



December 11, 2024

Notice to Fertilizing Material Licensees: Beneficial Substance Labeling Format & Plant Biostimulant Label Claims

Dear Fertilizing Material Licensee:

On August 26, 2024, Governor Newsom signed Senate Bill 1522 into law. In part, this bill provided definitions for “beneficial substance” and “plant biostimulant” – Food and Agricultural Code (FAC) sections 14513 and 14555.5, respectively:

14513. “Beneficial substance” means any substance or compound, other than primary plant nutrients, secondary plant nutrients, and micronutrients, and excluding pesticides, that can be demonstrated by scientific research to be beneficial to one or more species of plants, soil, or media. A beneficial substance includes, but is not limited to, plant biostimulants.

14555.5. “Plant biostimulant” means a substance or microorganism, or mixtures thereof, that, when applied to seeds, plants, the rhizosphere, soil, or other growth media, act to support a plant’s natural nutrition processes independently of the biostimulant’s nutrient content. The plant biostimulant thereby may improve nutrient availability, uptake, or use efficiency, tolerance to abiotic stress, and consequent growth, development, quality, or yield.

These definitions and the corresponding label format identified below will help improve standardization and uniformity throughout the United States. These changes are consistent with the Association of American Plant Food Control Officials’ (AAPFCO) Uniform Beneficial Substances Bill.

BENEFICIAL SUBSTANCES

As part of the law change, “beneficial substance” will replace and encompass both “auxiliary soil and plant substance” and “packaged soil amendment” as a fertilizing material product classification (FAC Section 14533). The label format (i.e. ingredient list) for beneficial substances that solely act as a soil amendment will remain unchanged.

The Fertilizing Materials Inspection Program (FMIP) will soon propose rulemaking for public comment pertaining to a new beneficial substances label format associated with the new laws. Effectively, “Contains Beneficial Substance(s)” will replace “Nonplant Food Ingredient(s).” This label format will be a voluntary option for submitted labels, starting January 1, 2025.



A statement of composition showing the amount of each ingredient, which is the agent in a product primarily responsible for the intended effects (for beneficial substances) using the following format:

CONTAINS BENEFICIAL SUBSTANCE(S)

Name of beneficial substance

Species of microorganism

% (or acceptable units)

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").

Similarly, if the beneficial substance ingredient(s) follows a plant nutrient guaranteed analysis, the following format would be accepted:

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

Species of microorganism

% (or acceptable units)

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").

The FMIP will continue to accept the alternative "Nonplant Food Ingredient(s)" label formats (California Code of Regulations Sections 2303(h) and (l)) until the proposed rulemaking for the "Contains Beneficial Substances" label format has been formally filed as California regulation. The "Nonplant Food Ingredient(s)" label format will be permitted in the channels of trade for each firm's first four-year product registration cycle.

PLANT BIOSTIMULANTS

Beginning January 1, 2025, "plant biostimulant" claims will be permitted on labeling in some instances. Labeling may claim "plant biostimulant," but not the abbreviated and undefined term of "biostimulant".

At present time, the only fertilizing materials permitted to make "plant biostimulant" claims must include humic acid, seaweed extract and/or kelp extract as ingredients. Additional ingredients may be recognized in the future if validated through the FMIP's efficacy data review process or through official recognition by AAPFCO as a plant biostimulant.

The only additional allowed plant biostimulant labeling claims include:

- (Product name or humic acid/seaweed extract/kelp extract ingredient) acts to support a plant's natural nutrition process.
- Humic acid may aid in the uptake of micronutrients.
- Seaweed extract (or kelp extract) is a food source for microorganisms.
 - Seaweed extract (or kelp extract) subsequently enhances microbial growth. This claim must be accompanied by the microbe food claim.

If you have any questions, please contact our office at fertilizer@cdfa.ca.gov.

Sincerely,

ORIGINAL SIGNED BY NICK YOUNG

Nick Young
Environmental Program Manager