



DEPARTMENT PROCEDURES FOR HANDLING PETITIONS REQUESTING CHANGES TO OR THE TERMINATION OF THE QUOTA IMPLEMENTATION PLAN

BACKGROUND

The Quota Implementation Plan (QIP) provides that anyone seeking substantive amendments or termination of the QIP must do so by submitting a petition to the California Department of Food and Agriculture (Department) signed by at least 25 percent of market milk producers. The QIP does not specifically outline the procedures or process for a petition received by the Department.

As a result, the Producer Review Board (Board) was convened to develop the procedures. The Board conducted two public meetings on December 19, 2018 and March 6, 2019 to receive input from the public and technical assistance from Department staff, and to develop the procedures for submitting a petition for proposed changes to or termination of the QIP.

RESULTS

Based upon input from the public, the Department has developed the attached procedures for handling a petition for substantive amendments to or termination of the QIP.

Karen Ross, Secretary
California Department of Food and Agriculture

Date





**Procedures for Submitting a Petition for Substantive
Amendments or Termination of the Quota Implementation Plan
April 3, 2019**

Purpose of this document is to provide direction regarding the process for any petition received by the California Department of Food and Agriculture (CDFA) to amend or terminate the Quota Implementation Plan (QIP or Plan), as outlined in Article 11, Section 1103 of the QIP.

Any petition to amend or termination the QIP shall include:

- The name and contact information for a representative of the petitioning party.
- A brief description of the proposed changes including a copy of the suggested language to amend the Plan.
- Specific justifications for the proposed changes including legal authorities, relevant analysis, comments, and data supporting the request including any time frames (i.e. ongoing or temporary) for the proposed changes are suggested.
- The producer name, producer number under the QIP program, physical dairy ranch address, signature of the producer, and signature date.
- The information for each petitioner may be on a single page (i.e. one petitioner per page) or information for multiple petitioners may be listed on a single page. A brief description of the proposed changes including an exact and complete copy of the language to amend the Plan must be on each signature page.
- The petition shall be submitted in one package to the CDFA Secretary or the QIP Administrator, via mail at CDFA-QIP 1220 N Street, Sacramento, CA 95814 or emailed to: dairy@cdfa.ca.gov
- To be considered a complete package, the package shall include all the above listed items.
- Once a petition is submitted to the Department it cannot be amended.

Upon receipt of a petition:

- The Secretary shall notify the petitioner in writing of its receipt of the petition.



- The Secretary shall notify the Producer Review Board of its receipt via email and post the petition with producer's personal information and signatures redacted on the CDFA website for no less than 90 days. The QIP Administrator will begin the verification process to validate submitted signatures. No more signatures will be received after the date the petition is received.
- In the event the QIP Administrator receives substantial evidence that petition signatures may have been forged, the Department will take reasonable steps to confirm the validity of all petition signatures, except those that have been verified by a notary public at the time the petition was signed. Substantial evidence means more than a mere scintilla [a tiny trace or spark of a specified quality or feeling]; it is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.
- The QIP Administrator shall verify all dairy ownership using the latest QIP Program producer information available to ensure petitioner information, as submitted, is valid.
- Producers eligible to receive a referendum ballot are persons, as defined in Food and Agricultural Code 61836, and producers of market milk.
- The QIP Administrator shall tabulate whether the required twenty-five percent (25%) signature threshold has been achieved within ninety calendar days (90) of receipt of the petition. If the Department cannot validate the 25% signature threshold, the petition will be deemed invalid. The petitioner may resubmit another petition.
- The Secretary shall notify the petitioner, the Producer Review Board (via email) and effected producers of the final tabulation and post the result on the CDFA website. (<https://www.cdfa.ca.gov/dairy/>)
- If the 25% threshold is achieved, the Secretary shall schedule, a meeting of the Producer Review Board within sixty calendar days (60) of petition certification.
- The Producer Review Board shall review the petition in one or more meetings, adopt findings, and make a recommendation to the Secretary.
- The Secretary shall review the PRB recommendation and if the Secretary finds that the Plan no longer tends to effectuate the purpose intended, the petition shall be submitted for referendum in the same manner as provided for its initial approval, per Food and Agriculture Code 62717.
- The Secretary's determination shall be reported to the Petitioner, the Producer Review Board, effected producers and posted on the CDFA website within thirty calendar days (30) of the Producer Review Board's recommendation.
- Within forty-five (45) days of the Secretary's determination, CDFA shall initiate the referendum process in the same manner as provided for the QIP's initial approval.