



# NOTICE: STATEWIDE QUARANTINE & REMOVAL FROM SALE ORDER

December 4, 2020

Effective immediately, the California Department of Food & Agriculture's Fertilizing Materials Inspection Program (FMIP), pursuant to its authority under the Food and Agricultural Code, Division 7, Chapter 5, Article 10, is issuing an order of statewide quarantine and removal from sale for the product **AGRO GOLD WS** manufactured by Agro Research International LLC.

The product **AGRO GOLD WS** is labeled and registered as an organic fertilizing material, but has been found to contain both Diquat and Glyphosate. Sale and use of this product thus poses a public health risk because the product was found to contain synthetic herbicides not disclosed on its label.

This product has been distributed within a co-packed box, also containing the product **WEED SLAYER**, an organic herbicide. The FMIP enforcement authority specifically provides for the seizure of product through Food & Agricultural Code (FAC) section 14653, which provides: *The secretary may seize and hold any lot of fertilizing material which he or she has reasonable cause to believe is in violation of this chapter or the regulations adopted pursuant to this chapter.*

**AGRO GOLD WS** samples have tested positive for the presence of synthetic chemical compounds Diquat and Glyphosate, which are both prohibited substances that do not comply with the requirements of the U.S. Department of Agriculture's National Organic Program. The presence of Diquat and Glyphosate in the product **AGRO GOLD WS** is sufficient evidence to support violations of the FAC including but not limited to violations of FAC section 14682(e).

A violation of this quarantine order may carry with it penalties of the State and National Organic Programs. See Food and Agricultural Code section 14682(e): *No person shall distribute adulterated fertilizing material. A fertilizing material shall be deemed to be adulterated if an organic input material contains ingredients that, in type or amount, do not comply with the requirements of the National Organic Program standards, as specified in Part 205 (commencing with Section 205.1) of Subchapter M of Chapter I of Subtitle B of Title 7 of the Code of Federal Regulations.*

If you or your firm is in possession of **AGRO GOLD WS**, you are required to hold the material until further notice and not engage in any further sales or distribution. If you or your firm possesses inventory of this product and has not received a previous in-person quarantine notice for **AGRO GOLD WS**, please contact the Fertilizing Materials Inspection Program at [FMIP@cdfa.ca.gov](mailto:FMIP@cdfa.ca.gov) to provide the amount of inventory your firm possesses.

If you are in possession of **AGRO GOLD WS** and wish to appeal the determination that the product contains Diquat and Glyphosate and thereby is in violation of the Food and Agricultural Code, you have fifteen (15) days from receipt of this Notice to do so. See Food and Agricultural Code section 14659. Submit your appeal to the Fertilizing Materials Inspection Program at [FMIP@cdfa.ca.gov](mailto:FMIP@cdfa.ca.gov).

All persons in possession of **AGRO GOLD WS** take note, it is a serious violation to distribute or move any quarantined product without obtaining prior written authorization from CDFA FMIP and violators may be subject to criminal and/or civil penalties. See Food and Agricultural Code section 14655.

For your reference, you may review a copy of the Fertilizing Materials Laws and Regulations here: [https://www.cdfa.ca.gov/is/docs/Fertilizer\\_Law\\_and\\_Regs.pdf](https://www.cdfa.ca.gov/is/docs/Fertilizer_Law_and_Regs.pdf)



# STOP USE NOTICE: ORGANIC INPUT MATERIAL AGRO GOLD WS

December 4, 2020

The California Department of Food and Agriculture's (CDFA) Fertilizing Materials Inspection Program (FMIP) issued a statewide quarantine on December 4, 2020, for the product **AGRO GOLD WS**. The product **AGRO GOLD WS** has been distributed within a co-packed box that also contains the product WEED SLAYER, an herbicide also listed as approved for use in organic agriculture.

The product **AGRO GOLD WS** is labeled and registered as an organic fertilizing material, but has been found to contain both Diquat and Glyphosate. Sale and use of this product thus poses a public health risk because the product was found to contain herbicides not disclosed on its label.

Pursuant to FAC section 46024(a):

*It is unlawful for any person to advertise, label, or otherwise represent that any fertilizer or pesticide chemical may be used in connection with the production, processing, or distribution of products sold as organic if that fertilizer or pesticide chemical contains a prohibited material.*

Effective immediately, the California Department of Food and Agriculture's State Organic Program (SOP) is issuing this STOP USE notice for **AGRO GOLD WS**, manufactured by Agro Research International LLC. **AGRO GOLD WS** samples have tested positive for the presence of synthetic chemical compounds Diquat and Glyphosate, which are both prohibited for use in organic production by the U.S. Department of Agriculture's National Organic Program under 7 CFR §205.105: Allowed and prohibited substances, methods, and ingredients in organic production and handling.

**California operations must IMMEDIATELY discontinue the use of Agro Gold WS on land registered as organic.** Continued use of this product in organic production may jeopardize the organic status of your operation. Registered organic operations in possession of **AGRO GOLD WS** must hold the product and contact the Fertilizing Materials Inspection Program at [FMIP@cdfa.ca.gov](mailto:FMIP@cdfa.ca.gov). CDFA will aid operations on how to handle product in their possession.

If you are in possession of **AGRO GOLD WS** and wish to appeal the determination that the product contains Diquat and Glyphosate and thereby is in violation of the Food and Agricultural Code, you have fifteen (15) days from receipt of this Notice to do so pursuant to Food and Agricultural Code section 14659. Submit your appeal to the Fertilizing Materials Inspection Program at [FMIP@cdfa.ca.gov](mailto:FMIP@cdfa.ca.gov).

Growers may need to update their Organic System Plans (OSP) to reflect the discontinued use of this product. Please direct any OSP or compliance questions to your accredited certifier. For additional questions about this notice, you can contact the SOP at [CDFA\\_Organic@cdfa.ca.gov](mailto:CDFA_Organic@cdfa.ca.gov).

