DEPARTMENT OF FOOD AND AGRICULTURE

FINAL REGULATION TEXT

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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 6. MILL ASSESSMENTS

ARTICLE 1. STANDARDS AND LABELING

§ 2303. Labeling Requirements.

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(s) Packaged product labels for commercial fertilizer and agricultural mineral products, ~~with the exception of gypsum, liming materials, manure, wood or coal fly ash, sewage sludge, composted products, potting soils, potting mix, blood meal, bone meal, feather meal, kelp meal or seaweed, cottonseed meal, fish meal, sphagnum peat moss and seed mix~~ with guarantees of available phosphoric acid, iron, manganese, or zinc, which are derived from inorganic sources, shall include either an informational statement of laboratory test results or provide an informational statement providing the maximum levels in parts per million of arsenic, cadmium, cobalt, copper, lead, mercury, molybdenum, nickel and selenium.

(1) In lieu of a statement on the label, the information may be provided by either of the following statements:

"Information regarding the contents and levels of metals in this product is available by calling 1-800-XXX-XXXX."

Or

"Information regarding the contents and levels of metals in this product is available on the Internet at http://www.regulatory-info-xx.com." Each registrant shall substitute a unique alphanumeric identifier for "xx". This statement may be used only if the licensee establishes and maintains the Internet site; there is a clearly visible, direct

hyperlink to a government web site; and~~,~~ the Internet site contains no advertising or company-specific information. A government web site internet address on the label, or an address for a web site (such as the Association of American Plant Food Control Officials non-nutritive metals web site) that contains links to other state government non-nutritive metals information, is an acceptable alternative to a web site established and maintained by the licensee. All linked web sites shall contain no advertising or company-specific information.

(t) Testing methodology for the informational statement of laboratory test results shall conform to either sample preparation method 3050B or 3051 and conform to analysis methods as described in US EPA Publication SW-846 (Revision 3, December 1996), which is hereby incorporated by reference.

(1) The heavy metal testing results shall be no more than five (5) years old at the time of registration renewal approval.

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(w) A copy of the heavy metals analysis for the nine metals described in Section 2303 (s) 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/).

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

ARTICLE 2. SAMPLES

§ 2317.5. Investigational Allowances.

(a) A fertilizing material shall be deemed deficient if the analysis of any nutrient is below the guarantee by an amount exceeding the values in the following schedule:

Primary Nutrients

Guarantee Percent	Total Nitrogen (N) Percent	Available Phosphoric Acid (P_2O_5) Percent	Soluble Potash (K_2O) Percent
4 or less	0.49	0.67	0.41
5	0.51	0.67	0.43
6	0.52	0.67	0.47
7	0.54	0.68	0.53
8	0.55	0.68	0.60
9	0.57	0.68	0.65
10	0.58	0.68	0.70
12	0.61	0.69	0.79
14	0.63	0.70	0.87
16	0.67	0.70	0.94
18	0.70	0.71	1.01
20	0.73	0.72	1.08
22	0.75	0.72	1.15
24	0.78	0.73	1.21
26	0.81	0.73	1.27
28	0.83	0.74	1.33
30	0.86	0.75	1.39
32	0.88	0.76	1.44
34	0.88	0.79	1.46
36	0.88	0.83	1.49
38	0.88	0.86	1.51
40	0.88	0.90	1.54
42	0.88	0.93	1.56
44	0.88	0.96	1.58
46	0.88	1.00	1.61
48	0.88	1.03	1.63
50	0.88	1.07	1.66
52	0.88	1.10	1.68
54	0.88	1.10	1.70
56	0.88	1.10	1.73
58	0.88	1.10	1.75
60	0.88	1.10	1.78
62	0.88	1.10	1.80

(1) If the guaranteed percent is between listed values, the higher investigational allowance shall be applied. For example, a 21% N guarantee would have a 0.75% investigational allowance.

(2) In no case may the investigational allowance exceed 50 percent of the amount guaranteed.

(3) For Triple Super Phosphate (TSP), the investigational allowance for available phosphoric acid (P_2O_5) shall be 1.53%.

(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	0.2 unit + 5% of guaranteed analysis
Magnesium	0.2 unit + 5% of guaranteed analysis
Sulfur	0.2 unit + 5% of guaranteed analysis
Boron	0.003 unit + 15% of guaranteed analysis
Cobalt	0.0001 unit + 30% of guaranteed analysis
Molybdenum	0.0001 unit + 30% of guaranteed analysis
Chlorine	0.005 unit + 10% of guaranteed analysis
Copper	0.005 unit + 10% of guaranteed analysis
Iron	0.005 unit + 10% of guaranteed analysis
Manganese	0.005 unit + 10% of guaranteed analysis
Sodium	0.005 unit + 10% of guaranteed analysis
Zinc	0.005 unit + 10% of guaranteed analysis
The maximum allowance when calculated in accordance to the above shall be 1 unit (one percentage point).	

(1) For low guarantees not represented by this table, an investigational allowance of 50 percent of the amount guaranteed will be applied.

(2) The investigational allowances are applied as follows:

(A) For zinc guaranteed at 0.75 percent Zn, the investigational allowance is calculated as 0.005 + 0.1(0.75) = 0.08 percent. An analyzed value for zinc of 0.66 percent (0.75 – 0.08 = 0.67) or less would be declared deficient and in violation. An analyzed value for zinc of 0.67 percent or more is within the investigational allowance for a zinc guarantee of 0.75 percent Zn.

(B) For zinc guaranteed at 36.0 percent Zn, the investigational allowance is calculated as 0.005 + 0.1(36.0) = 3.605 percent. However, the maximum allowance is 1 unit (one percentage point). Therefore, the investigational allowance for a 36.0 percent Zn guarantee is 1.0 percentage point. An analyzed value of 34.99 percent Zn or less would be declared deficient and in violation. An analyzed value for zinc of 35.0 percent or more is within the investigational allowance for a 36.0 percent zinc guarantee.

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

Other Ingredient Guarantees or Claims

Ingredient or Claim	Investigational Allowance
Humic Acid	10% of guaranteed analysis
Gypsum	5% of guaranteed analysis
Gypsum Equivalent	5% of guaranteed analysis
Calcium Carbonate Equivalent	5% of guaranteed analysis
Vitamin B-1 (*thiamine hydrochloride*)	30% of guaranteed analysis
pH	pH 3.14% of required National Organic Program value (3.5 pH) (*only required for organic input material liquid fish products*)

(1) The investigational allowance for pH is applied as follows:

(A) For organic input material liquid fish products, the National Organic Program states that the pH cannot be lowered below 3.5. 3.5 pH – 3.5(3.14%) = 3.3901 pH. Any value below 3.3901 pH would be in violation of the National Organic Program rule (7 CFR 205.601(j)(7)). Any value between 3.3901 to 3.4999 is within investigational allowance.

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

ARTICLE 7. MILL ASSESSMENTS

§ 2326.1. Mill Assessment Rates.
(a) A licensee whose name appears on the label who sells or distributes bulk fertilizing materials, as defined in Food and Agricultural Code Sections 14517 and 14533, to unlicensed purchasers, shall pay to the secretary an assessment of one and a half ~~two~~ mill~~s~~ ($0.00152) per dollar of sales for all sales of fertilizing materials. A licensee whose name appears on the label of packaged fertilizing materials, as defined in Food and Agricultural Code Sections 14533 and 14551, shall pay to the secretary an assessment of one and a half ~~two~~ mill~~s~~ ($0.00152) per dollar of sales of all sales of fertilizing materials.

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Note: Authority cited: Sections 407, 14501, 14502 and 14611, Food and Agricultural Code.
Reference: Sections 14501, 14517, 14533, 14551 and 14611(b), Food and Agricultural Code.