic acid.

The proposed amendment to the current **Section 2320.2(b)** corrects the amount "$500" to "$1,000." The change in OIM registration fees from $500 to $1,000 went into effect in

2025 with revisions to Section 14601(c) of the Food and Agricultural Code and Section 2320.1 of the California Code of Regulations.

The proposed amendment to **Section 2322(a)** corrects a typo of the random number "7" which currently appears within the text.

The proposed amendments to **Section 2322(b), Table A: Violations Matrix** ensures that every section's text changes within this rulemaking are also accurately communicated within the administrative penalty guidelines – specifically "Table A: Violations Matrix".

Anticipated Benefits of the Proposed Regulations:

The proposed regulations are to recognize and standardize the fertilizing material ingredient Soluble Silicon as a micronutrient. The proposed regulatory changes will provide label standardization and uniformity for Soluble Silicon label claims because the proposed standards have been officially approved by other state departments of agriculture through official voting of AAPFCO. It is critical to provide uniformity for the fertilizer industry, so fertilizer manufacturers can use one label that would be compliant across all states thereby saving time, money, and labor. The proposed regulations simplify the label format which will bring greater clarity to growers and consumers, as well as meeting an industry need for manufacturers to provide a compliant label that meets the requirements of all states. This rulemaking also provides greater clarity on labeling claims, guidance on the use of the registered OIM logo, greater specificity of molybdenum warning statements, greater clarity on fertilizing material ingredient definitions, greater flexibility in the labeling of bulk OIM beneficial substances, greater flexibility in amino acid claims, greater specificity of enzyme guarantees, additional clarity on the labeling of phosphorus materials, and corrects misnumbering and spelling errors.

Determination of 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 of 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 cost or savings imposed on 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 private 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 ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Department has determined that the proposed regulatory action will not have an economic or fiscal impact to the fertilizer industry but will provide benefits to growers and consumers through greater transparency and clarity for fertilizing materials labeling. These proposed regulations will not:

(1) Create or eliminate jobs within California

(2) Create new businesses or eliminate existing businesses within the State of California

(3) Affect the expansion of businesses currently doing business within the State of California

(4) Affect the health and welfare of California residents, worker safety, and the state's environment

The proposed regulations may also provide indirect consumer-protection benefits by improving the clarity of fertilizing material labeling, including warning statements for products containing molybdenum. These clarifications may help growers and consumers better understand product information and make informed decisions regarding the use of fertilizing materials.

SMALL BUSINESS DETERMINATION

The Department has determined that the proposed regulations may 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. Administrative penalties do not financially impact any firm compliant with the laws and regulations.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Department must determine that no reasonable alternative is 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 during the written comment period.

CONTACT PERSONS

Written comments and inquiries concerning the substance of the proposed regulation should be directed to:

Nick Young, Environmental Program Manager I
California Department of Food and Agriculture
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P.O. Box 942872
Sacramento, CA 94271-2872
nick.young@cdfa.ca.gov

Written comments and inquiries about the initial statement of reasons, proposed actions, or location of the rulemaking files; or a request for a public hearing should be directed to:

Brittnie Williams, Regulations Coordinator
California Department of Food and Agriculture
Feed, Fertilizer, and Livestock Drugs Regulatory Services Branch
P.O. Box 942872
Sacramento, CA 94271-2872
(916) 900-5022

brittnie.williams@cdfa.ca.gov

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Department has available all information upon which the proposed rulemaking is based, including reports, documentation, and other related materials. The location of these records may be obtained by contacting Brittnie Williams at the information provided in the "Contact Persons" section.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, Initial Statement of Reasons, and Proposed Regulation Text in underline and strikethrough can be accessed through the Department's website at CDFA - IS - Inspection Service Laws & Regulations - Feed, Fertilizer, and Livestock Drugs Regulatory Services.

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 Brittnie Williams at the information 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 FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Brittnie Williams at the information provided in the "Contact Persons" section.