



# Plant Biostimulant State Regulatory Update

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BPIA

March 26, 2024  
Washington D.C.

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# How Do Regulators Define Beneficial Substances & Plant Biostimulants?



# Beneficial Substance

(“Umbrella” Category that Contains Plant Biostimulants and Soil Amendments)



“**Beneficial Substance**” means any substance or compound, other than primary, secondary, and micro plant nutrients, and excluding pesticides, that can be demonstrated by scientific research to be beneficial to one or more species of plants, soil or media.

Officially recognized by AAPFCO – February 2024

# Plant Biostimulant

Officially recognized by AAPFCO – February 2024



“**Plant Biostimulant**” means a substance(s), microorganism(s), or mixtures thereof, that, when applied to seeds, plants, the rhizosphere, soil or other growth media, act to support a plant’s natural nutrition processes independently of the biostimulant’s nutrient content. The plant biostimulant thereby improves nutrient availability, uptake, or use efficiency, tolerance to abiotic stress, and consequent growth, development, quality or yield.

# Current Regulation of These Products



- There IS an existing path to market for plant biostimulant products in the United States and Canada.
- Companies are required to identify and guarantee what the “plant biostimulant” ingredients are on labeling.
  - If the ingredient presently recognized by AAPFCO, it is typically permitted to claim on labels in most states & Canada
- The term “plant biostimulant” has been prohibited in most states, but the products/ingredients can be lawfully sold.
  - New Hampshire, Vermont, Delaware, Utah have a recent adopted definition

# AAPFCO Biostimulant Committee



- AAPFCO created formal Biostimulant Committee in 2019
- AAPFCO's Beneficial Substances Uniform Bill
  - Goal is to bring standardization and uniformity
  - Voted OFFICIAL by AAPFCO in February 2024
    - Unanimous vote by the states
    - Established definitions for beneficial substances, plant biostimulants, and establishes labeling standards
- Prior to adoption by states, legislation (law) and/or rulemaking (regulations) may need to occur. These will utilize the AAPFCO Uniform Bill.
- Many states have already initiated this process

# AAPFCO Biostimulant Committee



## Next Steps...

- In Feb 2024, Committee voted “Tentative” to recognize certain materials as Beneficial Substances and Plant Biostimulants
    - Humic Acids
    - Hydrophobic Fulvic Acid
    - Fulvic Fraction
    - Seaweed Extract
    - Kelp Extract
- ... with many more materials on the horizon for August 2024

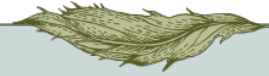
# AAPFCO Biostimulant Committee



- Next Steps...
- In order to claim a material as a beneficial substance and/or plant biostimulant, it will most likely require AAPFCO official recognition, such as with the substances on the prior slide
- Identification of suitable laboratory methods
  - includes the possible formation of an AAPFCO Beneficial Substance Lab Method subcommittee
  - Firms may potentially submit lab methods for review and acceptance



# Importance of a “50-State” Label



Current Confusion from Varying Label Requirements from States for these Beneficial Substance Products:

- Nonplant Food Ingredients
- Beneficial Substances
- Soil Amending Ingredients
- Plant Amendment Ingredients
  - Active/Inert Ingredients
  - Total Other Ingredients

Plus other confusing & repetitive terms, like plant inoculants, soil inoculants, auxiliary soil & plant substances, etc

# Standardized Label Format



The passing of the Uniform Beneficial Substances Bill creates the path for standardized, simplified labeling of these substances.

The following two slides illustrates the difference between present day and the near future.

# Present Day “Universal” Multi-State Label



**ALSO CONTAINS NONPLANT FOOD INGREDIENTS:**

**CONTAINS BENEFICIAL SUBSTANCES:**

**GUARANTEED ANALYSIS –**

**SOIL AMENDING INGREDIENTS:**

**Active Ingredients:**

2.0% Humic acid (derived from leonardite)

1,000,000 cfu/g *Bacillus subtilis*

**Total Other/ Inert Ingredients:**

97.0% fertilizer (see fertilizer derivation statement)

# Future “Universal” 50-State Label



## **CONTAINS BENEFICIAL SUBSTANCE(S)**

Humic Acid (derived from leonardite)

2.0%

*Bacillus subtilis*

1,000,000 cfu/g



Questions?

