

**TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE
CHAPTER 1. CHEMISTRY
SUBCHAPTER 1. FERTILIZING MATERIALS**

June 24, 2011

**NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED REGULATIONS AND
ADDITION OF DOCUMENTS AND INFORMATION TO RULEMAKING FILE**

Pursuant to the requirements of Government Code Section 11346.8(c), and Section 44 of Title 1 of the California Code of Regulations, the California Department of Food and Agriculture (CDFA) is providing notice of changes made to the California Code of Regulations, Title 3, Division 4, Chapter 1, Subchapter 1 Section 2300(g), Section 2300(g)(1), Section 2300(g)(2), Section 2320.2(b)(8), and Section 2323(e). CDFA is providing notice of an Addendum to the Statement of Reasons to the rulemaking file.

As determined by CDFA, the following changes have been made to the enclosed test. The changes being made include:

Section 2300(g) - The specific purpose for amending Section 2300(g) is to describe the general provisions of labeling as well as to explain that organic input material registered in accordance to Title 3, Section 2320.2 may be marketed or offered for sale with Registered Organic Input Material logo from CDFA and to display the logo itself in the regulation as well.

The proposed amendments specify the statement "State of California Approve" or any other indication of official approval by the Department is absolutely prohibited in labeling or advertising unless allowed for organic input material.

This is necessary to assist with the credibility of the manufacturer to the consumer. The logo signifies the product's manufacturer(s) is registered with the Department and is upholding National Organic Program standards.

Section 2300(g)(1) - The specific purpose for adding Section 2300(g)(1) is to physically display the Registered Organic Input Material logo in the regulation.

The proposed addition will allow for manufacturers and consumers to reference the physical attributes of the logo for use in marketing and sales.

This is necessary to ensure there is no confusion over the physical appearance of the logo. The Department provided a color version of the logo displayed in brown, green, yellow and blue as well as a black and white version of the logo. Both are appropriate for marketing and sales purposes.

Section 2300(g)(2) - The specific purpose for adding Section 2300(g)(2) is to ensure all appropriately registered product manufacturers replicate the form and design of the logo referenced in Section 2300(g)(1).

The proposed addition is to ensure all manufacturers properly utilize the logo so it is legibly printed and displayed conspicuously.

This is necessary for clarity purposes. It is important that the Department emphasize the proper use of the logo.

Section 2320.2(b)(8) - The purpose of amending CCR Section 2320(b)(8) is to remove unnecessary language.

The proposed amendment allows, simply, flexibility for the Secretary to provide additional information if deemed necessary.

The Department believes the removal of the language streamlines the regulation and allows the Secretary to provide any information he/she wants without any restrictions.

Section 2322(b)(18) – The specific purpose for amending Section 2322(b)(18) is to streamline the regulation section with 2300(g) amendments. The language adds clarification as to how the logo may be displayed.

The proposed amendment is technical and allows for the corresponding section in the regulation to be fluid and consistent.

The Department believes this is necessary so that any confusion associated with the CDFA Organic Input Material logo may be negated.

Section 2323(e) - The specific purpose for amending Section 2323(e) regarding the Secretary of CDFA's authority to determine compliance and on-site inspection of organic input materials manufacturers and align regulations with the language of the law so industry will comply with inspection requirements. The intent is to provide the Secretary the flexibility to take samples and make analyses based on circumstances.

Previously, the regulation stated the Secretary shall do all of the following, and the Department determined this language was not appropriate because the nature of the

law stated the Secretary shall, to the extent necessary, take samples and make analyses of various products and substances and various stages of production. The language "to the extent necessary" diluted the word "shall" which is why staff determined the intent of the law is to allow for flexibility in determining how compliance is determined; therefore, the regulation has been amended to read the Secretary may conduct these functions as he/she sees fit. The inspections that may be conducted by the Secretary to determine compliance are through sampling processes and procedures as well as analysis and examination of organic input materials.

Pursuant to the requirements of Government Code Sections 11346.8(d), 11346.9(a)(1), and 11347.1, the Department is providing notice that documents and other information which the Department has relied upon in adopting the proposed regulations have been added to the rulemaking file and are available for public inspection and comment. The documents and information added to the rulemaking file are as follows:

- Addendum to the Statement of Reasons
- FFLDRS relied upon the following study for economic impact analyses:
Klonsky, Karen, and Kurt Richter. "Statistical Review of California's Organic Agriculture – 2005-2009." *Agricultural Issues Center, University of California*, (2011): 1-34. Print.

These documents are available for public inspection and copying at the Department's office at 560 J Street, Suite 220, Sacramento, CA 95814 from June 24, 2011 and July 8, 2011 between the hours of 8:00 a.m. and 5:00 p.m. If you have any comments regarding the documents and other information, written comments must be submitted to the Department by 5:00 p.m. on July 8, 2011, to:

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All written comments received by July 8, 2011, which pertain to the indicated changes, will be reviewed and responded to by the Department's staff as part of the compilation of the rulemaking file. Please limit your comments to the modifications of the text indicated by double underline and ~~double strikethrough~~ and the Addendum to the Statement of Reasons.

If you have any questions, please contact:

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AVAILABILTY OF DOCUMENTS ON THE INTERNET

Copies of the original notice of proposed rulemaking; the proposed text of the regulations originally noticed to the public; the initial statement of reasons; the addendum to the statement of reasons; the notice of modification to text of proposed regulations and the text of the modified regulations can be accessed through the Department's website at: <http://www.cdfa.ca.gov/is/Regulations.html>