

AMENDED IN SENATE MAY 5, 2016
AMENDED IN ASSEMBLY FEBRUARY 25, 2016
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1811

Introduced by Assembly Member Dodd

February 8, 2016

An act to amend Section 14601 of, and to add Section 14594 to, the Food and Agricultural Code, relating to fertilizer.

LEGISLATIVE COUNSEL'S DIGEST

AB 1811, as amended, Dodd. Fertilizer: organic input material: inspections.

Existing law generally regulates fertilizing materials, as defined and which includes organic input material, and provides for the licensure of individuals who manufacture or distribute fertilizing materials. Existing law requires organic input material manufacturers to be inspected at least once per year. *Existing law, for purposes of those provisions, defines "provisional registration" to mean that under certain circumstances, a label for renewal on an auxiliary soil and plant substance, packaged agricultural mineral, packaged soil amendment, organic input material, or specialty fertilizer, alone or in any combination, may be registered for a limited period of time while labels are being corrected and reprinted.* Existing

This bill would authorize the Secretary of Food and Agriculture to create a provisional license for a licensee seeking to renew a license to manufacture or distribute fertilizing materials, if necessary for a licensee to be able to conduct business while awaiting the processing

of a license renewal. The bill would require that all fees be paid before the issuance of any provisional license pursuant to those provisions.

Existing law authorizes the ~~Secretary of Food and Agriculture~~ secretary to perform site inspections of organic input material manufacturing processes used to validate label nutrient guarantees, claims, and compliance with specified federal standards during the registration process, and to accept inspections performed by a 3rd-party organization recognized by the National Organic Program for out-of-state organic input material manufacturers. Existing law requires all inspection records obtained by the 3rd-party organization to be made available to the secretary upon request.

This bill would eliminate the requirement that organic input material manufacturers be inspected at least once per year, and would delete the limitation that the secretary is authorized to perform site inspections of organic input material manufacturing processes only during the registration process. *The bill would provide that those site inspections give priority to inspecting high-risk products and manufacturers.* The bill would authorize the Department of Food and Agriculture to accept inspections performed by a 3rd-party organization approved by the secretary for organic input material manufacturers. The bill would require all inspection records obtained by a contracted 3rd-party organization to be made available to the secretary upon request.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14594 is added to the Food and
2 Agricultural Code, to read:

3 14594. The secretary may create a provisional license for a
4 licensee seeking to renew a license, if necessary for a licensee to
5 be able to conduct business while awaiting the processing of a
6 license renewal. All fees shall be paid before the issuance of a
7 provisional license under this section.

8 ~~SECTION 1.~~

9 SEC. 2. Section 14601 of the Food and Agricultural Code is
10 amended to read:

11 14601. (a) Each differing label, other than weight or package
12 size, such as changes in the guaranteed analysis, derivation
13 statement, or anything that implies a different product, for specialty

1 fertilizer, packaged agricultural mineral, auxiliary soil and plant
2 substance, organic input material, and packaged soil amendment
3 shall be registered. All registrations shall be renewed in January
4 of an even-numbered year, and shall be valid until December 31
5 of the following odd-numbered year, if issued in January of that
6 same year. The registration fee shall not exceed two hundred dollars
7 (\$200) per product, except for organic input material.

8 (b) Notwithstanding subdivision (a), the registration fee for
9 organic input material shall not exceed five hundred dollars (\$500)
10 per product, as the registration of organic input material labels
11 require additional departmental resources and review time to ensure
12 that nutrient guarantees and claims are scientifically feasible and
13 meet National Organic Program standards. Funds generated from
14 the registration of organic input material shall be deposited into
15 the Organic Input Materials Account in the Department of Food
16 and Agriculture Fund and, notwithstanding Section 221, shall be
17 available upon appropriation by the Legislature.

18 (c) The secretary may, based on the findings and
19 recommendations of the board, reduce the registration fees to a
20 lower rate that provides sufficient revenue to carry out this chapter.

21 (d) Registrations may not be issued without a current license.

22 (e) The secretary may require proof of labeling statements and
23 other claims made for any specialty fertilizer, agricultural mineral,
24 packaged soil amendment, organic input material, or auxiliary soil
25 and plant substance, before the secretary registers any such product.
26 As evidence of proof, the secretary may rely on experimental data,
27 evaluations, or advice furnished by scientists, including scientists
28 affiliated with the University of California, and may accept or
29 reject additional sources of proof in the evaluation of any fertilizing
30 material. In all cases, experimental proof shall relate to conditions
31 in California under which the product is intended for use.

32 (f) The secretary may perform site inspections of organic input
33 material manufacturing processes used to validate label nutrient
34 guarantees, claims, and compliance with National Organic Program
35 ~~standards.~~ *standards giving priority to inspecting high-risk products*
36 *and manufacturers.* The department may accept inspections
37 performed by a third-party organization approved by the secretary
38 for organic input material manufacturers. All inspection records
39 obtained by a contracted third-party organization shall be made
40 available to the secretary upon request. When a contracted

1 third-party organization is conducting a site inspection, the
2 organization shall notify the department of when the inspection is
3 going to take place no less than 72 hours in advance of the
4 inspection. Department representatives may be present at the
5 inspection.

6 (g) (1) The secretary, after hearing, may cancel the registration
7 of, or refuse to register, any specialty fertilizer, packaged
8 agricultural mineral, packaged soil amendment, organic input
9 material, or auxiliary soil and plant substance, which the secretary
10 determines is detrimental or injurious to plants, animals, public
11 safety, or the environment when it is applied as directed, which is
12 known to be of little or no value for the purpose for which it is
13 intended, or for which any false or misleading claim is made or
14 implied. The secretary may cancel the registration of any product
15 of any person who violates this chapter.

16 (2) The proceedings to determine whether to cancel or refuse
17 registration of any of those products shall be conducted pursuant
18 to Chapter 5 (commencing with Section 11500) of Part 1 of
19 Division 3 of Title 2 of the Government Code. The secretary shall
20 have all the powers that are granted pursuant to Chapter 5.