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

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ARTICLE 1. STANDARDS AND LABELING

§ 2300. Fertilizing Materials - General Provisions.

…

(b) Efficacy data, which may be required as stated in Sections 14601 and 14631 of the Food and Agricultural Code, is data required to demonstrate the product's effectiveness when used as directed for all label claims. The data shall be obtained under California environmental use conditions or in areas that have essentially the same environmental use conditions.

(1) Labeling claims must be consistent with CDFA registered or approved product labels and may require efficacy data to substantiate.

…

(g) The statements "State of California A~~a~~pproved," "CDFA approved" or other indication of official approval is prohibited in labeling and advertising unless allowed for organic input material.

(1) Only O~~o~~rganic input material labels registered in accordance with Title 3, Section 2320.2 et seq. or labeling with specific reference to a registered organic input material may reflect OR bear the following logos:



(2) The logo must replicate the form and design referenced in Section 2300(g)(1) and, if used, must be printed legibly and conspicuously.

(A) The size of the logo is permitted to vary and single-color logos may be printed in any alternative single-color, as long as logo is not otherwise graphically altered.

(3) The use of the registered organic input material logo, not in compliance with Section 2300(g)(1), shall be considered false or misleading, pursuant to Section 14681(a) of the Food and Agricultural Code.

…

(i) Except for products labeled only for indoor or hydroponic use, a warning or caution statement shall appear on the label of any ~~commercial fertilizer or agricultural mineral~~fertilizing material product which contains 0.001 percent or more by weight of molybdenum (Mo). This statement shall carry the word “WARNING,” “CAUTION,” “ATTENTION,” or “NOTICE,” conspicuously displayed and the statement that the application of fertilizing materials containing molybdenum (Mo) may result in forage crops containing levels of molybdenum (Mo) which are toxic to ruminant animals.

(1) For those fertilizing material products that are not intended as a source of molybdenum (Mo) which contain 0.001 percent or more by weight of molybdenum (Mo) due to the presence of impurities, a warning or caution statement shall appear on the label. This statement shall carry the word “WARNING,” “CAUTION,” “ATTENTION,” or “NOTICE,” conspicuously displayed and the statement that this product contains unintentionally added molybdenum (Mo). This statement shall also state that the application of fertilizing materials containing molybdenum (Mo) may result in forage crops containing levels of molybdenum (Mo) which are toxic to ruminant animals. A product label shall not be required to represent Molybdenum (Mo) in the guaranteed analysis or derivation statement per 2300(j) if the Molybdenum content greater than 0.001% is due to the presence of impurities.

…

(*l*) The manufacturer shall submit the following information on the composition of fertilizing materials:

…

(2) When the information submitted in accordance to subsection ~~(1)~~(*l*)(1) is not sufficient to verify the safety or efficacy, the Secretary may require the manufacturer to provide additional ingredient information including but not limited to:

(n) All sales must be accompanied by a bill of sale, invoice, or other transactional document.

…

Note: Authority cited: Sections 407, 14502, 14643 and 14631, Food and Agricultural Code. Reference: Sections 14501(b), 14502, 14601, 14631, 14641, 14642 and 14643, Food and Agricultural Code.

§ 2300.1. Definitions.

(a) The term “trade secret” means any data and/or information that discloses:

(1) The manufacturing or quality control processes, manufacturing facility or equipment

(2) The identity or percentage quantity of any deliberately added ingredients other than active ingredients.

(3) Any business practice that is otherwise considered as trade secrets under California Government Code Sections 7924.510(c) and/or 7924.510(f)~~6254.7(d)~~.

All information concerning efficacy, including but not limited to the objectives, methodology, results, or significance of any test or experiment performed on or with a fertilizing material, and any information concerning the effects of such fertilizing material's action on the environment or human or animal health, shall not be considered “trade secrets.”

…

(d) The term “custom blend” means a fertilizing material blended according to specifications provided to a blender in a soil test nutrient recommendation or to meet the written request(s) of the specific consumer (end user) ~~request(s)~~ prior to blending.

…

(n) The term “bat guano” means partially decomposed bat excrement. Bat guano has an organic matter content greater than 40%, is a source of nitrogen (N), and may contain up to 6% available phosphoric acid (P_2O_5).

(o) The term “seabird guano” means the fecal excrement from marine birds. Seabird guano has an organic matter content greater than 40%, is a source of nitrogen (N) and available phosphoric acid (P_2O_5).

(p) The term “Ectomycorrhizal fungal propagule” is a structure of ectomycorrhizal fungi that is capable of forming a symbiotic association with plant roots. These structures are spores of ectomycorrhizal fungi.

(q) The term “Endomycorrhizal fungal propagule” is the structure of endomycorrhizal fungi that is capable of forming a symbiotic association with plant roots. These structures are endomycorrhizal fungal spores and root fragments colonized by endomycorrhizal fungi.

(r) “Labeling statements and claims” are any written, printed, or graphic assertion that describes attributes, ingredients, or benefits. It includes statements of something as a fact or an assertion that may be subject to scientific review.

(s) The term “bulk tote” means a storage vessel or container for liquid or dry bulk fertilizing materials.

(1) Liquid bulk totes, or Intermediate Bulk Containers (IBCs), are reusable industrial-grade containers designed for the storage and transport of liquid fertilizing materials and may hold up to 330 gallons.

(2) Dry bulk totes, supersacks, bulk bags, or Flexible Intermediate Bulk Container (FIBCs) are heavy-duty woven polypropylene bags used for storage of dry fertilizing materials and may hold up to 2,000 pounds.

…

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

§ 2300.2. Procedures for Claiming Protection of Trade Secrets

…

Note: Authority cited: Sections 407 and 14502, Food and Agricultural Code. Reference: Sections 14601 and 14631, Food and Agricultural Code~~; and Sections 6254.7, Government Code~~.

§ 2300.3. Conditions of Confidentiality

…

Note: Authority cited: Sections 407 and 14502, Food and Agricultural Code. Reference: Sections 14601 and 14631, Food and Agricultural Code~~; and Sections 6254.7 Government Code~~.

§ 2303. Label Requirements.

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

…

(d) The licensed label guarantor's name and a current, valid address.

(1) For bulk commercial fertilizers and bulk agricultural minerals, (excluding organic input materials), the last licensee distributing the fertilizing material is required to be represented as the label guarantor.

(2) If an address changes or is no longer valid during a product's registration cycle, the guarantor shall notify the Secretary and provide a new, valid address within 30 days of the change or inactivity.

(e) Purpose of the product (for ~~beneficial substances~~specialty fertilizers, packaged agricultural minerals, and ~~specialty fertilizers~~beneficial substances – excluding beneficial substances described in Section 2303(j) that are registered as bulk organic input materials).

(f) Directions for use (for ~~beneficial substances~~specialty fertilizers, packaged agricultural minerals, and ~~specialty fertilizers~~beneficial substances – excluding beneficial substances described in Section 2303(j) that are registered as bulk organic input materials).

…

(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 (P_2O_5).....___%

Soluble Potash (K_2O) .....___%

(2) Secondary and micronutrient guarantee minimums.

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%

Soluble Silicon (Si).....0.1000%

Sodium (Na).....0.1000%

Zinc (Zn) 0.0500%

___% Chelated Zinc

…

(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/cm3, /mL, /g or other acceptable units

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

…

(m) 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(hi)(1).

…

(v) A copy of the heavy metals analysis for the nine metals described in Section 2303 (rs) shall be submitted to the secretary for any label that contains a link to the California website for heavy metals (https://apps1.cdfa.ca.gov/fertilizerproducts/).

(w) The term "amino acid" or "amino" may be ~~used as part of~~ referenced on a product labelname under the following conditions:

(1) Specific amino acids are represented in the derivation statement and proof of purchase of each specific amino acid is submitted to the Department in support of the claims.

(2) Protein hydrolysate is represented in the derivation statement.

(A) Labeling claims are limited to statements within the definition provided in § 2300.1(m).

(x) The term "amino acid complex" or "(secondary nutrient or micronutrient) amino acid complex" may be ~~used as part of~~ referenced on a product labelname under the following conditions:

(1) "(Secondary nutrient or micronutrient) amino acid complex" is represented in the derivation statement.

(2) Only complexing agent claims appear on the label.

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

§ 2304. Biotics

…

(a)….

(2)(B) The definition of one unit (1U) for each enzyme, and t~~T~~he number of activity units of each enzyme per cubic centimeter, milliliter, or gram.

…

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

Reference: Sections 14594, 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 (P_2O_5)……..___%

In addition, the label shall state the following:

(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 statements described in subsection (1).

(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". The percentage of "Insoluble Phosphoric Acid" (Citrate-Insoluble Phosphorus), if greater than zero, must be stated immediately below, ~~F~~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

§ 2315. Sampling Procedure.

Each official sample shall consist of a fertilizing material obtained in the following manner:

…

(d) Liquid fertilizing materials must be sampled by one of the following systems:

(1) Full horizontal cylindrical or spherical tanks or containers are sampled with a restricted fill liquid sampling device. Lower the liquid sampler just below the surface and allow to fill, the liquid sampler is then recovered and emptied into a suitable container. This process is repeated twice at the center level of the tank or container and once at the bottom. All four aliquots are thoroughly mixed and tested; or a sample of the four aliquots consisting of not less than one pint shall be sent to the laboratory for testing.

(2) Sample vertical cylindrical, cubic or rectangular shaped tanks or containers by proceeding as in "(1)" except one aliquot is taken from the center level rather than taking two aliquots from the center level.

(3) Nonpressurized nitrogen solutions, nitrogen-phosphate mixtures, and other ~~clear~~ solutions may be sampled at the sight gauge or outlet after these openings have been drained and flushed with the solution. Fertilizer suspensions or slurries must be completely agitated before sampling; when a homogenous mixture is achieved, sample as above.

…

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

2317.5. Investigational Allowances.

…

(b) Secondary and micronutrients shall be deemed deficient if the analysis of any element is below the guarantee by an amount exceeding the values calculated according to the following schedule:

Secondary and Micronutrients

Element	Investigational Allowance
Calcium (Ca)	0.2 unit + 5% of guaranteed analysis
Magnesium (Mg)	0.2 unit + 5% of guaranteed analysis
Sulfur (S)	0.2 unit + 5% of guaranteed analysis
Boron (B)	0.003 unit + 15% of guaranteed analysis
~~Cobalt~~	~~0.0001 unit + 30% of guaranteed analysis~~
~~Molybdenum~~	~~0.0001 unit + 30% of guaranteed analysis~~
Chlorine (Cl)	0.005 unit + 10% of guaranteed analysis
Cobalt (Co)	0.0001 unit + 30% of guaranteed analysis
Copper (Cu)	0.005 unit + 10% of guaranteed analysis
Iron (Fe)	0.005 unit + 10% of guaranteed analysis
Manganese (Mn)	0.005 unit + 10% of guaranteed analysis
Molybdenum (Mo)	0.0001 unit + 30% of guaranteed analysis
Soluble Silicon (Si)	0.005 unit + 10% of guaranteed analysis
Sodium (Na)	0.005 unit + 10% of guaranteed analysis

Element	Investigational Allowance
Zinc (Zn)	0.005 unit + 10% of guaranteed analysis

…

(c) Other guarantees or claims shall be deemed deficient if any ingredient or claim is below the guarantee by an amount exceeding the values in the following schedule:

Other Ingredient Guarantees or Claims

Ingredient or Claim	Investigational Allowance
Humic Acid	2010% of guarantee
~~Soluble Silicon~~	~~10% of guarantee~~
Calcium Sulfate Dihydrate ($CaSO_4 \cdot 2H_20$)	5% of guaranteed analysis
Gypsum Equivalent	5% of guaranteed analysis
Calcium Carbonate Equivalent	5% of guaranteed analysis
Lime Score	5% of guarantee
Vitamin B-1 (*thiamine hydrochloride*)	30% of guarantee
Total Phosphoric Acid (P_2O_5)	Refer to 3 CCR Section 2317.5(a), Available Phosphoric Acid (P_2O_5). The same investigational allowances apply.
pH	pH 3.14% of required National Organic Program value (3.5 pH) (*only required for organic input material liquid fish products*)

…

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

ARTICLE 4. REGISTRATION

§ 2320.2. Registration Application for Organic Input Material Product Label.

…

(b) Product label registration for Organic Input Material shall be made on the department's Organic Input Material (OIM) registration application. A person attempting to obtain a product label registration for Organic Input Material shall submit a completed application either online through the department's online database or as a paper application mailed to the department and submit a $1,000~~$500~~ per product fee. A completed application shall contain the following:

…

Note: Authority cited: Sections 407, 14502 and 14601, Food and Agricultural Code. Reference: Sections 14550.5, 14601 and 14631, Food and Agricultural Code.

ARTICLE 6. ADMINISTRATIVE PENALTIES

§ 2322. Administrative Penalty Guidelines.

In applying Section 14651.5 of the California Food and Agricultural Code, the secretary shall use the provisions of this section to determine the violation class and amount of the penalty.

(a) For the purposes of this section, violation classes are designated as serious, moderate, and minor to establish maximum penalty amounts. Repeat violations may result in an escalation of violation class and/or penalty. Escalation of penalties may apply for a revolving five-year period from ~~7~~ the date of each unique section code violation. Serious and moderate violations may be downgraded based upon the evidence, the factual circumstances, mitigating factors, and the cooperation of the violator.

(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 § 2300(b)(1) Efficacy Data & Additional Labeling Claims	Labeling claims must be consistent with CDFA registered or approved product labels and may require efficacy data to substantiate.	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 §§ 14540, 14542, 14601, 14631, 14651.5, 14681

					3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)
…					
3 CCR § 2300(g) No State of California Endorsement	The statements "State of California Aapproved," "CDFA Approved" or other indication of official approval is prohibited in labeling and advertising unless allowed for organic input material.	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 §§ 14540, 14542, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)
3 CCR § 2300(g)(1)-(2) Authorized OIM Logos	(1) Only organic input material labels registered in accordance with Title 3, Section 2320.2 et seq. or labeling with specific reference to a registered organic input material may reflect OR bear the authorized logos. (2) The logo must replicate the form and design referenced in Section 2300(g)(1) and, if used, must be printed legibly and conspicuously. (A) The size of the logo is permitted to vary and single-color logos may be printed in any alternative single-color, as long as logo is not otherwise graphically	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 §§ 14540, 14550.5, 14601, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)

	altered.				
3 CCR § 2300(g)(3) Misuse of CDFA Registered OIM Logo	The use of the registered organic input material logo, not in compliance with Section 2300(g)(1), shall be considered false or misleading, pursuant to Section 14681(a) of the Food and Agricultural Code.	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 §§ 14540, 14542, 14550.5, 14601, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)
…					
3 CCR § 2300(i) Molybdenum (Mo) Warning Statement	Except for products labeled only for indoor or hydroponic use, a warning or caution statement shall appear on the label of any ~~commercial fertilizer or agricultural mineral~~fertilizing material product which contains 0.001 percent or more by weight of molybdenum (Mo). This statement shall carry the word “WARNING,” “CAUTION,” “ATTENTION,” or “NOTICE,” conspicuously displayed and the statement that the application of fertilizing materials containing molybdenum (Mo) may result in forage crops containing levels of molybdenum (Mo) which are toxic to ruminant animals.	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 § 2300(i)(1) Disclosure for Unintentionally Added Molybdenum	For those fertilizing material products that are not intended as a source of molybdenum (Mo) which contain impurities of 0.001 percent of more by weight of molybdenum (Mo), a warning or caution statement shall appear on the label. This statement shall carry the word “WARNING,” “CAUTION,” “ATTENTION,” or “NOTICE,” conspicuously displayed and the statement that this product contains unintentionally added molybdenum (Mo). This statement shall also state that the application of fertilizing materials containing molybdenum (Mo) may result in forage crops containing levels of molybdenum (Mo) which are toxic to ruminant animals. A product with molybdenum (Mo) impurities shall not require molybdenum (Mo) to be represented in the guaranteed analysis or derivation statement per §2300(j).	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(d) Licensees Name and Address on Label	The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code shall include the licensee's name and a current, valid address.	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, 14543, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)
…					
3 CCR § 2303(d)(2) Update Inactive Address Within 30 Days	If an address changes or is no longer valid during a product's registration cycle, the guarantor shall notify the Secretary and provide a new, valid address within 30 days of the change or inactivity.	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, 14541, 14542, 14543, 14601, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)

…					
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 ~~beneficial substances~~specialty fertilizers, packaged agricultural minerals, and ~~specialty fertilizers~~beneficial substances – excluding beneficial substances described in Section 2303(j) that are registered as bulk organic input materials).	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(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 ~~beneficial substances~~specialty fertilizers, packaged agricultural minerals, and ~~specialty fertilizers~~beneficial substances – excluding beneficial substances described in Section 2303(j) that are registered as bulk organic input materials).	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(w) Amino Acid on a Product Label	The term “amino acid” or “amino” may be referenced on a product label under the following conditions: (1) Specific amino acids are represented in the derivation statement and proof of purchase of each specific amino acid is submitted to the Department in support of the claims. (2) Protein hydrolysate is represented in the derivation statement. (A) Labeling claims are limited to statements within the definition provided in § 2300.1(m).	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(x) Amino Acid Complex on a Product Label	The term “amino acid complex” or “(secondary nutrient or micronutrient) amino acid complex” may be referenced on a product label under the following conditions: (1) “(Secondary nutrient or micronutrient) amino acid complex” is represented in the derivation statement (2) Only complexing agent claims appear on the label.	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 § 2304 Biotics	The label of each product which contains organisms, enzymes, or other by-	X			First violation shall receive a notice of warning / notice of violation with 30 days to comply.

	products of organisms for which claims are made shall state: (1) Species name of each microorganism, and name of each enzyme, or organism by-product, if claimed as part of the statement of composition. (2)(A) The number of viable units of each microorganism per cubic centimeter, milliliter, or gram. (B) The definition of one unit (1U) for each enzyme, and t~~T~~he number of activity units of each enzyme per cubic centimeter, milliliter, or gram. (C) The concentration in percentage of each organism by-product. (3) The expiration date for use. (4) Storage conditions.				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 §§ 14514, 14533, 14540, 14542, 14651.5, 14681 3 CCR §§ 2322(a)(3), 2322(a)(2), 2322(a)(1)
…					
3 CCR § 2309 Phosphorous Materials	(a) 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: (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.	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)~~ 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.”				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.