

**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: 3915.1**

**Repeal sections:**

**NOTICE OF APPROVAL OF REGULATORY  
ACTION**

**Government Code Section 11349.3**

**OAL Matter Number: 2023-0210-01**

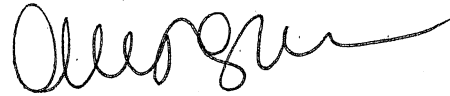
**OAL Matter Type: Regular (S)**

---

This action by the Department of Food and Agriculture updates the notice of conciliation, mediation, or arbitration labeling requirements for agricultural or vegetable seed.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 7/1/2023.

**Date: March 22, 2023**



---

**Amy R. Gowan  
Senior Attorney**

**For: Kenneth J. Pogue  
Director**

**Original: Karen Ross, Secretary  
Copy: Rachel Avila**

# REGULAR

For use by Secretary of State only

**ENDORSED - FILED**  
In the office of the Secretary of State  
of the State of California

MAR 22 2023

1.38 PM

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-2022-1123-01</b>	REGULATORY ACTION NUMBER <b>2023-0210-01S</b>	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
		OFFICE OF ADMIN. LAW 2023 FEB 10 PM 9:44	
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Department of Food and Agriculture			AGENCY FILE NUMBER (If any)

**ENDORSED - FILED**  
In the office of the Secretary of State  
of the State of California  
**MAR 22 2023**  
1:38 PM

**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)
<b>OAL USE ONLY</b> ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2022, 49-Z		PUBLICATION DATE 12/9/2022	

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S)		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
Mediation Notice			
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	
		3915.1	
TITLE(S)		REPEAL	
3			
3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <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"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____ <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only			
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)			
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

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

Mark A. McLoughlin

Digitally signed by Mark A. McLoughlin  
Date: 2023.02.09 11:13:52 -08'00'

DATE \_\_\_\_\_

2/9/23

TYPED NAME AND TITLE OF SIGNATORY

Mark A. McLoughlin, Director Plant Health and Pest Prevention Services

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAR 22 2023

Office of Administrative Law

Amend Section 3915.1 to read:

The following notice, or an equivalent notice that includes the required information in this section, shall appear upon every label of agricultural or vegetable seed except as provided in Section 3867:

**NOTICE ARBITRATION/CONCILIATION/MEDIATION REQUIRED BY SEVERAL STATES**

*Under the seed laws of several states, arbitration, mediation or conciliation is required as a prerequisite to maintaining a legal action based upon the failure of seed to which this notice is attached to produce as represented. The consumer shall file a complaint (sworn for AR, FL, IN, MS, SC, TX, WA; signed only CA, ID, ND, SD) along with the required filing fee (where applicable) with the Commissioner/Director/Secretary of Agriculture, Seed Commissioner, or Chief Agricultural Officer Designated State Authority within such time as to permit inspection of the crops, plants or trees by the designated agency and the seedman from whom the seed was purchased. A copy of the complaint shall be sent to the seller by certified or registered mail or as otherwise provided by state statute.*

Authority cited: Sections 407 and 52332, Food and Agricultural Code. Reference: Section 52332 and 52456, Food and Agricultural Code.