

**State of California
Office of Administrative Law**

In re:
Department of Food and Agriculture

Regulatory Action:

Title 03, California Code of Regulations

Adopt sections:

Amend sections: 3867

Repeal sections:

NOTICE OF APPROVAL OF REGULATORY
ACTION

Government Code Section 11349.3

OAL Matter Number: 2025-1202-01

OAL Matter Type: Regular Resubmittal (SR)

This rulemaking action by the Department of Food and Agriculture adopts labeling requirements for vegetable seeds in containers of more than one pound.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 4/1/2026.



Date: January 15, 2026

Lindsey S. McNeill
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Karen Ross, Secretary
Copy: Rachel Avila

NOTICE PUBLICATION/REGULATORY ACTION SUBMISSION


STD. 400 (REV. 10/2019)

RESUBMITTAL

For use by Secretary of State only

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

JAN 15 2026

1:49 pm


OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2025-0326-01	REGULATORY ACTION NUMBER 2025-1202-01SR	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

OFFICE OF ADMIN. LAW
2025 DEC 2 AM 9:11AGENCY WITH RULEMAKING AUTHORITY
Department of Food and Agriculture

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2025, 15-Z	PUBLICATION DATE 4/11/25

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Labeling of Seed Containers	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2025-0610-01S
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT AMEND 3867 REPEAL
TITLE(S) 3	

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input checked="" type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)
11/3/2025 to 11/20/2025

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY		
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Rachel Avila	TELEPHONE NUMBER 916-698-2947	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) rachel.avila@cdfa.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE
Victoria Hornbaker
Digitally signed by Victoria Hornbaker
Date: 2025.12.01 14:20:08 -0800DATE
12/1/2025TYPED NAME AND TITLE OF SIGNATORY
Victoria Hornbaker, Director Plant Health & Pest Prevention Services DivisionPER AGENCY
REQUEST
LSM

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVER

JAN 15 2026

Office of Administrative Law

Amend the following:

§ 3867. Labeling of Seed Containers.

(a) In addition to the information required under Sections 52451 through 52455 and 52484 of the Food and Agricultural Code, each label of agricultural and/or vegetable seed shall include the Arbitration/Conciliation/Mediation Notice required in Section 3915.1, except seed covered by Sections 52454 and 52455 of the Food and Agricultural Code.; seed Seed covered by Section 52454 of the Food and Agricultural Code shall bear the notice in accordance with Section 52454(b).

The procedure for making the formal complaint referred to in the Arbitration/Conciliation/Mediation Notice is set forth in Sections 3915 through 3918.

(b) Vegetable seed in containers of more than one pound shall be labeled with the genus, species, and rate of occurrence (in weed seeds per pound) of each restricted noxious weed seed specified in Section 3855 present in the lot.

Authority cited: Sections 407, 52331 and 52332, Food and Agricultural Code.

Reference: Sections 52332, 52451, 52452, 52453, ~~55454~~52454, 52455, and 52456; and 52484, Food and Agricultural Code.