

California Code of Regulations

California Office of Administrative Law  
California Code of Regulations

3 CA ADC § 2300

Cal. Admin. Code tit. 3, § 2300

BARCLAYS OFFICIAL 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

This database is current through 12/11/09 Register 2009, No. 50  
§ 2300. Fertilizing Materials-General Provisions.

(a) Labels of fertilizing materials, shall comply with the requirements of this article.

(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.

(c) All guarantees shall be based on an Association of Official Analytical Chemists (AOAC) laboratory method or when no AOAC method is available, a method developed for specific analyses by the Department shall be used.

(d) The guaranteed analysis must be stated on an "as is" basis at time of sale or delivery to wholesale and retail customers.

(e) "Zero" guarantees shall not appear in the guaranteed analysis statement.

(f) Brand names, trademarks and tradenames are prohibited in the derivation statement or list of ingredients. They may appear as part of the product name in an area of the label separate from the list of ingredients or the derivation statement. However, trademarks and tradenames may not be similar to that of a recognized fertilizing material.

(g) The statement "State of California approved" or other indication of official approval is prohibited in labeling and advertising.

(h) A warning or caution statement shall appear on the label of any commercial fertilizer product which contains 0.1 percent or more by weight of boron in water soluble form. This statement shall carry the word "WARNING" or "CAUTION" conspicuously displayed, shall state the crop(s) for which the fertilizing material is to be used or state that the use of the fertilizing material on any crops other than those recommended may result in serious injury to the crop(s).

(i) A warning or caution statement shall appear on the label of any

commercial fertilizer product which contains 0.001 percent or more by weight of molybdenum (Mo). This statement shall carry the word "WARNING" or "CAUTION" 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.

(j) When the name of a fertilizing material appears on the label, outside of the guaranteed analysis statement, the percentage of that ingredient is required in the guaranteed analysis statement.

(k) The manufacturer of fertilizing materials shall provide information regarding a product's composition to the Secretary:

(1) For fertilizing materials requiring registration, information regarding the product's composition shall accompany the Fertilizing Material Registration Application.

(2) For registered fertilizing materials, the manufacturer shall notify the Secretary of any changes in the information on file regarding the product's composition within 30 days of the change.

(3) For fertilizing materials that do not require registration, the manufacturer shall provide information regarding the product's composition upon request by the Secretary.

(4) For all fertilizing materials, the manufacturer may reference previously submitted information in compliance with subsections (k)(1), (k)(2) and (k)(3) but only with permission from the manufacturer who submitted the original information.

(5) For all fertilizing materials whose production process allows for alternative inert ingredients, a list of alternative inert ingredients may be submitted when providing the Secretary information regarding composition as required by subsections (k)(1), (k)(2) and (k)(3).

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

(1) The name of each active and inactive ingredient and its concentration in percentage by weight. The ingredient shall be identified using its chemical or substance name according to the Chemical Abstract Society (CAS) nomenclature (including the CAS Registry Number) or its common, generally recognized name. For products whose net content is expressed by volume on its label, the ingredients' concentration information may be submitted based on volume as long as the approximate bulk density information is also included.

(2) When the information submitted in accordance to subsection (1)(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:

(a) The purpose of each ingredient, active or inactive.

(b) The source of each ingredient, including the manufacturer's and/or distributor's contact information and country of origin.

(c) The Material Safety Data Sheet (MSDS) if applicable, or any other technical information in support of safety.

(d) The physical or chemical characteristic of each ingredient.

(e) A description of the manufacturing process.

(f) The impurities associated with each ingredient. The term "impurity" means any substance in the fertilizing material other than an active ingredient or an inert ingredient, including but not limited to non-reactive ingredients, side-reaction products, contaminants, and degradation products.

(g) A valid analytical method for each ingredient where applicable.

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

#### HISTORY

1. Amendment filed 10-11-68; effective thirtieth day thereafter (Register 68, No. 38).

2. Repealer of group I (articles 1-5, sections 2300-2321) and new group I (articles 1-4, sections 2300-2316) filed 7-29-82; effective thirtieth day thereafter (Register 82, No. 31). For prior history, see Registers 79, No. 26; 55, No. 3; and 24, No. 2.

3. Repealer of paragraph following article 1 heading and amendment of section filed 8-2-91; operative 8-2-91 pursuant to Government Code section 11346.2(d) (Register 92, No. 7).

4. Editorial correction deleting repealed paragraph following article 1 heading (Register 95, No. 8).

5. Amendment adding subsections (k)-(l)(2)(g) filed 9-10-2009; operative 1-1-2010 pursuant to Government Code section 11343.4(b) (Register 2009, No. 37).

3 CCR § 2300, Search Term Begin 3 CA ADC § 2300 Search Term End  
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§ 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 Section 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."

(b) The term "active ingredient" means any agent responsible for the intended beneficial purpose, including but not limited to: provide primary plant nutrients, secondary nutrients or micronutrients; correct soil conditions through chemical and biological affects; enhance plant's growth, vigor, quality or size through chemical, biochemical, or biological change; or amends the soil through physical or chemical means.

(c) The term "inert ingredient" means a substance, other than an active ingredient, which is intentionally included in a fertilizing material product.

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

#### HISTORY

1. New section filed 9-10-2009; operative 1-1-2010 pursuant to Government Code section 11343.4(b) (Register 2009, No. 37). For prior history, see Register 98, No. 29.

3 CCR § 2300.1, Search Term Begin 3 CA ADC § 2300. Search Term End 1  
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§ 2300.2. Procedures for Claiming Protection of Trade Secrets.

To assert a claim of confidentiality, a manufacturer must clearly identify any information which he claims is entitled to be considered as trade secrets.

(a) Any data and information claimed by the manufacturer to be trade secrets under Section 2300.1(a) of Title 3 of the California Code of Regulations shall be submitted in accordance to the following procedures:

(1) Any items of information which, in the manufacturer's opinion, should be considered as trade secrets as defined in Section 2300.1(a), shall be removed from the body of information and submitted in a separate, confidential attachment marked with "Trade Secrets" on its cover page. The manufacturer waives the claim for consideration as trade secret for any item that remains in the body of information.

(2) A reference number shall be assigned to each item that is to be considered as a trade secret in the confidential attachment; the corresponding reference number shall be placed in the body of the submitted information where the item was removed.

(3) The page number(s) and the number of the line from where the trade secret item was removed along with the applicability of the definition of a trade secret (Section 2300.1(a)) shall be included for each trade secret claim in the confidential appendix.

(b) Statements of confidentiality shall accompany all submissions of information. The statement shall be accompanied by the name, title, signature of the manufacturer or his properly designated agent, and the date of signature.

(1) If claiming confidentiality, the following statement of confidentiality shall be submitted: "Information claimed confidential on the basis of its falling within the scope of the trade secret definition in Section 2300.1(a), has been removed to a confidential appendix, and is cited by cross-reference number in the body of the submitted information."

(2) If no claim of confidentiality is being made for the information/data submitted, or if no such information is contained in the submitted information, the following statement of confidentiality shall be submitted: "No claim of confidentiality is made for any information contained in this study on the basis of its falling under the definition of trade secret in Section 2300.1(a)."

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

## HISTORY

1. New section filed 9-10-2009; operative 1-1-2010 pursuant to Government Code section 11343.4(b) (Register 2009, No. 37).

3 CCR § 2300.2, Search Term Begin 3 CA ADC § 2300. Search Term End 2  
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§ 2300.3. Conditions of Confidentiality.

Information considered as trade secrets and therefore confidential will be withheld from public disclosure unless the Secretary has determined that disclosure is necessary to protect against an unreasonable risk of injury to health or the environment.

(a) Designating information as trade secrets by the manufacturer does not automatically qualify them as trade secrets and therefore subject to confidentiality. Upon receipt of a Public Records Act request the Secretary will determine the validity of trade secret claims. If the Secretary determines that the information designated as a trade secret is, in fact a trade secret, that information will be treated as such and will be held in confidence.

(b) If the Secretary determines that information designated by the manufacturer as trade secrets does not qualify as such and proposes to release it for inspection, the Secretary shall notify the manufacturer in writing, to the address provided by the manufacturer as stated on the license application. The Secretary shall not thereafter release for inspection any designated information until 10 days after mailing notice to the manufacturer. During this period, the manufacturer may institute an action in an appropriate venue for judgment as to whether such information is subject to protection.

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

## HISTORY

1. New section filed 9-10-2009; operative 1-1-2010 pursuant to Government Code section 11343.4(b) (Register 2009, No. 37).

3 CCR § 2300.3, Search Term Begin 3 CA ADC § 2300. Search Term End 3  
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§ 2300.5. Guaranteed Analysis. [Repealed]

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

Reference: Section 14591, Food and Agricultural Code.

#### HISTORY

1. New section filed 7-1-83; effective thirtieth day thereafter (Register 83, No. 27).

2. Repealer of section filed 8-2-91; operative 8-2-91 pursuant to Government Code section 11346.2(d) (Register 92, No. 7).

3 CCR § 2300.5, Search Term Begin 3 CA ADC § 2300. Search Term End 5  
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